

**FILE**

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**BEFORE**

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**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**PUCO**

In the Matter of the Application )  
of the Cincinnati Gas & Electric )  
Company to Modify its Non- )  
Residential Generation Rates to )  
Provide for Market-Based ) Case No. 03-93-EL-ATA  
Standard Service Offer Pricing )  
and to Establish a Pilot )  
Alternative Competitively-Bid )  
Service Rate Option Subsequent )  
to Market Development Period )

In the Matter of the Application of The )  
Cincinnati Gas & Electric Company for )  
Authority to Modify Current Accounting )  
Procedures for Certain Costs Associated ) Case No. 03-2079-EL-AAM  
With The Midwest Independent )  
Transmission System Operator )

In the Matter of the Application of The )  
Cincinnati Gas & Electric Company for )  
Authority to Modify Current Accounting )  
Procedures for Capital Investment in its ) Case No. 03-2081-EL-AAM  
Electric Transmission And Distribution ) Case No. 03-2080-EL-ATA  
System And to Establish a Capital )  
Investment Reliability Rider to be )  
Effective After the Market Development )  
Period )

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**MOTION REQUESTING ISSUANCE OF SUBPOENA**

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Pursuant to Rule 4901-1-25 of the Ohio Administrative Code ("OAC"), the Ohio Marketers Group, consisting of Constellation NewEnergy, Inc., Constellation Power Source, Inc., MidAmerican Energy Company, Strategic Energy, LLC and WPS Energy Services, Inc., requests that the Attorney Examiner or the Legal Director sign and issue the subpoena attached to this Motion directing a non-party individual to appear at the offices of the Commission and give testimony on May 19, 2004 at 9:00 a.m. The reasons for such request are set forth in the supporting memorandum.

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Respectfully submitted,



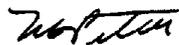
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#### MEMORANDUM IN SUPPORT

The Ohio Marketers Group seeks to provide the testimony of a non-party witness at the hearing in this case. This witness is Ronald R. McNamara of 9989 Erin Woods Drive, Dublin, Ohio 43017, who is the vice president of Regulatory Affairs and Chief Economist of Midwest Independent Transmission System Operator, Inc. ("MISO"). A check covering the witness fee and mileage has been deposited with the Fiscal Division of the Commission. The subpoena will ensure the availability of such person to testify. The Ohio Marketers Group respectfully requests that the Attorney Examiner or the Legal Director sign and issue the attached subpoena.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing the Ohio Marketers Group's Motion Requesting Issuance of Subpoena and the subpoena was served via e-mail delivery and/or by first class U.S. mail, postage prepaid, upon the following, this 6<sup>th</sup> day of May, 2004.

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M. Howard Petricoff

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

**SUBPOENA**

TO: Ronald R. McNamara  
9989 Erin Woods Drive  
Dublin, Ohio 43017  
(614) 766-4971

Upon application of the Ohio Marketers Group, you are hereby required to appear before the Public Utilities Commission of Ohio as a witness as on cross-examination in the following proceeding:

Case No. 03-93-EL-ATA, et al.

Case Title:

In the Matter of the Application of Cincinnati :  
Gas & Electric Company to Modify Its :  
Non-Residential Generation Rates to Provide :  
for Market-Based Standard Service Offer Pricing :  
and to Establish a Pilot Alternative Competitively :  
-Bid Service Rate Option Subsequent to Market :  
Development. :

You are to appear at the offices of the Commission, 180 East Broad Street,  
Columbus, Ohio, on the 19<sup>th</sup> day of May, 2004, at 9:00 o'clock a.m.

Dated at Columbus, Ohio the 6<sup>th</sup> day of May, 2004.

\_\_\_\_\_  
Attorney Examiner  
Public Utilities Commission of Ohio

Notice: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this Subpoena for the witness must contain this notice. (APPX).

**STATE OF OHIO  
BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Cincinnati :  
Gas & Electric Company to Modify Its :  
Non-Residential Generation Rates to Provide : Case No. 03-93-EL-ATA  
for Market-Based Standard Service Offer Pricing :  
and to Establish a Pilot Alternative Competitively :  
-Bid Service Rate Option Subsequent to Market :  
Development. :

**RETURN OF SERVICE**

STATE OF OHIO :  
 : SS  
COUNTY OF FRANKLIN :

\_\_\_\_\_, being duly sworn, says that (s)he is not a party to this action  
and (s)he is over eighteen (18) years of age and that on May \_\_\_\_, 2004 at approximately \_\_\_\_ a.m./p.m.  
(s)he served the within subpoena on Ronald R. McNamara by delivering a copy thereof to his residence at  
9989 Erin Woods Drive, Dublin, Ohio 43017.

\_\_\_\_\_  
Sworn to and subscribed before me on this \_\_\_\_ day of May, 2004.

\_\_\_\_\_  
Notary Public