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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio to Adjust and Set Its Gas and)
Electric Recovery Rate for SmartGrid) Case No. 09-543-GE-UNC
Deployment Under Riders AU and Rider DR-)
IM.)

In the Matter of the Application of Duke) Case No. 09-544-GE-ATA
Energy Ohio for Tariff Approval.)

In the Matter of the Application of Duke)
Energy Ohio to Change its Accounting) Case No. 09-545-GE-AAM
Methods.)

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**MOTION FOR A CANCELLATION OR CONTINUATION OF THE HEARING
AND
REQUEST FOR AN EXPEDITED RULING
BY
DUKE ENERGY OHIO, INC.**


Pursuant to the provisions of Rules 4901-1-12 and 4901-1-13, Ohio Administrative Code (O.A.C.), Duke Energy Ohio, Inc., (Duke Energy Ohio) hereby moves this honorable Commission for a continuation of the hearing date in these matters. As ordered in the attorney examiner entry issued October 29, 2009, a hearing in these matters is currently scheduled to commence on November 16, 2009. Duke Energy Ohio moves that the hearing in these proceedings be cancelled or, alternatively, that such hearing be continued, on an expedited basis.

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The attached memorandum in support sets forth good cause for this requested extension.

Respectfully submitted,

Duke Energy Ohio, Inc.



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MEMORANDUM IN SUPPORT

Duke Energy Ohio respectfully requests that the Public Utilities Commission of Ohio, ("Commission") grant its motion a cancellation or a continuation of the hearing in these proceedings and its request for an expedited ruling.

Duke Energy Ohio filed its application in these cases on June 30, 2009, together with its initial testimony. On August 19, 2009, the attorney examiner issued an entry that established the procedural schedule for these matters. That schedule called for a determination to be made by October 29, 2009, as to whether a hearing is necessary and for such hearing, if necessary, to be held on November 16, 2009. Since that time, although filing dates have been postponed at the request of parties, the hearing date of November 16, 2009, has remained unaltered.

Duke Energy Ohio and all of the other parties in these proceedings have successfully negotiated a stipulation that would resolve all of the issues in these proceedings. Therefore, Duke Energy Ohio respectfully suggests that the hearing in these proceedings is unnecessary.

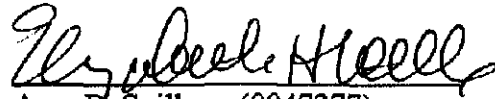
That hearing was planned to be held only if there were unresolved issues between the parties. In the examiner's August 19, 2009, entry, it was specifically stated that, "[i]n the event all of the issues raised in the comments are not resolved, or if the Commission deems the application may be unjust or unreasonable, a hearing will be held" As the issues between the parties have been resolved, no hearing should be necessary.

In the event that the Commission determines that a hearing should still be held, Duke Energy Ohio moves for a continuation of the hearing date of from one to four days, in order for to allow for the filing of testimony in support of the stipulation. Although extensions of the testimony due date have previously been granted, any testimony prepared prior to the completion of negotiations that led to the stipulation would not have been able to present appropriate arguments in favor of the Commission's approval of that stipulation. Therefore, a very brief period of time to prepare testimony would still be necessary if the hearing goes forward.

Pursuant to paragraph (C) of Rule 4901-1-12, O.A.C., Duke Energy Ohio also specifically requests an expedited ruling on its motion. As this motion requests an extension of five or fewer days, an immediate ruling may be issued without the filing of memoranda, according to that paragraph. However, Duke Energy Ohio also certifies that no party to these proceedings objects to the issuance of an expedited ruling or to the underlying motion.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission grant its motion for an extension of time and its request for an expedited ruling.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elizabeth H. Watts", written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that, on this 13th day of November, 2009, the foregoing motion of Duke Energy Ohio, Inc., together with the accompanying memorandum in support, has been served via first class mail, postage prepaid, to the following persons:

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