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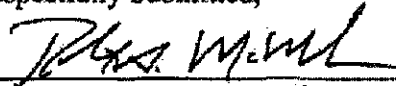
MEMORANDUM IN SUPPORT

Respondent requests a continuance because Respondent's attorney only recently assumed primary responsibility for this matter, as well as other complaints pending before the Commission. Since approximately late June Respondent has forwarded various complaints to the undersigned counsel for defense. As the Commission is aware, Respondent's new counsel has filed several answers and motions to dismiss, settled more than one complaint and filed joint motions to dismiss, and also recently attended one pre-hearing conference in another matter. However, Respondent did not realize until September 9th that it had not forwarded this complaint to its attorney, nor was defense counsel aware of the hearing currently scheduled for September 16th. Therefore, Respondent has not fully developed its defense of the case or had the opportunity to submit its written testimony due to this clerical and scheduling error. In addition, Respondent's attorney will be out of town from September 15-19 for a trip which has been scheduled since October 2009, thereby preventing counsel from attending the hearing on September 16th.

The request to continue the hearing is not being filed for purposes of delay. Rather, Respondent and its new counsel need adequate time to investigate the facts, submit written testimony, and prepare for and conduct the hearing on a date mutually convenient to the parties, their attorney(s) and the Commission. Moreover, Complainant will not be prejudiced by any short delay in the hearing because the Commission ordered Respondent not to disconnect the utility services in connection with the disputed charges and Respondent has fully complied with that order.

WHEREFORE, Respondent Duke Energy Ohio, Inc. requests that the Commission vacate the hearing scheduled for September 16, 2010, and set this matter for hearing in late October or November 2010.

Respectfully Submitted,



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Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Continue Hearing was served on Complainant by email and first class U.S. Mail, postage prepaid, on this 10th day of September, 2010.

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Robert A. McMahon