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September 29, 2010

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VIA HAND DELIVERY

Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Re: Case No. 10-1398-EL-CSS

Dear Docketing Division:

Enclosed please find for filing an original and eleven (11) copies of Motion of Respondent Duke Energy Ohio, Inc. for an Extension of Time and Request for Expedited Ruling to be filed in the above-captioned case.

Please return one time-stamped copy for our records.

Please do not hesitate to call me if you have any questions.

Sincerely,

Gregory R. Flax/ear

Gregory R. Flax

Enclosures

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Complaint of)
Industrial Energy Users-Ohio,) Case No. 10-1398-EL-CSS
Complainant,)
v.)
The Midwest Independent Transmission)
System Operator, Inc., et al.,)
Respondents.)

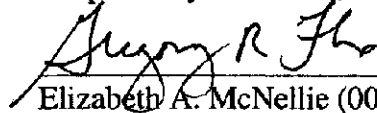
**MOTION OF RESPONDENT DUKE ENERGY OHIO, INC. FOR AN
EXTENSION OF TIME AND REQUEST FOR EXPEDITED RULING**

Pursuant to Rules 4901-1-12 and 4901-1-13 of the Ohio Administrative Code, Respondent Duke Energy Ohio, Inc. ("Duke") respectfully requests an extension of time to file its answer in this proceeding. Duke's answer to the Complaint is currently due on October 12, 2010. Duke intends to file a Motion to Dismiss the Complaint, on or before October 12, 2010 deadline, pursuant to OAC 4901-9-01. Duke requests that the time to file an answer to the Complaint be extended until 10 days after the Commission rules on Duke's motion to dismiss.

Duke requests an expedited ruling on this motion. Pursuant to OAC 4901-1-12(C), Duke's counsel contacted counsel for Complainant in this matter, who has not consented to the issuance of a ruling on this Motion without the filing of memoranda.

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Respectfully submitted,



Elizabeth A. McNellie (0046534)

Counsel of Record

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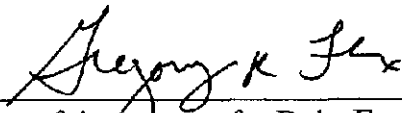
Attorneys for Duke Energy Ohio, Inc

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Extension of Time and Request for Expedited Ruling was served on the following, by first class U.S. Mail, postage prepaid, this 29th day of September, 2010:

Samuel C. Randazzo
McNees Wallace & Nurick LLC
21 East State Street, Suite 1700
Columbus, Ohio 43215-4228

Stephen G. Kozey
Vice President and General Counsel
Midwest Independent Transmission System Operator, Inc.
701 City Center Drive
Carmel, Indiana 46032



One of the attorneys for Duke Energy Ohio, Inc.