

FILE

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September 26, 2008

PUCO

2008 SEP 29 PM 3:33

RECEIVED-DOCKETING DIV

Public Utilities Commission of Ohio
Docketing Division
180 E. Broad Street
Columbus, OH 43215-3793

Re: Case Nos. 08-920-EL-SSO; 08-921-EL-AAM; 08-922-EL-UNC; 08-923
EL-ATA
Application of Duke Energy Ohio for Approval of an Electric Security Plan
and companion cases

Enclosed with this for filing, with 20 copies of each:

- Motion by Communities United for Action for Leave to File Out of Time
- Motion to Intervene by Communities United for Action

This follows filing of each by facsimile on September 26, 2008.

Sincerely,



Noel M. Morgan
Attorney at Law
(513) 362-2837
nmorgan@lasciati.org

NMM/tjl

Enclosure(s)

LEGAL SERVICES IN

Brown County
Butler County
Clermont County
Clinton County
Hamilton County
Highland County
Warren County

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

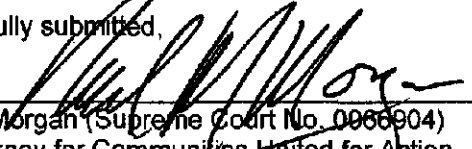
In the Matter of the Application of Duke Energy Ohio for Approval of an Electric Security Plan)	Case No. 08-920-EL-SSO
)	
)	
)	
In the Matter of the Application of Duke Energy Ohio for Approval to Amend Accounting Methods)	Case No. 08-921-EL-AAM
)	
)	
)	
In the Matter of the Application of Duke Energy Ohio for Approval of a Certificate of Public Convenience and Necessity to Establish an Unavoidable Capacity Charge)	Case No. 08-922-EL-UNC
)	
)	
)	
In the Matter of the Application of Duke Energy Ohio for Approval to Amend Its Tariff)	Case No. 08-923-EL-ATA
)	

**MOTION FOR LEAVE TO FILE OUT OF TIME
by COMMUNITIES UNITED FOR ACTION (CUFA)
MEMORANDUM IN SUPPORT**

CUFA filed a motion to intervene on September 4. CUFA filed electronically, unaware that such filing was not permitted. This error was noted in the Attorney Examiner's September 5 entry, directing that the paper filing be completed by September 12. Unfortunately, counsel was on vacation, failed to note on his return both that entry and the subsequent September 17 entry directing CUFA to refile by September 23.

Both the incorrect use of electronic filing and the failure to comply with the corrective entries were inadvertent oversights and CUFA respectfully requests the Commission grant leave to file and, hopeful that the motion will be granted, has refilled the Motion to Intervene simultaneous with this Motion for Leave.

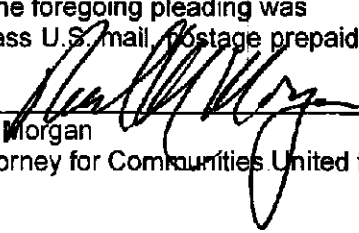
Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing pleading was served on the following either electronically or by first class U.S. mail, postage prepaid, upon all parties of record this first 26th day of September, 2008.



Noel M. Morgan
Trial Attorney for Communities United for Action