

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

FILE
FAX

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

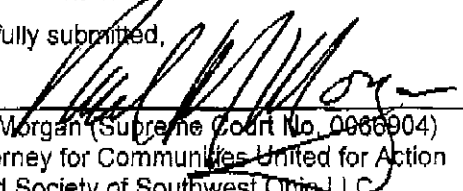
In the Matter of the Application of Duke Energy Ohio for Approval to Amend Its Tariff) Case No. 08-923-EL-ATA

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.

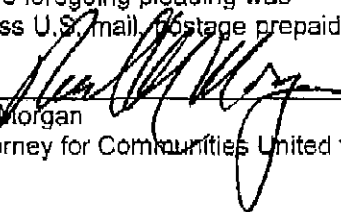
Respectfully submitted,



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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

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Technician An Date Processed 9/26/08