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David L. Armstrong
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James Gardner
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Charles R. Borders
Commissioner

September 15, 2011

PARTIES OF RECORD

Re: Case No. 2011-00124

Attached is a copy of a memorandum which is being filed in the record of the above-referenced case. If you would like to make comments regarding the contents of this informal conference memorandum, please do so within five days of receipt of this letter. If you have any questions, please contact Jeff Shaw of the Commission staff at 502/564-3940, extension 237.


Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen
Executive Director

Attachment

INTRA-AGENCY MEMORANDUM
KENTUCKY PUBLIC SERVICE COMMISSION

TO: Main Case File - Case No. 2011-00124
FROM: Jeff Shaw 
DATE: September 15, 2011
RE: Informal Conference of September 13, 2011

On September 13, 2011, an informal conference ("IC") was conducted to discuss issues raised in the August 19, 2011 petition for rehearing of the Joint Applicants (Duke Energy Corporation ["Duke Energy"], Cinergy Corp, Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., Diamond Acquisition Corporation, and Progress Energy, Inc. ["Progress"]) in this matter. The IC was attended by representatives of Joint Applicants, the Attorney General of the Commonwealth of Kentucky ("AG") and Commission Staff ("Staff"). A copy of the attendance list for the IC is attached hereto.

The IC was scheduled in order to discuss potential modifications to Commitment 48 contained in the Commission's August 2, 2011 order that approved, subject to condition, the merger of Duke Energy and Progress. Commitment 48 required Duke Energy's post-merger Board of Directors to include at least one non-employee member who is a customer of one of Duke Energy's Midwest utilities. Two alternative versions of Commitment 48 offered by Joint Applicants in their petition for rehearing were discussed, along with further potential modifications.

After some discussion, the parties reached a general agreement regarding a modification to the existing wording of Commitment # 48. As to future procedural steps for filing this modification for consideration by the Commission, the parties agreed to work on a joint stipulation to be filed with the Commission and supported by testimony of the Joint Applicants.

Joint Applicants stated that they would prepare a joint stipulation and testimony and file same with the Commission in the near future. With that understanding, the IC was adjourned.

Attachment

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF DUKE ENERGY CORPORATION, CENERGY CORP., DUKE ENERGY OHIO, INC., DUKE ENERGY KENTUCKY, INC., DIAMOND ACQUISITION CORPORATION, AND PROGRESS ENERGY, INC. FOR APPROVAL OF THE INDIRECT TRANSFER OF CONTROL OF DUKE ENERGY KENTUCKY, INC.)
CASE NO. 2011-00124

September 13, 2011

Please sign in:

NAME

REPRESENTING

RICHARD RAFF

PSC-LEGAL

Marc Manly

Duke Energy

Julie Johnson

Duke Energy

Maurice D. Gu...

FBT for Duke Energy & Progress Energy

Rocco Ascenzo

Duke Energy

BOBBY SINGH

PROGRESS ENERGY

David Samford

FBT for Duke & Progress

Jennifer Clark-Hans

OAG

Larry Cook

OAG

Jeff Shaw

PSC-FIN. ANALYSIS

Andrew Melnykovych

PSC-OED

Bob Bawse

PSC