



Cinergy Corp.
139 East Fourth Street
Rm 25 AT II
P.O. Box 960
Cincinnati, OH 45201-0960
tel 513.287.3601
fax 513.287.3810
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VIA OVERNIGHT DELIVERY

RECEIVED

August 23, 2005

AUG 24 2005

Ms. Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

PUBLIC SERVICE
COMMISSION

John J. Finnigan, Jr.
Senior Counsel

Re: Joint Application of Duke Energy Corporation, Duke Energy Holding Corp.,
Cougar Acquisition Corp., Cinergy Corp., The Cincinnati Gas & Electric
Company, and The Union Light, Heat and Power Company for Approval of a
Transfer and Acquisition of Control
Case No. 2005-00228

Dear Ms. O'Donnell:

In order to keep you abreast of the progress of the Cinergy/Duke Merger, I have enclosed a copy of the letter from the Federal Trade Commission ("FTC") granting the request for early termination of the waiting period in the above-referenced matter.

This FTC early termination letter relates to the Joint Applicants' filing under the Hart-Scott Rodino Act. This filing is discussed at page 28 of Mr. Ficke's testimony in the above-referenced case. As we mentioned in Mr. Ficke's testimony, we did not anticipate that the proposed acquisition would implicate any provision under federal antitrust laws. This early termination letter from the FTC confirms this, and no further action is necessary relating to the Hart-Scott Rodino Act.

If you have any questions or comments, please do not hesitate to contact me at (513) 287-3601.

Sincerely,

John J. Finnigan, Jr.
Senior Counsel

JJF/sew

cc: All parties of record (w/encl.)



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Bureau of Competition
Premerger Notification Office

August 11, 2005

Joseph D Larson, Esq.
Partner
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, NY 100196150 USA

Re: EARLY TERMINATION GRANTED
Transaction Identification Number 20051291
Cinergy Corp. / Duke Energy Corporation

Dear Mr. Larson :

The request for early termination of the waiting period is granted effective August 11, 2005 02:58 PM with respect to the proposed acquisition by Cinergy Corp. of certain voting securities of Duke Energy Corporation. Early termination of the waiting period is provided by Section 7A(b)(2) of the Clayton Act and Sections 803.10(b) and 803.11(c) of the Premerger Notification Rules.

Notice of this termination will be published in the Federal Register in accordance with Section 7a(b)(2) of the Clayton Act and Section 803.11(c) of the Premerger Notification Rules and on the Federal Trade Commission's internet site [<http://www.ftc.gov/bc/earlyterm/index.html>].

If you have any questions concerning this matter, please contact me at 202-326-3589.

Sincerely,


Renee A. Hallman
Case Management Assistant
Premerger Notification Office
Bureau of Competition