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VIA OVERNIGHT MAIL

September 7, 2005

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

RECEIVED

SEP 07 2005

PUBLIC SERVICE
COMMISSION

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:

On August 30, 2005, the Joint Applicants filed their responses to the Commission Staff's and the Attorney General's first set of information requests. We also filed a petition for confidential treatment for some of this information, and filed such confidential information under seal. We redacted the attorney-client privileged communications from the information filed under seal. It has come to our attention, however, that we inadvertently produced a privileged attorney-client document in this filing (the "Privileged Document"). We also inadvertently produced the Privileged Document to the Attorney General pursuant to a confidentiality agreement.

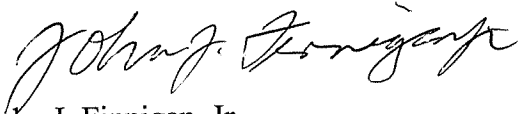
The Privileged Document is part of Cinergy Corp.'s Hart Scott Rodino filing, and is marked in the upper right corner as "Exhibit 4(c)-23" of the Hart Scott Rodino filing. We did not realize the Privileged Document contains privileged attorney-client communications when we produced it because the document contains the notation: "Prepared by Corporate Development." This notation is incorrect, because the document was actually prepared by an attorney in Cinergy's Legal Department to provide legal advice to Cinergy management. This document was subsequently pulled from Cinergy's HSR filing.

We took steps to screen these documents for privileged attorney-client communications prior to producing them. The documents were reviewed by an attorney and attorney-client communications were redacted from the documents prior to production. Additionally, the document production involved thousands of pages of documents produced over a two-week period in this proceeding. Finally, Cinergy is acting promptly to retrieve the Privileged Document after discovering that it was inadvertently produced.

We request that the document be returned to us or destroyed. We are also requesting the return of this document from the Attorney General.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "John J. Finnigan, Jr.", written in black ink.

John J. Finnigan, Jr.
Senior Counsel

JJF/sew

cc: All Parties of Record