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October 23, 2009

Duke Energy Kentucky
Attention: Rocco D'Ascenzo
139 E. Fourth Street, 25 AT II
P.O. Box 960
Cincinnati, Ohio 45202

Re: Duke Energy Kentucky - Petition for Confidential Treatment received 5/26/09
PSC Reference – Case No. 2005-00228

Dear Mr. D'Ascenzo:

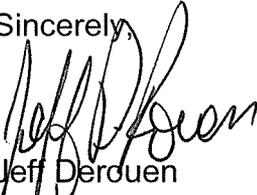
The Public Service Commission has received the Petition for Confidential Treatment you filed on May 26, 2009 on behalf of Duke Energy Kentucky to protect certain information filed with the Commission as confidential pursuant to Section 7 of 807 KAR 5:001 and KRS 61.870. The information you seek to have treated as confidential is identified as information contained in Duke's Merger Commitment #12, pages 7, 8, 24, 49, 51-64, 72-73, 80-99, 102, and 105-106, containing (1) a summary of 2007 affiliate transactions across holding company structure; (2) overall governance and labor changes to and from affiliates; (3) corporate allocation percentages; (4) inter-company charges to affiliates and detailed requests for service to affiliates. Your justification for having the Commission handle this material as confidential is that the public disclosure of the information would compromise Duke Energy Kentucky's competitive position in the industry and result in an unfair commercial advantage to its competitors.

Based on a review of the information and pursuant to KRS 61.878 and 807 KAR 5:001, Section 7, the Commission has determined that the information you seek to keep confidential is of a proprietary nature, which if publicly disclosed would permit an unfair commercial advantage to Duke Energy Kentucky's competitors. Therefore, the information requested to be treated as confidential **meets the criteria for confidential protection** and will be maintained as a nonpublic part of the Commission's file in this case. The procedure for usage of confidential materials during formal proceedings may be found at Section 7(8) of 807 KAR 5:001.

Mr. D'Ascenzo
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If the information becomes publicly available or no longer warrants confidential treatment, Duke Energy Kentucky is required by Section 8(9)(a) of 807 KAR 5:001 to inform the Commission so that the information may be placed in the public record.

Sincerely,



Jeff Derduen
Executive Director

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cc: Parties of Record