COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF DUKE ENERGY CORPORATION, DUKE ENERGY HOLDING CORP., DEER ACQUISITION 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

COMMISSION STAFF'S DATA REQUEST
TO OFFICE OF THE ATTORNEY GENERAL

Pursuant to 807 KAR 5:001, Commission Staff requests that the Office of the Attorney General file the original and 7 copies of the following information with the Commission on or before October 14, 2005, with a copy to all parties of record. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the witness who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure its legibility. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

1. Refer to page 12 of the Direct Testimony of Scott J. Rubin ("Rubin Testimony"). Mr. Rubin states that he does not believe that the Commission should approve the transaction before Cinergy Corp. holds its shareholder vote on the merger. Based on Mr. Rubin's experience, provide the percentage of mergers of utility companies that are not approved by shareholders.

2. Refer to page 21 of the Rubin Testimony. Mr. Rubin suggests that the Commission impose 11 conditions on the merger.

a. Condition 1 would require The Union Light, Heat and Power Company ("ULH&P") to disclose all uses made of its personnel, assets, and equipment for any unregulated purpose. Explain the purpose of this condition.

b. Condition 10 would require ULH&P to maintain a capital structure that contains at least 35 percent common equity. Explain why Mr. Rubin proposes 35 percent.

c. Condition 11 would prohibit ULH&P from paying any dividend to its parent company that exceeds more than 80 percent of its earnings attributable to common equity in the then-current year. Explain why Mr. Rubin proposes 80 percent.

3. Has Mr. Rubin reviewed the requirements of KRS 278.2201 through 278.2219 and KRS 278.300?

a. If yes, did those requirements influence Mr. Rubin's recommended conditions? Explain the response.

b. If no, explain why such a review wasn't performed.

Beth O'Donnell
Executive Director
Public Service Commission
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DATED: October 5, 2005

cc: Parties of Record