

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
CLERK'S OFFICE  
NOTICE OF FILING**

**DOCKET NO. 2011-158-E**

**APPLICATION OF DUKE ENERGY CORPORATION AND PROGRESS ENERGY, INC. ON BEHALF OF THEIR ELECTRICAL UTILITY SUBSIDIARIES, DUKE ENERGY CAROLINAS, LLC AND PROGRESS ENERGY CAROLINAS, INC., TO ENGAGE IN A BUSINESS COMBINATION TRANSACTION**

Duke Energy Corporation ("Duke") and Progress Energy, Inc. ("Progress") (collectively, referred to as the "Applicants"), on behalf of their utility subsidiaries, Duke Energy Carolinas, LLC and Progress Energy Carolinas, Inc. filed an Application with the Public Service Commission of South Carolina ("the Commission") pursuant to S.C. Code Ann. Section 58-27-1300 and 26 S.C. Code Ann. Regs. 103-823 for authorization to engage in a business combination transaction. The Application states further that the merger of Duke Energy Carolinas, LLC and Progress Energy Carolinas, Inc. cannot occur absent the acquisition of Progress by Duke, and the primary impact of the acquisition of Progress by Duke is upon Duke Energy Carolinas, LLC and Progress Energy Carolinas, Inc., therefore the Applicants, on behalf of Duke Energy Carolinas, LLC and Progress Energy Carolinas, Inc., will treat the two transactions as one for the purposes of this case.

According to the Application, Duke and Progress have entered into a business combination agreement ("the Merger Agreement") in which Duke will acquire all of the issued and outstanding common stock of Progress in exchange for shares of Duke's common stock. The Application states that the Duke-Progress business combination transaction will occur at the holding company level. Progress will become a subsidiary of Duke, and both Progress and Progress Energy Carolinas, Inc. will continue to operate as separate legal entities. Under the Applicants' proposal, Progress Energy Carolinas, Inc. and Duke Energy Carolinas, LLC will be merged into a single legal entity at some point in the future.

Details of the Application, including, but not limited to, the Merger Agreement, may be obtained from the Clerk's Office, Public Service Commission of South Carolina, 101 Executive Center Drive, Columbia, South Carolina, where a copy of the Application is available for review. Additionally, the entire Application, as well as all other documents filed in Docket No. 2011-158-E, may be viewed as they become available on the Commission's website at [www.psc.sc.gov](http://www.psc.sc.gov), by clicking on "DMS - Docket Management System" on the left-hand side of the screen and typing in Docket No. 2011-158-E.

Additionally, the Application is available from Len S. Anthony, Esquire, Progress Energy Carolinas, Inc., Post Office Box 1551/PEB 17A4, Raleigh, North Carolina 27602-1551, Frank Ellerbe, Esquire, Robinson, McFadden & Moore, P.C., 1901 Main Street, Suite 1200, Columbia, South Carolina 29201 and Kodwo Ghartey-Tagoe, Esquire, Vice President – Legal, Duke Energy Corporation, EC03T/P.O. Box 1006, Charlotte, North Carolina 28201-1006.

A public hearing, when scheduled, will be held in Columbia, South Carolina in the offices of the Commission at the above address, for the purpose of receiving testimony and other evidence from all interested parties regarding this Application. The time and date of this hearing will be furnished to all interested parties at a later date.

Any person who wishes to testify and present evidence at a hearing concerning these matters should notify, in writing, the Clerk's Office at the address below, the Office of Regulatory Staff, at 1401 Main Street, Suite 900, Columbia, South Carolina 29201, Len S. Anthony, Esquire, Frank Ellerbe, Esquire and Kodwo Ghartey-Tagoe, Esquire at the above addresses on or before **August 8, 2011**. ***Please refer to Docket No. 2011-158-E.***

Any person who wishes to participate in this matter, as a Party of Record with the right of cross-examination, should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure, on or before **August 8, 2011**, and indicate the amount of time required for his presentation. Please include an email address for receipt of future Commission correspondence in the Petition to Intervene. ***Please refer to Docket No. 2011-158-E.***

Any person, who wishes to be notified of the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Clerk's Office, in writing, at the address below on or before **August 8, 2011**. ***Please refer to Docket No. 2011-158-E.***

**Any person who wishes to request a hearing in his or her county of residence, and does not want to intervene as a party of record in this matter, should notify on or before August 8, 2011**, in writing, the Clerk's Office at the address below, the Office of Regulatory Staff, at 1401 Main Street, Suite 900, Columbia, South Carolina 29201, Len S. Anthony, Esquire, Progress Energy Carolinas, Inc., Post Office Box 1551/PEB 17A4, Raleigh, North Carolina 27602-1551, Frank Ellerbe, Esquire, Robinson, McFadden & Moore, P.C., 1901 Main Street, Suite 1200, Columbia, South Carolina 29201 and Kodwo Ghartey-Tagoe, Esquire, Vice President Legal, Duke Energy Corporation, EC03T/P.O. Box 1006, Charlotte, North Carolina 28201-1006. ***Please refer to Docket No. 2011-158-E.***

**PLEASE TAKE NOTICE:** Any person who wishes to have his or her comments considered as part of the official record of this proceeding MUST present such comments, in person, to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission in Columbia at 803-896-5100.

Public Service Commission of South Carolina  
Attn: Clerk's Office  
Post Office Drawer 11649  
Columbia, SC 29211