ACCEPTED
Legal 2B 4-14-05

AUSTIN, LEWIS & ROGERS, P.A.

ATTORNEYS AND COUNSELORS AT LAW

DANIEL S. LEWIS
(1940-1981)

WILLIAM F. AUSTIN
E. CROSBY LEWIS
TIMOTHY F. ROGERS
RAYMON E. LARK, JR.
RICHARD L. WHITT
JEFFERSON D. GRIFFITH, III*
EDWARD L. EUBANKS
W. MICHAEL DUNCAN

*ALSO MEMBER NORTH CAROLINA BAR

COLUMBIA OFFICE:
CONGAREE BUILDING
508 HAMPTON STREET, SUITE 300
POST OFFICE BOX 11716
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 256-4000
FACSIMILE: (803) 252-3679
WWW.ALRLAW.COM

WINNSBORO OFFICE:
120 NORTH CONGRESS STREET
POST OFFICE BOX 1061
WINNSBORO, SOUTH CAROLINA 29180

TELEPHONE: (803) 712-9900
FACSIMILE: (803) 712-9901

RECEIVED
2005 APR 13 PM 2:30
SC PUBLIC SERVICE COMMISSION

April 13, 2005

VIA HAND DELIVERY
The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Duke Power, a Division of Duke Energy Corporation's, ("Duke Power") Request for an Allowable *Ex Parte* Communication Briefing, Pursuant to Section 58-3-260 *et seq.*

Dear Mr. Terreni:

An invitation was transmitted by email to your attention earlier this month. The subject matter of that invitation was to request a meeting at the Commission offices in Columbia, South Carolina, to discuss options to enhance the independence and transparency of the operation of the Duke Power Transmission System, including proposals to address the State and Federal issues concerning the same.

Accordingly, Duke Power, through counsel, requests an allowable *ex parte* communication briefing (hereinafter, "briefing"), pursuant to section 58-3-260 *et seq.*, South Carolina Code of Laws (cum. supp., 2004) relevant to the above referenced matter. Specifically, the briefing will be held in compliance with the cited statute.

Please consider:

1. S.C. Code 58-3-260 (C)(6)(a)(vi)is not applicable. No hearing, at which the subject matter of the proposed briefing is an issue, has been scheduled before this Commission, nor has Duke Power made a filing concerning the subject matter of this briefing, therefore the twenty business day requirement does not apply.

2. In compliance with S.C. Code 58-3-260 (C)(6)(a)(v):

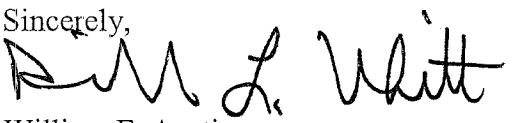
   a) The date and the time of the proposed briefing is April 28, 2005 from 2:00 pm to 5:00 pm at the Commission's offices at 101 Executive Center Drive, Columbia South Carolina, 29210.
   b) The name of the person or party requesting the briefing is Duke Power, through counsel.
   c) The names of each Commissioner and Commission Employee whom Duke Power has requested to brief follow: Commissioners, Chairman Randy Mitchell, Vice Chairman G. O'Neal Hamilton, John E. Howard, David A. Wright, Elizabeth B. Fleming, Mignon L. Clyburn, C. Robert Moseley, also, Commission Employees, Charles L. A. Terreni, Esquire, Joseph Melchers, Esquire, Dr. James Spearman, Philip D. Riley, Jocelyn Boyd, Esquire, F. David Butler, Esquire, Tom Ellison, and Norbert Thomas.
   d) The subject matter to be discussed at the briefing is: options to enhance the independence and transparency of the operation of the Duke Power Transmission System, including proposals to address the State and Federal issues concerning the same.
   e) Copies of this request have been hand-delivered to the Office of Regulatory Staff, on even date, as set forth below.

Finally, we request that you have your staff post this request for a briefing on the Commission website as soon as possible, in compliance with S.C. Code 58-3-260 (C)(6)(a)(v).

Please let us know if you have any questions or concerns.

With kind regards, we are

Sincerely,



William F. Austin
Richard L. Whitt

RLW/rgw
cc: C. Dukes Scott, Esquire
Dan F. Arnett
John W. Flitter
A. R. Watts
Anthony James
Florence P. Belser, Esquire
(all of the South Carolina Office of Regulatory Staff)
Joseph Melchers, Esquire
Dr. James Spearman
(both of the Public Service Commission of South Carolina)