

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

*Plaintiff,*

v.

DUKE ENERGY CORPORATION

*Defendant.*

Case No. 1:17-cv-00116 (BAH)

**PLAINTIFF UNITED STATES' CERTIFICATE OF COMPLIANCE WITH THE  
ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America (“United States”), by the undersigned attorney, hereby certifies that in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (“APPA” or “Tunney Act”), the following procedures have been followed in preparation for the entry of the Final Judgment in this matter:

1. The Stipulation and proposed Final Judgment, by which the parties have agreed to the Court’s entry of Final Judgment following compliance with the APPA, were filed with the court on January 18, 2017. The United States also filed its Competitive Impact Statement on January 18, 2017.

2. Pursuant to 15 U.S.C. §16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on January 31, 2017 (*see* 82 Fed. Reg. 8845).

3. Pursuant to 15 U.S.C. §16(c), copies of the Complaint, Competitive Impact Statement, Stipulation, and proposed Final Judgment were furnished to all persons requesting them and made available on the Department of Justice, Antitrust Division’s website.

4. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days, beginning on January 26, 2017 and ending on February 1,

2017.

5. As noted in the Competitive Impact Statement, there were no determinative materials or documents within the meaning of 15 U.S.C. §16(b) that were considered by the United States in formulating the proposed Final Judgment, so none were furnished to any person pursuant to 15 U.S.C. §16(b) or listed pursuant to 15 U.S.C. §16(c).

6. As required by 15 U.S.C. § 16(g), on March 30, 2017, Duke Energy Corporation filed with the Court a description of any written or oral communications made by or on behalf of the defendant, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment.

7. The sixty-day comment period prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of public comments, during which the proposed Final Judgment could not be entered, ended on April 3, 2017.

8. The United States received no public comments on the proposed Final Judgment.

9. The United States' Competitive Impact Statement demonstrates that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C. §16(e).

10. The parties have satisfied all the requirements of the APPA, 15 U.S.C. § 16(b)-(h), that were conditions for entering the proposed Final Judgment. The Court may now enter the Final Judgment if the Court determines, pursuant to 15 U.S.C. §16(e), that entry of the Final Judgment is in the public interest.

Dated: April 6, 2017

Respectfully submitted,

/s/ Robert A. Lepore  
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