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DUKE ENERGY CORP
Form POS AMC
March 13, 2002

FILE NO. 70-10013

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

POST-EFFECTIVE AMENDMENT NO. 1

TO FORM U-1 APPLICATION/DECLARATION
UNDER SECTION 3(b) AND
RULE 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

DUKE ENERGY CORPORATION
526 S. Church Street
Charlotte, North Carolina 28202

(Name of the company filing this application and
address of its principal executive office)

David L. Hauser
Senior Vice President and
Treasurer
Duke Energy Corporation
526 S. Church Street
Charlotte, North Carolina 28202

(Name and address of agent for service)

Please also submit copies of all correspondence to:

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Applicant, Duke Energy Corporation ("Duke Energy"), a North Carolina corporation, entered into an Amended and Restated Combination Agreement with Westcoast Energy Inc. ("Westcoast"), a corporation organized under the laws of Canada, pursuant to which Duke Energy proposed to acquire the stock of Westcoast (the "Acquisition").

On November 30, 2001, the Form U-1 Application/Declaration in this proceeding was originally filed pursuant to Section 3(b) of the Public Utility Holding Company Act of 1935 (the "1935 Act") with the Securities and Exchange

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Commission and was subsequently amended on January 15, 2002 (Amendment No. 1), January 7, 2002 (Amendment No. 2), January 29, 2002 (Amendment No. 3), March 7, 2002 (Amendment No. 4), and March 8, 2002 (Amendment No. 5). On March 8, 2002, the Commission issued an order granting the requested exemptions under Section 3(b) of the 1935 Act.(1)

Applicant files herewith Exhibit 12, a "no-action" letter from the Federal Trade Commission, pursuant to the Hart-Scott-Rodino Antitrust Improvements Act, relating to the Acquisition.

SIGNATURE

Pursuant to the requirements of the Public Utility Holding Company Act of 1935, the undersigned company has duly caused this Post-Effective Amendment No. 1 to the Form U-1 Application/Declaration to be signed on its behalf by the undersigned thereunto duly authorized.

Respectfully submitted,

DUKE ENERGY CORPORATION

By: /s/ David L. Hauser

David L. Hauser
Vice President and
Treasurer

Dated: March 13, 2002

1 Duke Energy Corporation, Release No. 35-27496; 70-10013, March 8, 2002.