Duke Energy CORP Form 4 February 03, 2009

FORM 4

UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF

SECURITIES

OMB APPROVAL OMB

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Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940 See Instruction

1(b).

(Print or Type Responses)

1. Name and HAUSER	Symbol		nd Ticker or Trading ORP [DUK]	5. Relationship of Reporting Person(s) to Issuer				
(Last)	(First)	(Middle) 3. Date	of Earliest	Fransaction	(Cnec	ск ан аррисао	all applicable)	
526 S. CH	URCH STREET		/Day/Year)		DirectorX_ Officer (give title below) Grp Exec & Cl		` ' '	
	4. If An	4. If Amendment, Date Original			6. Individual or Joint/Group Filing(Check			
CHARLO	Filed(M	Filed(Month/Day/Year)			Applicable Line) _X_ Form filed by One Reporting Person Form filed by More than One Reporting Person			
(City)	(State)	(Zip) Ta	ble I - Non-	Derivative Securities Acqu	uired, Disposed o	f, or Benefici	ally Owned	
1.Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transaction Code (Instr. 8)	4. Securities Acquired (A) our Disposed of (D) (Instr. 3, 4 and 5)	5. Amount of Securities Beneficially Owned Following	6. Ownership Form: Direct (D) or Indirect	7. Nature of Indirect Beneficial Ownership (Instr. 4)	

1.Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transactic Code (Instr. 8)	4. Securities or Dispose (Instr. 3, 4	d of (I and 5)))	Securities Comparison of Compa	6. Ownership Form: Direct (D) or Indirect (I)	7. Nature of Indirect Beneficial Ownership (Instr. 4)
			Code V	Amount	(A) or (D)	Price	Transaction(s) (Instr. 3 and 4)	(Instr. 4)	
Common Stock	01/30/2009		M	127,002	A	\$ 15.15	151,590	D	
Common Stock	01/30/2009		S	9,251	D	\$ 15.15	142,339	D	
Common Stock							35,071	I	By Retirement Savings Plan
Common Stock							192	I	By Spouse

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Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

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Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transacti Code (Instr. 8)	5. Number of orDerivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5)	6. Date Exercisable and Expiration Date (Month/Day/Year)		7. Title and Amount of Underlying Securities (Instr. 3 and 4)	
				Code V	(A) (D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares
Phantom Stock Executive Savings Plan	<u>(I)</u>	01/30/2009		M	127,002	(2)	(3)	Common Stock	127,002

Reporting Owners

Reporting Owner Name / Address Relationships

Director 10% Owner Officer Other

HAUSER DAVID L 526 S. CHURCH STREET CHARLOTTE, NC 28202

Grp Exec & CFO

Signatures

/s/ David S. Maltz, attorney-in-fact for David L. Hauser

02/03/2009

**Signature of Reporting Person

Date

Explanation of Responses:

- * If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- ** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) Converts to Common Stock on a 1-for-1 basis. Phantom stock disposition was made pursuant to a previous election under Section 409A of the Internal Revenue Code. Disposition was distributed in both cash and in stock.
- (2) Generally payable upon reporting person's termination of service.
- (3) Expiration date not applicable.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.

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