



FEDERAL ENERGY REGULATORY COMMISSION

November 20, 2008

Commissioner Marc Spitzer

Item Nos. E-18 & E-19

Docket Nos. EC08-91-000 and -001, and PL09-2-000

Statement of Commissioner Marc Spitzer on Acquisitions of securities by public utility holding companies

"I thank Staff for their presentation on these items.

I want to take this opportunity to highlight how these cases reinforce FERC's enforcement objectives: to establish clear rules and ensure compliance.

In Item E-18, we clarify that holding companies that have received an exemption or waiver of certain Commission books and records requirements but become a holding company with respect to an *additional* public utility or public utility holding company must inform the Commission of this material change in fact.

In Item E-19, we provide guidance on how we read the "purchase, acquire or take any security" clause of section 203(a)(2) of the Federal Power Act.

Since these orders are the first opportunity to provide guidance on these issues, the Commission provides an opportunity for the industry to bring themselves into compliance. By providing grace periods, we seek to ensure compliance with our section 203 requirements and the industry should take a close look at these orders to ensure they comply with these interpretations. Entities are on full notice that the failure to make a timely filing during these grace periods may result in subjecting the entity in question to sanctions.

Finally, I want to reiterate that there are several mechanisms by which one can receive guidance from the Commission or staff. These options include declaratory orders, no-action letter requests, General Counsel opinion letters, accounting interpretations, the Enforcement Hotline, the recently-created Help Desk, pre-filing meetings, and other informal contacts with staff. I encourage companies to make use of the appropriate Commission resources as part of their compliance efforts."