

ADMINISTRATIVE PROCEEDING
FILE NO. 3-11616

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
December 13, 2004

SECURITIES AND EXCHANGE COMMISSION
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20549

In the Matter of :
:
AMERICAN ELECTRIC POWER : ORDER ON MOTION
COMPANY, INC. : TO INTERVENE
:

On August 30, 2004, the Securities and Exchange Commission (Commission) ordered a hearing on remand (Remand Order) in this matter. See Am. Elec. Power Co., Holding Co. Act Release No. 27886. In accordance with the Remand Order, non-party persons seeking leave to participate in the proceeding, pursuant to Rule 210 of the Commission's Rules of Practice, were allowed to do so by December 3, 2004.

On December 3, 2004, National Association of Regulatory Utility Commissioners (NARUC) filed a notice of appearance and motion to intervene (Motion) seeking leave to intervene in this proceeding as a party under Rule 210(b) of the Commission's Rules of Practice. NARUC states that it is "a quasi-governmental nonprofit organization" that represents the collective interests of its members, which are public utility regulatory commissions from all the fifty states and the District of Columbia. NARUC, in its Motion, seeks intervention as a party, rather than as a participant on a limited basis, because of what it describes to be "the extremely significant national regulatory policy implications" this proceeding may have on its members' interests. Motion at 1. NARUC argues that intervention will provide the Commission with "the benefit of the immediate perspective of State regulators that no other party to this proceeding can adequately represent." Motion at 3.


On December 10, 2004, American Electric Power Company, Inc. (AEP), filed a response to NARUC's Motion. Although it states that it does not oppose NARUC's intervention, AEP does request that NARUC's participation be limited, pursuant to Rule 210(f) of the Commission's Rules of Practice, to the issues raised by the parties in their narrative statements and witness lists. Specifically, AEP requests that NARUC not be permitted to raise new issues or arguments, or to submit testimony or other evidence, since the time period for identifying potential areas of testimony has already passed.

Because NARUC was not one of the eight groups of intervenors in the original proceeding, I find unpersuasive NARUC's conclusory statements that its interests in this

remand proceeding are now so significant that they will not be adequately protected if it is only permitted to intervene as a non-party under Rule 210(c) of the Commission's Rules of Practice. Am. Elec. Power Co. and Central and South West Corp, 72 SEC Docket 1931, 1940-42 (June 14, 2000). NARUC's request to intervene in this proceeding as a full party, therefore, is DENIED.

NARUC will be permitted to participate in the underlying proceeding on a limited basis as a non-party participant in accordance with Rule 210(c) of the Commission's Rules of Practice, 17 C.F.R. § 201.210(c). As such, NARUC's participation will be limited to non-duplicative involvement and other matters germane to the issues on remand. NARUC is permitted to participate in any forthcoming prehearing conferences or exchanges and may make submissions not already past due. The next such submission is the written direct testimony of all the parties' witnesses, due December 15, 2004.

SO ORDERED.


Robert G. Mahony
Administrative Law Judge