

ACS

ADMINISTRATIVE PROCEEDING
FILE NO. 3-11616

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
December 10, 2004

SECRETARY OF COMMERCE
WASHINGTON, D.C. 20540
202-418-6000
www.secdocs.com

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

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. On October 22, 2004, the undersigned granted Public Citizen, Inc.'s (Public Citizen), motion to intervene and participate in this proceeding on a limited basis as a non-party participant pursuant to Rule 210(c) of the Commission's Rules of Practice. Such participation was limited to non-duplicative involvement including the submission of any briefs, exhibits, testimony or other matters germane to the issues on remand.

On December 6, 2004, Public Citizen filed a Motion for Clarification or, Alternatively, Request to Intervene as a Full Party (Motion). Public Citizen states therein that its counsel had originally intended, when it moved to intervene in the first place, to participate in this proceeding as a full party under Rule 210(b) of the Commission's Rules of Practice, rather than on a limited basis, as was granted. Public Citizen now requests either (i) it be granted full-party status; or (ii) its participation be clarified to include "the right to present witnesses, cross-examine the witnesses of other parties, brief all issues, and the right to appeal all issues to both the Commission and to the Courts." Motion at 1.

On December 9, 2004, American Electric Power Company, Inc. (AEP), filed an opposition to Public Citizen's Motion (Opposition) arguing in part that the undersigned's October 22 Order requires no additional clarification, and further that Public Citizen has failed to offer any new evidence "that merits elevating its involvement above that of a non-party participant." Opposition at 1. AEP states that by Public Citizen's own admission, Public Citizen in its Motion is merely restating "the same argument [it] 'previously' made" to the undersigned for consideration. Opposition at 3.

IT IS ORDERED that Public Citizen's request to participate in this proceeding as a full party is DENIED. Public Citizen has not established a change in circumstance nor has it presented any new evidence to necessitate a change in its participation status. Public Citizen's

participation will remain subject to the terms and limitations set forth in the October 22 Order. Cross-examination at the hearing will be reserved to the parties. Any review of an initial decision in this matter is properly directed to the Commission and the applicable appellate jurisdiction at the appropriate time. See 17 C.F.R. §§ 201.410, .411; Section 24 of the Public Utility Holding Act of 1935.

IT IS SO ORDERED.

A handwritten signature in cursive script, appearing to read "R.G. Mahony", written in black ink on a white background.

Robert G. Mahony
Administrative Law Judge