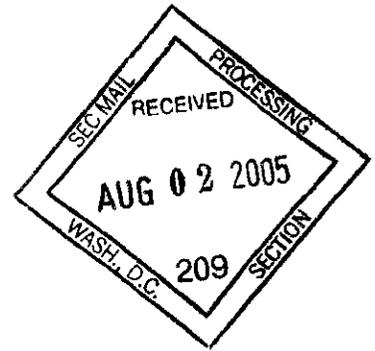


UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION



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In the Matter of

AMERICAN ELECTRIC POWER COMPANY, INC.

Administrative Proceeding  
File No. 3-11616

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**JOINT MOTION OF ALL PARTIES TO HOLD BRIEFING SCHEDULE IN  
ABEYANCE**

Pursuant to Rule 154 of the Commission's Rules of Practice, the National Rural Electric Cooperative Association (NRECA), the American Public Power Association (APPA), American Electric Power Company, Inc. (AEP), Public Citizen, Inc., and the Commission's Division of Investment Management (the Division) hereby jointly move the Commission to hold the briefing schedule in the above-captioned matter in abeyance pending final action by the President of the United States on H.R. 6, the Energy Policy Act of 2005.

This matter is before the Commission on remand from the decision of the United States Court of Appeals for the District of Columbia Circuit in *Nat. Rural Elec. Coop. Ass'n v. SEC*, 276 F.3d 609 (D.C. Cir. 2002). In that case, the court reviewed a Commission order that authorized AEP, a holding company registered under the Public Utility Holding Company Act of 1935, as amended (PUHCA), 15 U.S.C. § 79 et seq. (2000), to acquire Central and South West Corporation (CSW). *Am. Elec. Power Co., Holding Co.* Act Release No. 27186, 54 SEC 697, 2000 SEC LEXIS 1227 (2000).

By order of August 30, 2004, the Commission initiated this proceeding and established an evidentiary hearing to provide for further supplementation of the record on remand to determine whether the combined AEP and CSW systems meet the standards of sections 10 and 11 of PUHCA. *Am. Elec. Power Co., Holding Co.* Act Release No. 27886, slip op. 1-2 (S.E.C. Aug. 30, 2004). In compliance with that order, an evidentiary hearing was held and an initial decision, Initial Decision Release No. 283, was filed with the Commission's Secretary on May 3, 2005. AEP and the Division filed petitions for review of the initial decision, and NRECA and APPA filed a cross-petition for review. By amended order of June 7, 2005, the Commission established a briefing schedule for the petitions for review. Briefs in support of the petitions were filed on July 7, 2005. Briefs in opposition are due to be filed on August 8, 2005, and any replies on August 22, 2005.

On Thursday, July 28, 2005, the United States House of Representatives agreed to the conference report accompanying the Energy Policy Act of 2005. Cong. Rec. H6973 (daily ed. July 28, 2005). On Friday, July 29, 2005, the United States Senate likewise agreed to the conference report. Cong. Rec. S9374 (daily ed. July 29, 2005). The President has not yet signed the Energy Policy Act of 2005 into law, but public statements by the White House indicate that he is likely to do so.

Section 1263 of the Energy Policy Act of 2005 would repeal PUHCA. Subsection 1274(a) provides that section 1263 would take effect 6 months after the date of enactment. Thus, should the President sign the Energy Policy Act of 2005 into law, the pending proceeding may well become moot. For their part, NRECA and APPA have determined that they will withdraw their cross-petition for review if the Energy Policy

Act of 2005 becomes law. The parties need further time, however, to consider the full implications of the Act for this case. Preparation of the briefs due to be filed on August 8 and August 22 would require considerable time and expense. If this proceeding becomes moot, however, the expenditure of such time and expense would almost certainly be wasteful.

Under these circumstances, the parties are unanimous in their belief that it would serve to conserve the resources of the Commission and the parties if the briefing schedule in this matter were held in abeyance until 14 days after the President acts on the bill before him, either by signing the bill into law or by vetoing the bill and thereby preventing it from becoming law. If, as seems likely, the President signs the bill, the parties propose to file dispositive or procedural motions within 14 days. If the President vetoes the bill—which is unlikely—the parties will file their briefs in opposition within 14 days, and the due date for any replies will be adjusted accordingly.

For the foregoing reasons, the parties request that Commission grant this motion and hold the briefing schedule in this matter in abeyance until 14 days after the President acts on the Energy Policy Act of 2005.

Respectfully submitted,



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August 2, 2005