

131 FERC ¶ 61,076  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Marc Spitzer, Philip D. Moeller,  
and John R. Norris.

E.ON U.S. LLC  
LG&E Energy Corporation  
Kentucky Utilities Company

Docket Nos. EC06-4-003  
ER10-191-001

ORDER TOLLING TIME FOR ACTION ON APPLICATION  
UNDER FEDERAL POWER ACT SECTION 203

(Issued April 28, 2010)

1. On October 30, 2009, E.ON U.S. LLC, LG&E Energy Corporation (LG&E), and Kentucky Utilities Company (KU) (collectively, Applicants) filed an application (Application) seeking a Commission finding under section 203(b) of the Federal Power Act (FPA)<sup>1</sup> that the termination of the Independent Transmission Organization Agreement between LG&E/KU and Southwest Power Pool, Inc. is consistent with the terms of certain merger approval orders affecting Applicants.<sup>2</sup> Section 203(a)(5) of the FPA states that in the absence of Commission action within 180 days, an application for Commission approval of a transaction referenced in that section would be deemed granted.<sup>3</sup>

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<sup>1</sup> 16 U.S.C. § 824b(b) (2006).

<sup>2</sup> See *Louisville Gas & Elec. Co. and Kentucky Utilities Co.*, 82 FERC ¶ 61,308 (1998); *Louisville Gas & Elec. Co. and Powergen LLC*, 91 FERC ¶ 61,321 (2000); *E.ON AG*, 97 FERC ¶ 61,049 (2001).

<sup>3</sup> Section 203(a)(5) requires the Commission to grant or deny applications for dispositions, consolidations, or acquisitions within 180 days. Based on a finding of good cause, the Commission may toll the time for acting on the application for not more than 180 days. 16 U.S.C. § 824b(a)(5) (2006).

2. We make no finding on the applicability of section 203(a)(5) to the Application. However, to avoid any potential uncertainty or confusion, and to the extent that the Application is subject to the requirements of section 203(a)(5), the Commission finds, based on good cause, that further consideration is required to determine whether Applicants' proposal meets the standards of section 203(a)(4) of the FPA, to any extent applicable. For that reason, the Commission hereby tolls any necessary action on the Application for an additional 180 days.

The Commission orders:

Any applicable time for acting on the Application is hereby tolled until October 25, 2010.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.