

134 FERC ¶ 61,011
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Public Service Company of New Mexico

Docket No. EC05-29-002

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

(Issued January 7, 2011)

1. On July 12, 2010, Public Service Company of New Mexico (PNM) filed an application (Application) seeking a Commission finding under section 203(b) of the Federal Power Act (FPA)¹ to modify the order issued by the Commission in Docket No. EC05-29-000.² Specifically, PNM seeks to remove: (1) the Market Monitor Plan with an Independent Market Monitor; and (2) the requirement to submit semi-annual reports on progress on a consolidated transmission plan for the Southwest. 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.³

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

¹ 16 U.S.C. § 824b(b) (2006).

² *PNM Resources, Inc.*, 110 FERC ¶ 61,204 (2005).

³ 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).

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 July 6, 2011.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.