

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeem G. Kelly.

DTE Energy Trading, Inc.

Docket No. EC05-55-000

ORDER DISMISSING APPLICATION FOR LACK OF JURISDICTION

(Issued May 5, 2005)

1. On March 1, 2005, DTE Energy Trading, (Applicant) filed an application under section 203 of the Federal Power Act (FPA)¹ requesting Commission authorization for a proposed transaction, that Applicant characterizes as a disposition of jurisdictional facilities. In this order, the Commission finds that it lacks jurisdiction over the proposed transaction, and thus dismisses it.

2. This order serves the public because it carries out the FPA's mandate that the Commission shall only have jurisdiction under section 203 of the FPA when a transaction involves a disposition of jurisdictional facilities.

Background

3. In an internal corporate reorganization, Applicant proposes that its affiliate, Corporate Trading Company (CoEnergy), merge with and into Applicant, leaving Applicant as the surviving corporation.

4. Applicant is a direct, wholly-owned subsidiary of DTE Energy Resources, a direct, wholly-owned subsidiary of DTE Energy Company. Applicant has jurisdictional tariffs and power sales contracts. Applicant does not have a franchised service territory, and does not own or operate any physical facilities used for the generation, transmission or

¹ 16 U.S.C. § 824b (2000).

distribution of electric energy or power. Co-Energy, Applicant's affiliate and another subsidiary of DTE Energy Company, brokers gas, but owns no FPA-jurisdictional facilities.

Notice of Filing, Interventions, and Protests

5. Notice of the Applicants' filing was published in the *Federal Register*, 70 Fed. Reg. 11,965 (2005), with comments, protests, or interventions due on or before March 22, 2005. None was filed.

Discussion

6. The Commission finds that it lacks jurisdiction over the proposed transaction because there is no disposition of jurisdictional facilities here.² The reorganization involves no change in ownership or control of Applicant, or ownership or control of jurisdictional facilities. Instead, Applicant is acquiring an affiliated company, namely, CoEnergy, which does not have FPA-jurisdictional assets.

The Commission orders:

The Commission dismisses for lack of jurisdiction DTE Energy Company's application for authorization to dispose of jurisdictional facilities under section 203 of the FPA, as discussed in the body of this order.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.

² Section 203 of FPA applies only to dispositions whereby a public utility sells, leases, or otherwise disposes of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of \$50,000, or by any means whatsoever, directly or indirectly, merges or consolidates such facilities or any part thereof with those of any other person, or purchases, acquires, or takes any security of any public utility.