

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

Oklahoma Municipal Power Authority	Docket Nos. EL05-38-000
	EL05-38-001
	EL05-38-002
	EL05-38-003

v.

American Electric Power Service Corp.

American Electric Power Service Corp. Docket No. EL05-126-000

ORDER TERMINATING PROCEEDINGS

(Issued February 9, 2006)

1. In this order we grant Oklahoma Municipal Power Authority (OMPA) and American Electric Power Service Corporation's (AEP) joint motion to terminate these proceedings.

Background

2. On December 6, 2004, OMPA filed a complaint against AEP, in Docket No. EL05-38-000, requesting that the Commission direct AEP to file an unexecuted service agreement to facilitate the transfer of energy from its generating station. On March 4, 2005, the Commission granted OMPA's complaint and directed AEP to file with the Commission an unexecuted service agreement for the service OMPA requested.¹ On July 25, 2005, the Commission denied rehearing of the March 4 Order, conditionally accepted AEP's unexecuted service agreement, and instituted an investigation in Docket

¹ *Oklahoma Municipal Power Authority v. American Electric Power Service Corp.*, 110 FERC ¶ 61,228 (2005) (March 4 Order).

No. EL05-126-000.² On November 17, 2005, the Commission accepted AEP's revised unexecuted service agreement.³

3. On December 5, 2005, AEP and OMPA filed a joint motion to terminate these proceedings. They state that a Texas trial court's decision has effectively rendered moot OMPA's original request and that it would be a waste of their resources and the resources of the Commission to further pursue OMPA's complaint at this time. OMPA and AEP note that Commission trial staff has no objection to their motion.

Discussion

4. We are satisfied that no dispute remains and we will grant the joint motion to terminate these proceedings.

The Commission orders:

OMPA and AEP's joint motion is hereby granted.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

² *Oklahoma Municipal Power Authority v. American Electric Power Service Corp.*, 112 FERC ¶ 61,107 (2005).

³ *Oklahoma Municipal Power Authority v. American Electric Power Service Corp.*, 113 FERC ¶ 61,160 (2005).