

125 FERC ¶ 61,078  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Sudeen G. Kelly, Marc Spitzer,  
Philip D. Moeller, and Jon Wellinghoff.

Cinergy Corporation  
Duke Energy Ohio, Inc.  
Cinergy Power Investments, Inc.  
Generating Facility LLCs

Docket Nos. EC08-78-000  
EL08-61-000

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

(Issued October 17, 2008)

1. On April 24, 2008, as supplemented on May 6, 2008, Cinergy Corp., Duke Energy Ohio, Inc., Cinergy Power Investments, Inc., and twenty-two as-yet-unformed entities (collectively, Applicants) filed an application (Application) seeking authorization under section 203 of the Federal Power Act (FPA)<sup>1</sup> for an internal reorganization involving certain generation facilities. In the absence of Commission action within 180 days, the Application would be deemed granted.<sup>2</sup>

2. Applicants have requested the Commission to extend the time for consideration of the Application in light of the prospects for the settlement of certain issues currently before the Public Utility Commission of Ohio. The Commission finds, based on good

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<sup>1</sup> 16 U.S.C. § 824b (2006).

<sup>2</sup> Section 203 requires the Commission to grant or deny applications for disposition of jurisdictional facilities within 180 days after the application is filed, unless the Commission finds, based on good cause, that further consideration is required, in which case the Commission can toll the time for acting for not more than 180 days. *Id.* § 824b(a)(5).

cause, that further consideration is required to determine whether the proposed transaction meets the standards of section 203(a)(4) of the FPA. In order to afford additional time for consideration of the Application, the Commission hereby tolls the time to act on the Application for an additional 180 days.

3. The Commission orders the Applicants to inform it of the status of their settlement discussions 30 days from the date this order is issued.

The Commission orders:

The time for acting on the Application is hereby tolled until April 17, 2009.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.