

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Automated Power Exchange, Inc.

Docket No. EL03-140-000
(Consolidated with
EL03-137-000, *et al.*)

ORDER OF CHIEF JUDGE SEVERING PARTY AND
HOLDING PROCEEDINGS IN ABEYANCE

(Issued November 3, 2003)

1. On November 3, 2003, counsel for Automated Power Exchange, Inc. ("APX") filed a motion to sever Docket No. EL03-140-000 from the consolidated proceedings in EL03-137-000, *et al.*, and for suspension of further procedures. As grounds for the request, APX states that it has filed a Stipulation and Agreement with the Commission which disposes of all issues as they apply to APX. The motion is supported by the Commission trial staff.

2. The Chief Judge finds good cause for granting APX's motion to sever from the consolidated proceedings in EL03-137-000, *et al.*, and to suspend further procedures pending certification of the proposed settlement to the Commission and approval by the Commission, if appropriate. Severance will relieve APX from undertaking formal litigation procedures in the consolidated proceedings and will result in savings of time and resources. Accordingly, for good cause shown, Docket No. EL03-140-000 is hereby severed from the consolidated proceeding in Docket No. EL03-137-000, *et al.*, and the procedural schedule as it applies to these dockets is suspended pending action on the proposed settlement agreements.

Curtis L. Wagner, Jr.
Chief Administrative Law Judge