

108 FERC ¶ 61,200
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Southern Company Services, Inc. Docket Nos. ER04-952-000
ER04-953-000
ER03-211-002
ER03-211-003
ER03-212-002
ER03-212-003

ORDER ACCEPTING NOTICES OF CANCELLATION AND DISMISSING
REQUESTS FOR REHEARING AND COMPLIANCE FILINGS

(Issued August 20, 2004)

1. In this order, the Commission accepts two Notices of Cancellation of Interconnection Agreements (IA) filed by Southern Company Services, Inc. (Southern) in Docket Nos. ER04-952-000 and ER04-953-000. In both cases, the cancellations were mutually agreed to by the parties. The Commission finds that accepting these cancellations moots the rehearing requests and compliance filings made by Southern in Docket Nos. ER03-211-002, ER03-211-003, ER03-212-002, and ER03-212-003.

Background

2. On June 23, 2004, as clarified on July 8, 2004, in Docket No. ER04-952-000, Southern, on behalf of Georgia Power Company (Georgia Power) filed a Notice of Cancellation of the IA by and between Southern Power Company (Southern Power) and Georgia Power. The agreement was designated as Service Agreement No. 458 under Southern Companies Open Access Transmission Tariff (OATT). Also on June 23, 2004, as clarified on July 8, 2004, in Docket No. ER04-953-000, Southern, on behalf of Georgia Power, filed a Notice of Cancellation of the IA by and between Southern Power and Georgia Power for Service Agreement No. 459 under Southern Companies OATT. Both cancellations were mutually agreed to by both Southern Power and Georgia Power. Both filings included a copy of the letter terminating the IAs. Southern requests the Commission waive the sixty day notice requirement to allow the Notices of Cancellation to take effect on May 24, 2004.

3. The two IAs, covering McIntosh Combined Cycle Units 1 & 2 located in Effingham County, Georgia,¹ had been conditionally accepted by the Commission in an order issued March 28, 2003.² Southern filed a request for rehearing and Entergy Services, Inc. filed a motion to intervene and request for rehearing in Docket Nos. ER03-211-002 and ER03-212-002. The rehearing requests were tolled by Commission order on May 28, 2003. Southern made a compliance filing in Docket Nos. ER03-211-003 and ER03-212-003.

Notices and Interventions

4. Notices of Southern's Notices of Cancellation were published in the *Federal Register*, 69 Fed. Reg. 40,892 (2004), with protests and interventions due in both dockets on or before July 14, 2004. None were received.

5. Notices of Southern's clarification were published in the *Federal Register*, 69 Fed. Reg. 43,576 (2004) for Docket No. ER04-952-000 and 69 Fed. Reg. 44,528 (2004) for Docket No. ER04-953-000, with protests and interventions due in both dockets on or before July 29, 2004. None were received.

Discussion

6. The unopposed notices of cancellation of the IAs are hereby accepted. Since the Commission grants the requests for cancellation of the IAs underlying the requests for rehearing in Docket Nos. ER03-211-002 and ER03-212-002 and the compliance filing in Docket Nos. ER03-211-003 and ER03-212-003, those proceedings are dismissed as moot.

The Commission orders:

(A) Southern's notices of cancellation of Service Agreement Nos. 458 and 459 are hereby accepted, effective May 24, 2004, as requested.

¹ Southern refers to these units as McIntosh Units 10 & 11 in Docket No. ER03-713-000. (See clarification letter filed July 8, 2004.)

² Southern Company Services, Inc., 102 FERC ¶ 61,343 (2003).

(B) The proceedings in Docket Nos. ER03-211-002, ER03-211-003, ER03-212-002, and ER03-212-003 are hereby dismissed as moot.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.