

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Wisconsin Public Service Corporation

Docket Nos. EL03-40-000,
EL03-40-001, EL05-51-000, and
EL05-51-001

v.

Midwest Independent Transmission System
Operator, Inc.

ORDER APPROVING UNCONTESTED SETTLEMENT AGREEMENT

(Issued July 22, 2005)

1. On June 29, 2005, as supplemented on July 6, 2005, Wisconsin Public Service Corporation (WPSC), on behalf of itself, Midwest Independent Transmission System Operator, Inc. (Midwest ISO), and Xcel Energy Services, Inc. (Xcel), submitted an offer of settlement in the above-referenced dockets. The settlement resolves all issues pending in these proceedings, which concern the allocation of Financial Transmission Rights in connection with Xcel's partial path transmission service and the conversion of Xcel's partial path transmission service to WPSC's network integration transmission service. No comments were filed and the settlement thus is uncontested.
2. The subject settlement is in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.
3. Within thirty (30) days from the date of this order approving the settlement agreement, the Midwest ISO must file revised rate schedule sheets in conformance with *Designation of Electric Rate Schedule Sheets*, Order No. 614, FERC Stats. & Regs., Regulations Preambles July 1996-December 2000 ¶ 31,096 (2000).
4. Docket Nos. EL03-40-000, EL03-40-001, EL05-51-000, and EL05-51-001 are hereby terminated. New subdockets will be assigned to the required compliance filing.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.

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KELLY, Commissioner, *dissenting in part*:

For the reasons I have previously set forth in *Wisconsin Power & Light Co.*, 106 FERC ¶ 61,112 (2004), I do not believe that the Commission should depart from its precedent of not approving settlement provisions that preclude the Commission, acting *sua sponte* on behalf of a non-party, or pursuant to a complaint by a non-party, from investigating rates, terms and conditions under the “just and reasonable” standard of section 206 of the Federal Power Act at such times and under such circumstances as the Commission deems appropriate.

Therefore, I disagree with this order to the extent it approves a settlement that provides the standard of review for any modifications to this Settlement Agreement that are not agreed to by all the Parties, including any modifications resulting from the Commission acting *sua sponte*, shall be the “public interest” standard under the *Mobile-Sierra* Doctrine.

Suedeem G. Kelly