

123 FERC ¶ 61,112
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.

Pacific Gas and Electric Company

Docket No. ER05-1286-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued May 2, 2008)

1. On March 6, 2008, Pacific Gas and Electric Company (PG&E), on behalf of itself and the Modesto Irrigation District (Modesto) filed a settlement agreement resolving all of the issues between PG&E and Modesto in this proceeding, concerning Modesto's change in balancing authority areas, from the PG&E balancing authority to the Western/SMUD balancing authority.
2. On March 25, 2008, Commission Trial Staff submitted comments in support of the settlement. No other comments were filed. On March 26, 2008 the settlement was certified to the Commission as uncontested.¹
3. The settlement is fair, reasonable, and in the public interest and is hereby approved. The standard of review for any modifications to this settlement not agreed to by the parties, including modifications by the Commission acting *sua sponte*, shall be the "just and reasonable" standard of review.
4. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The Commission retains the right to investigate the rates, terms and conditions under the just and reasonable and not unduly discriminatory or preferential standard of section 206 of the Federal Power Act, 16 U.S.C. § 824e (2000).

¹ *Pacific Gas & Electric Company*, 122 FERC ¶ 63,012 (2008).

5. This order terminates Docket No. ER05-1286-000.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.