

127 FERC ¶ 61,289
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

(June 22, 2009)

In Reply Refer To:
Niagara Mohawk Power
Corporative, Inc., *et al.*
Docket Nos. ER08-552-000
and ER08-552-001

Mr. Kenneth Jaffe
Alston & Bird, LLP
The Atlantic Building
950 F Street, N.W.
Washington, DC 20004

Re: Settlement Agreement and Offer of Settlement

Dear Mr. Jaffe:

1. On April 6, 2009, you filed a Settlement Agreement and Offer of Settlement (Settlement) for Niagara Mohawk Power Corporation (National Grid), on behalf of itself, Allegheny Electric Cooperative, Inc., City of Cleveland, Ohio, Multiple Intervenors, Municipal Electric Utilities Association, New York Association of Public Power, New York Municipal Power Agency, New York State Electric & Gas Corporation and Rochester Gas & Electric Corporation (collectively, Settling Parties). The Settlement resolves all of the issues between the Settling Parties in the above referenced docket setting National Grid's formula rate for its Transmission Service Charge.¹
2. On April 27, 2009, Commission Trial Staff submitted comments supporting the Settlement. No other comments or reply comments were filed. On May 13, 2009, the Settlement Judge certified the Settlement to the Commission as uncontested.²

¹ *Niagara Mohawk Power Corp.*, 124 FERC ¶ 61,106 (2008), *order on reh'g*, 126 FERC ¶ 61,173 (2009).

² *Niagara Mohawk Power Corp.*, 127 FERC ¶ 63,014 (2009).

3. Section 5.1 of the Settlement provides that the standard of review for any modification to the Settlement, whether set forth in a written amendment executed by the Settling Parties or pursuant to the Commission's exercise of its authority under section 206 of the Federal Power Act, whether acting *sua sponte* or on a complaint filed by a non-Settling Party, shall be the "just and reasonable" standard.
4. The Settlement resolves all of the issues between the Settling Parties in the above referenced docket. The Settlement is in the public interest and is hereby approved. Commission approval of the 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 (2006).
5. The rate schedule submitted as part of the settlement is properly designated, is accepted for filing and made effective as set forth in the Settlement.³ *See Designation of Electric Rate Schedule Sheets*, Order No. 614, FERC Stats. & Regs., Regulations Preambles July 1996-December 2000 ¶ 31,096 (2000).
6. This order terminates Docket Nos. ER08-552-000 and ER08-552-001.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

cc: All parties of record

³ National Grid requests a partial waiver of section 35.10(c) of the Commission Regulations, 18 C.F.R. § 35.10(c) (2008) to the extent necessary for the Commission to accept Appendix C as the identification of the changes in the filed tariff language. Appendix C was prepared using an Excel spreadsheet and could not be readily redlined to show that all its contents represent additions to the originally filed language. For good cause shown, the Commission grants the waiver.