

128 FERC ¶ 61,012
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Sudeen G. Kelly, Marc Spitzer,
and Philip D. Moeller.

Maine Public Utilities Commission

Docket No. EL07-38-001

v.

ISO New England Inc.

ORDER DENYING REHEARING

(Issued July 8, 2009)

1. On March 5, 2009, the Maine Public Utilities Commission (Maine Commission), the Maine Office of the Public Advocate, the Massachusetts Attorney General, the Massachusetts Department of Public Utilities, and the New England Conference of Public Utility Commissioners (collectively, State Parties) filed a request for rehearing of the Commission's February 3, 2009 order denying the complaint against ISO New England Inc. (ISO-NE) that alleged a double recovery of capital costs by generators.¹ In this order, the Commission denies rehearing, as discussed below.

I. Background

2. In its complaint,² the Maine Commission contended that the capacity cost rate component of Schedule 2 of ISO-NE's open access transmission tariff (capacity cost component), when combined with revenues resulting from the implementation of the

¹ *Me. Pub. Util. Comm'n v. ISO New England Inc.*, 126 FERC ¶ 61,090 (2009) (February Order).

² The Maine Commission's revised amended September 25, 2008 complaint supplanted its original February 27, 2007 complaint, as well as its amended September 17, 2007 complaint.

Forward Capacity Market (FCM) settlement agreement,³ results in a double recovery of capital costs associated with the generating equipment used to provide real energy and reactive power supply and voltage control service (reactive power service), and thus is unjust and unreasonable. The Maine Commission complained that, because these FCM payments already provide a compensatory revenue stream, it is reasonable to eliminate the second revenue stream provided by the capacity cost component.

3. Further, the Maine Commission stated that generators are not entitled to payment for providing reactive service within the so-called deadband or bandwidth (i.e., power factor range of 0.95 leading to 0.95 lagging).⁴

4. The Commission denied the complaint, concluding that the Maine Commission had not shown that the capacity cost component produces any unjust or unreasonable double or excess recovery of capital costs for generating equipment used to generate energy and provide reactive power service when combined with either transition payments or payments from the Forward Capacity Auctions.

5. The Commission first emphasized that the capacity cost component and payments under the FCM settlement agreement or the Forward Capacity Auctions compensate two distinct services that are designed to achieve two different purposes. The Commission stated that capacity resources, regardless of type (and whether they are capable of

³ *Devon Power, LLC*, 115 FERC ¶ 61,340 (2006) (*Devon Power*). The FCM settlement agreement provides that fixed payments will be made to all installed capacity during a transition period (FCM transition payments) beginning December 1, 2006, and ending June 1, 2010, at which point payments from Forward Capacity Auctions will commence. *Id.* P 30.

⁴ *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, FERC Stats. & Regs. ¶ 31,146 (2003) (requiring generators to maintain a power factor range of 0.95 leading (absorbing or consuming) and 0.95 lagging (supplying), with the understanding that the transmission provider may establish a different power factor range under certain circumstances), *order on reh'g*, Order No. 2003-A, FERC Stats. & Regs. ¶ 31,160, *order on reh'g*, Order No. 2003-B, FERC Stats. & Regs. ¶ 31,171 (2004), *order on reh'g*, Order No. 2003-C, FERC Stats. & Regs. ¶ 31,190 (2005), *aff'd sub nom. Nat'l Ass'n of Regulatory Util. Comm'rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007).

providing reactive power service or not), will receive the same Forward Capacity Auction clearing price;⁵ Forward Capacity payments are designed to ensure resource adequacy.

6. The Commission pointed out that it previously had addressed this question of alleged double recovery at issue in this complaint and had concluded that the “transition payments do not compensate resources for their reactive power capabilities.”⁶ It reiterated that capacity payments that were negotiated as part of the FCM transition period (at rates well below the agreed-to full (or gross) cost of new entry) were not intended to allow full recovery of capital costs. The Commission agreed that the transition payments alone were not necessarily fully “compensatory,” much less would result in double recovery of capital costs.

7. The Commission also explained that the capacity cost component of reactive power service is a negotiated New England-wide rate for all VAR-capable resources that is designed to compensate qualified resources for their VAR capability to provide reactive service, but not for the costs associated with the equipment of a particular generator.⁷ Moreover, the capacity cost component is “a negotiated value and is not set equal to, nor is it intended to recover, the cost of service of any particular generating Resource.”⁸ The Commission found that the capacity cost component also provides an appropriate financial inducement for qualified resources to invest in additional dynamic VAR capability, which ISO-NE currently relies on to reliably operate the system.⁹

8. The Commission further explained that neither the negotiated FCM payments nor the negotiated payments under the capacity cost component arise from a traditional cost-of-service methodology, under which specific costs are allocated to a particular service class to produce a set rate. The Commission concluded that treating these two payment methodologies as if they were derived from a cost-of-service basis results in misleading, if not inaccurate, conclusions.

⁵ *Devon Power*, 115 FERC ¶ 61,340 at P 16.

⁶ *ISO New England Inc.*, 118 FERC ¶ 61,163, at P 30 (2007) (February 28, 2007 Order).

⁷ “VAR” stands for “volt-ampere-reactive.” Reactive power is measured in VARs. In contrast, real power is measured in watts.

⁸ February Order, 126 FERC ¶ 61,090 at P 20 (citing ISO-NE Answer at 20).

⁹ *Id.* P 42.

9. Second, the Commission accepted ISO-NE's reasoning that sellers' bidding incentives in the Forward Capacity Auctions make such double recovery highly unlikely. The Commission explained that ISO-NE's analysis, based on data from the first Forward Capacity Auction, described the likely bidding behavior of sellers in the Forward Capacity Auction process. The Commission agreed that qualified, VAR-capable generating resources, in fact, have an incentive to reduce their FCM bids by the amount of their net revenues from the capacity cost component, given that competing resources—which do not provide reactive power service (e.g., demand resources and imports)—do not need to recover the costs of such reactive service.¹⁰

10. Third, the Commission agreed that removal of the capacity cost component now would amount to a material change in the compensation that the parties reasonably expect. The Commission stated that it is not just and reasonable to change this piece of the FCM settlement package because, at the time the FCM settlement agreement was negotiated, the capacity cost component was already reflected in the rates for reactive power service established in Schedule 2. Qualified resources relied on compensation both from the capacity cost component payments, as well as from the FCM payments.

II. Request for Rehearing and Subsequent Pleadings

11. The Commission will deny the State Parties' request for rehearing, as discussed below.

A. The Commission Did Not Err in Concluding Service under the FCM and Reactive Power Service Are Different Services

1. Argument

12. The State Parties argue that the Commission's conclusion that there is no double recovery because the provision of capacity and reactive power service are different services is illogical and leads to absurd results.¹¹ They contend that this conclusion is illogical because it ignores that there are additional revenue streams for the actual provision of VAR services. They aver that the Commission's position leads to the conclusion that, even if the same equipment is used to provide distinct services, multiple revenue streams for the same capability of that equipment are not duplicative.¹² Further,

¹⁰ ISO-NE Answer at 18-19.

¹¹ Request for Rehearing at 11.

¹²*Id.*

the State Parties contend that the Commission erred by relying on and expanding language taken out of context from another decision.¹³

2. Commission Determination

13. We reiterate that these are two distinct services, designed to achieve different purposes.¹⁴ As we explained in the February Order, all capacity resources, regardless of type and whether they are capable of providing reactive power service, receive the Forward Capacity Auction clearing price.¹⁵ FCM capacity payments are designed to ensure resource adequacy, and the Forward Capacity Market itself is designed so that new capacity resources have an incentive to bid a price which reflects the minimum revenue needed to support their investment costs, net of other anticipated revenue streams.¹⁶ We further reiterate that the Commission previously addressed this question of alleged double recovery at issue in this complaint and concluded that the “transition payments do not compensate resources for their reactive power capabilities.”¹⁷ As we previously stated, the capacity payments that were negotiated as part of the FCM transition period are at rates well below the agreed-to full (or gross) cost of new entry; they are not intended to allow full recovery of capital costs. As Indicated Suppliers’ affiant Mr. Stoddard indicated, the transition payments alone are not necessarily fully “compensatory,” much less do they result in double recovery of capital costs.¹⁸

14. On rehearing, the State Parties object to our reliance on an earlier order where we found that, with respect to compensation for reactive power service, “if generators are asked to provide additional services including VAR support or regulation, they will be compensated for those services through the appropriate ISO tariff or markets, not through the FCM.”¹⁹ They dispute the Commission’s use of this case to conclude that “reactive

¹³ *Id.* at 12-13 (citing February Order, 126 FERC ¶ 61,090 at P 41).

¹⁴ February Order, 126 FERC ¶ 61,090 at P 39.

¹⁵ *Id.* P 39 (citing *Devon*, 115 FERC ¶ 61,340 at P 16).

¹⁶ *Id.* P 39 (referring to Indicated Suppliers Comments, Stoddard Aff. ¶¶ 10, 12).

¹⁷ February 28, 2007 Order, 118 FERC ¶ 61,163 at P 30.

¹⁸ February Order, 126 FERC ¶ 61,090 at P 26, 40; *see also* Indicated Suppliers Comments, Stoddard Aff. ¶¶ 7-8.

¹⁹ *Id.* P 41 (citing *ISO New England Inc.*, 125 FERC ¶ 61,102, at P 54 (2008), which quoted *ISO New England Inc.*, 119 FERC ¶ 61,239, at P 37 (2007)).

power service is a unique service the compensation for which is not covered by FCM capacity payments.”²⁰ However, we cited that precedent for the proposition that, because compensation for reactive power service is not covered by FCM capacity payments, whether transition payments or auction revenues, reactive power service may be compensated through the appropriate ISO tariff or markets. In this case, the capacity cost component of Schedule 2 of ISO-NE’s tariff compensates for the provision of reactive power service.

15. We previously explained and reiterate here that the capacity cost component of the second distinct service, i.e., reactive power service, is a negotiated New England-wide rate for all VAR-capable resources. This rate is designed to compensate qualified resources for their capability to provide reactive power service. Moreover, we stated that the capacity cost component is a negotiated value and is not set equal to, nor is it intended to recover, the cost of service of any particular generating resource.²¹ In the underlying

²⁰ *Id.*

²¹ *Id.* P 42 (quoting ISO-NE Answer at 20). In the February 28, 2007 Order, in Docket No. ER07-397-000, the Commission explained the genesis of this rate compensation.

ISO-NE and NEPOOL state that the existing [capacity cost component] is based in part on pre-1998 cost data, and a negotiated settlement. They state that the VAR Working Group (VWG) recommended revising the CC Rate through a negotiated rate based on a weighted-average blend of the costs of older generators in New England and the costs of newer generators as reflected in the AEP methodology filings by PJM. The VWG recommended that the ratio for the blend of those costs would be two-thirds old generation to one-third new generation, which would reflect the approximate ratio of megawatts of older generators in New England (roughly 20,000 MWs) and added newer generators (roughly 10,000 MWs) currently existing in New England. They also state that most of the new generation that has been added in New England is combined cycle gas-fired technology, and because it has been built under a market-based rate regime, cost data related to the new generators was not easily accessible. So, the VWG used data available for generators located in PJM since 2000 as a proxy because these generators are similar in

(continued...)

order we agreed with ISO-NE that the complaint is “based on a faulty notion that the VAR [capacity cost component] cannot be just and reasonable because of cost overlap judged on a phantom cost-of-service basis.”²² In other words, neither the FCM payments nor the payments under the capacity cost component arise from a traditional cost-of-service methodology, under which specific costs are allocated to a specific service to produce a set rate. On the contrary, both the capacity cost component and the FCM payments (both transition and auction payments) are not “‘cost-of-service’ rates based on the costs of the particular generators providing the two distinct products—VAR service and capacity.”²³

16. In the February Order we explained that, in Opinion No. 440,²⁴ the Commission had approved a method (originally presented by American Electric Power Service Corp. (AEP)) to compensate generators for providing reactive power.²⁵ This method takes into account how to assign costs associated with equipment used to produce real energy and to provide reactive power service. Subsequently, the Commission determined that all generators should use this method when seeking to recover reactive power costs.²⁶ We concluded, therefore, that treating these two payment types—capacity payments under the Forward Capacity Market and reactive power service payments under the capacity cost component—as if they were derived using a cost-of-service methodology results in misleading, if not inaccurate, conclusions. We see no persuasive reason to take a different approach here and so reaffirm our analysis and findings.

vintage and technology and in most cases have the same manufacturer as the majority of post market generators in New England and the cost data for these generators have already undergone the Commission’s scrutiny through the FERC approval process.

February 28, 2007 Order, 118 FERC ¶ 61,163 at P 11.

²² *Id.* (quoting ISO-NE November 13 Reply at 3).

²³ *Id.* (quoting ISO-NE November 13 Reply at 3, which cited ISO-NE Answer at 21 (emphasis in original)).

²⁴ *Am. Elec. Power Serv. Corp.*, Opinion No. 440, 88 FERC ¶ 61,141 (1999).

²⁵ February Order, 126 FERC ¶ 61,090 at P 2.

²⁶ *WPS Westwood Generation, LLC*, 101 FERC ¶ 61,290, at 62,167 (2002).

B. The Commission Did Not Err in Finding Negotiated Reactive Power Rate Not Compensatory

1. Argument

17. The State Parties argue that the Commission's conclusion that there is no double recovery because the capacity cost component of Schedule 2 is a negotiated rate does not address the purpose of the capacity cost component and conflates the terms "cost of service" and "compensatory." They state that the February Order concludes that any rate that is a "negotiated," rather than "cost of service," rate cannot be compensatory.²⁷ The State Parties also point out that, while the Commission found in the February Order that the FCM transition payments were not "fully compensatory" and thus no double recovery was occurring, in a related order the Commission expressed concern that double recovery could occur during the first Forward Capacity Auction.²⁸ Thus, according to the State Parties, the Commission's finding in the February Order that the FCM revenues are not compensatory cannot be reconciled with its concern in that other order that double recovery may occur.

18. The State Parties contend that the issue is whether generators have had an opportunity to recover their capital costs under the FCM. They maintain that a second revenue stream aimed at providing recovery of capital costs for the same equipment is redundant and, therefore, unjust and unreasonable.²⁹

2. Commission Determination

19. In the February Order, we stated that the capacity cost component is "a negotiated value and is not set equal to, nor is it intended to recover, the cost of service of any particular generating Resource,"³⁰ as would a rate based on a cost of service methodology. The Commission did not find that a negotiated rate cannot be compensatory. Rather, we found that the "capacity payments that were negotiated as part of the FCM transition period are at rates well below the agreed-to full (or gross) cost of new entry; they are not intended to allow full recovery of capital costs [and thus] the

²⁷ Request for Rehearing at 9.

²⁸ *Id.* (citing *ISO New England Inc.*, 118 FERC ¶ 61,163, at P 30 (2007)).

²⁹ *Id.* at 10-11 (arguing compensatory nature of capacity cost component).

³⁰ February Order, 126 FERC ¶ 61,090 at P 42 (quoting ISO-NE Answer at 20).

transition payments alone are not necessarily fully ‘compensatory.’”³¹ While, in fact, there are two distinct revenue streams, it does not follow that one of these streams necessarily fully compensates a qualified resource for all costs associated with the provision of reactive power service. Indeed, through the AEP method a portion of the fixed costs associated with shared equipment used to produce real energy and provide reactive service is assigned to the negotiated capacity cost component.³² The Commission is not convinced that over-recovery is occurring; nevertheless, out of an abundance of caution the Commission has directed ISO-NE in Docket No. ER07-397-000 to propose tariff language to prevent potential over-recovery. The State Parties’ arguments relating to that docket are more appropriately addressed in that separate proceeding.

20. Moreover, as we previously explained, the FCM capacity payments are designed to ensure resource adequacy; the Forward Capacity Market is designed so that new capacity resources have an incentive to bid a price that reflects the minimum revenue needed to support the costs of investment, net of other anticipated revenue streams.³³ Thus, we found that the capacity cost component appropriately provides a financial inducement for qualified resources to invest in *additional* dynamic VAR capability, which ISO-NE currently relies on to reliably operate the system.

C. The Commission Did Not Err in Concluding Capacity Cost Component Provides Appropriate Financial Inducement to Invest in Additional VAR Capacity

1. Argument

21. The State Parties argue that the capacity cost component is unjust and unreasonable because there has never been a determination of what level of compensation is necessary—or “appropriate”—to induce generators to provide reactive service outside the deadband.

³¹ *Id.* P 40.

³² *See supra* P 15-16 and note 21.

³³ February Order, 126 FERC ¶ 61,090 at P 39 (citing Indicated Suppliers Comments, Stoddard Aff. ¶¶ 10, 12).

2. Commission Determination

22. The capacity cost component is a negotiated rate designed to compensate qualified resources for their VAR capability to provide reactive power service; it is designed and intended to compensate qualified resources for their fixed capital costs related to the installation and maintenance of equipment necessary to provide reactive power.³⁴ As we previously explained, the compensation methodology under Schedule 2 consists of four cost components: the fixed capacity cost component and three variable components. With respect to fixed costs, the AEP method identified three components of a generating plant related to the production of reactive power: (1) the generator and its exciter, (2) accessory electric equipment that supports the operation of the generator-exciter, and (3) the remaining total production investment required to provide real power and operate the exciter.³⁵ If compensation for these costs associated with reactive power service were factored into the negotiated FCM payments (rather than the capacity cost component), then there would be little inducement for a generator to provide reactive power service outside the deadband. While the capacity cost component is not a cost-of-service rate, as discussed above, this negotiated rate does compensate qualified resources for their VAR capability and thereby provides an inducement to provide reactive power service outside the deadband.

D. The Commission Did Not Err in Concluding that Game Theoretic Analysis Ensures Against Double Recovery

1. Argument

23. The State Parties contend, albeit with little explanation, that the February Order changes the standard set for compliance in another proceeding, because ISO-NE's game theoretic analysis does not in fact ensure that FCM generators will not double recover. The State Parties maintain that such analysis is based on an incorrect assumption, namely, that there is an "opportunity cost" of providing the capability of meeting minimum VAR requirements, that there is an additional capital cost to supply reactive service. They cite Indicated Shippers' witness, Robert B. Stoddard, who acknowledged that "in many cases the equipment needed to meet interconnection requirements for new generators will be the same as the equipment needed to provide reactive service."³⁶ The

³⁴ *Id.* P 6.

³⁵ *Am. Elec. Power Serv. Corp.*, Opinion No. 440, 88 FERC ¶ 61,141, at 61,439 & nn.21, 22 (1999).

³⁶ Request for Rehearing at 15 (quoting Stoddard Aff. ¶ 5).

State Parties contend that since the costs of reactive service are already recovered under the FCM, there is no additional cost to recover.

24. The State Parties also contend that the game theoretic analysis does not contemplate the effect of the price floor in the first three Forward Capacity Auctions. They state that the February Order is silent on the discussion of the flaws of this analysis. In sum, they contend that the argument (i.e., analysis) fails because even if a generator actually bid below the pre-determined price floor, the generator still would receive the price set by the floor.

25. Lastly, the State Parties aver that the inputs to the game theoretic analysis are conjectural, that several parameters in the analysis have been “estimated,” and that other inputs are merely “supposed.”³⁷ They contend that it was erroneous to rely upon the analysis where no actual data exists as the basis for the inputs.

2. Commission Determination

26. In the February Order we concluded that the bidding incentives in the Forward Capacity Auctions make double recovery highly unlikely.³⁸ ISO-NE represented that its analysis was based in part on data from the first Forward Capacity Auction; ISO-NE described the likely bidding behavior of sellers in the Forward Capacity Auction process vis-à-vis compensation from the capacity cost component. We found that qualified, VAR-capable generating resources have an incentive to reduce their FCM bids by the amount of their net revenues from the capacity cost component, because competing resources that do not provide reactive service such as demand resources and imports do not need to recover reactive power service costs.³⁹ That is, competition from these other resources would drive down bids. Indicated Suppliers’ affiant, Mr. Stoddard, supported this conclusion.⁴⁰ Notwithstanding pointing out that such analysis is speculative, the

³⁷ *Id.* at 18.

³⁸ February Order, 126 FERC ¶ 61,090 at P 44-45.

³⁹ ISO-NE Answer at 18-19.

⁴⁰ Indicated Suppliers Comments, Stoddard Aff. ¶¶ 10, 12; *see id.* ¶¶ 15-16 (noting clearing price is well below the deemed gross cost of new entry and concluding, “This evidence indicates that the FCM has and will continue to lead to competitive outcomes that would prevent generators (old and new) from receiving double capital cost recovery.”).

State Parties have not presented any new or newly convincing evidence for us to reject the likelihood of this real-world application of the capacity cost component within the bidding context. In sum, sellers in a competitive Forward Capacity Auction have an incentive to submit bids that take into account revenues from the capacity cost component, making double recovery less of a concern.

E. The Commission Did Not Err in Concluding that Eliminating or Modifying the Schedule 2 Rate Would Unreasonably Upset Parties' Expectations

1. Argument

27. The State Parties maintain that the Commission erred in concluding that modifying the Schedule 2 rate was a change to the FCM settlement package. They reiterate what the Maine Commission stated in its answer in the underlying proceeding: “The absence of any assurance in the FCM Settlement that the Schedule 2 [capacity cost component] would continue made any reliance on the continuation of this revenue stream unreasonable.”⁴¹ Further, the State Parties assert that there is nothing in the FCM settlement agreement that prevents the Commission from adjusting the Schedule 2 rate, as was implicitly recognized in Docket No. ER07-397-000.

2. Commission Determination

28. As discussed in the February Order, the capacity cost component was already reflected in the rates for reactive power service established in Schedule 2 at the time the FCM settlement agreement was negotiated.⁴² The Commission noted that the FCM settlement agreement did not remove or compromise legitimate payments to qualified resources under Schedule 2 for certain costs related to providing reactive service. Therefore, the Commission agreed that qualified resources have relied on compensation from the capacity cost component payments, as well as the FCM payments, for the various components related to reactive service. Notwithstanding their citation of Docket No. ER07-397-000, in which the Commission directed ISO-NE to provide tariff language ensuring against double recovery for costs relating to reactive power service, the State Parties have not presented any persuasive evidence that convinces us that an expectation of continuing compensation from component was not within the purview of the parties' agreement. Given the capacity cost component's close relation to compensation from the

⁴¹ Request for Rehearing at 21 (quoting Maine Commission Answer at 11).

⁴² February Order, 126 FERC ¶ 61,090 at P 46.

FCM payments, as discussed above, removal of the capacity cost component now as requested would amount to a material change in the compensation parties reasonably expected and is, therefore, effectively a change to the parties' agreement.

The Commission orders:

The request for rehearing is hereby denied, as discussed in the body of this order.

By the Commission. Commissioner Kelly concurring with a separate statement attached.

(S E A L)

Kimberly D. Bose,
Secretary.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Maine Public Utilities Commission

Docket No. EL07-38-001

v.

ISO New England Inc.

(Issued July 8, 2009)

KELLY, Commissioner, *concurring*:

This order addresses a rehearing request filed by several New England state bodies.¹ The rehearing request was filed in response to a Commission order denying a Maine Public Utilities Commission complaint against ISO New England Inc. (ISO-NE) that alleged a double recovery of capital costs by generators. The Maine Commission argued that the combined revenue stream provided by 1) the capacity cost component of the rate for reactive service and 2) payments provided under the implementation of the Forward Capacity Market (FCM) Settlement results in generators receiving double recovery for capital costs. Payments provided under the FCM settlement come in two forms: transition payments that will be paid until May 2010 and payments based on the FCM auction prices that will be paid thereafter.

As I noted in a concurrence with the underlying order, the Commission has addressed the Maine Commission's concerns over double recovery with respect to both forms of capacity payment. The Commission has found that transition payments do not compensate resources for their reactive power capabilities because they are below the cost of new entry.² Regarding payments resulting from FCM auctions, the Commission required ISO New England to implement, prior to the commencement of the first Forward Capacity Auction commitment year, tariff provisions to ensure that resources eligible for payments under Schedule 2 for providing reactive service do not receive double compensation.³ This order properly notes that State Parties' arguments relating to

¹ Maine Public Utilities Commission, the Maine Office of the Public Advocate, the Massachusetts Attorney General, the Massachusetts Department of Public Utilities and the New England Conference of Public Utility Commissioners.

² *ISO New England Inc.*, 118 FERC ¶ 61,163 (2007) at P 30.

that docket are more appropriately addressed in that separate proceeding.

For these reasons, I respectfully concur with the order.

Suedeem G. Kelly

³ *Id.*