

128 FERC ¶ 61,274
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

September 24, 2009

In Reply Refer To:
Basin Electric Power Cooperative
Docket Nos. ER08-1600-000 and ER08-1600-001

Bruder, Gentile & Marcoux, L.L.P.
1701 Pennsylvania Avenue, NW, Suite 900
Washington, DC 20006

Attn: Nicole S. Allen, Esq.
Counsel for Basin Electric Power Cooperative

Reference: Order Approving Uncontested Settlement

Dear Ms. Allen:

1. On July 13, 2009, Basin Electric Power Cooperative (Basin Electric) filed an Offer of Settlement and Settlement Agreement (Settlement) between itself, the Municipal Energy Agency of Nebraska (MEAN) and the City of Gillette, Wyoming (Gillette) to resolve all issues set for hearing in the April 3, 2009 Commission order in Docket No. ER08-1600-000.¹ Comments in support of the Settlement were filed by FERC's Trial Staff on July 31, 2009. No reply comments were filed. On August 18, 2009, the Settlement was certified to the Commission as uncontested.²

2. The Settlement resolves all issues arising from Basin Electric's submission of revised tariff sheets to increase the rates in the joint open-access transmission tariff of Black Hills Power, Inc., Basin Electric, and Powder River Energy Corporation that were set for hearing in Docket No. ER08-1600-000. Also, as part of the Settlement, MEAN and Gillette agree to withdraw the request for rehearing they filed on May 4, 2009 in Docket No. ER08-1600-001. Article 2.17 of the Settlement provides that the Settlement is subject to the just and reasonable standard of review.

¹ *Basin Electric Power Cooperative*, 127 FERC ¶ 61,010 (2009).

² *Basin Electric Power Cooperative*, 128 FERC ¶ 63,012 (2009).

3. The tariff sheets contained in the Settlement are in compliance with Order No. 614 and are made effective as noted in the Settlement. *Designation of Electric Rate Schedule Sheets*, Order No. 614, 65 Fed. Reg. 18,221, FERC Statutes and Regulations, Regulations Preambles July 1996 – December 2000 ¶ 31,096 (2000).

4. The Settlement is fair, reasonable, and in the public interest, and is hereby approved. 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). The Commission's approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

5. Within thirty (30) days from the date of this letter, any amounts collected in excess of the Settlement rates shall be refunded together with interest computed under section 35.19a of the Commission's regulations, 18 C.F.R. § 35.19a (2009). Within fifteen (15) days after making such refunds, Basin Electric shall file with the Commission a compliance refund report showing monthly billing determinants, revenue receipt dates, revenues under the present and Settlement rates, the monthly revenue refund, and the monthly interest computed, together with a summary of such information for the total refund Docket No. ER08-1600-000 period. Basin Electric shall furnish copies of the report to the affected customers and to each state commission within whose jurisdiction the affected wholesale customers distribute and sell electric energy at retail.

6. This order terminates Docket Nos. ER08-1600-000 and ER08-1600-001. A new sub docket will be assigned in Docket No. ER08-1600 upon receipt of the compliance refund report.

By direction of the Commission.

Kimberly D. Bose,
Secretary.