

135 FERC ¶ 61,092
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

April 29, 2011

In Reply Refer To:
Southwestern Electric Power Company
Docket Nos. ER08-1501-000,
ER08-1501-001,
ER09-86-000, and
ER09-86-001

Steptoe and Johnson, LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

Attention: Steven J. Ross,
Counsel for Southwestern Electric Power Company

Reference: Stipulation and Agreement

Dear Mr. Ross:

1. On October 25, 2010, you filed a Settlement Agreement (Settlement) with the Commission by and among the Southwestern Electric Power Company (SWEPCO) and the cities of Prescott, Arkansas (Prescott) and Minden, Louisiana (Minden).
2. On November 15, 2010, Commission Trial Staff and Prescott filed comments in support of the Settlement. No other comments were filed. On December 2, 2010, the settlement judge in this proceeding certified the Settlement to the Commission as uncontested. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved.
3. The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The applicable standard of review for proposed modifications to the terms and conditions of the Settlement by any party to the Settlement, the Commission, or any third party shall be the public interest standard of review. 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).

4. SWEPCO is directed to make refunds in accordance with the terms of the Settlement, and shall submit a compliance refund report to the Commission within 15 days of the date the refunds are made.

5. Pursuant to the requirements of Order No. 714, SWEPCO is directed to make a compliance filing in eTariff format to reflect the Commission's action in this order.¹ Such a compliance filing also is necessary for any settlement filing containing *pro forma* tariff sheets, but is not necessary if the settlement was filed in eTariff format with actual tariff records (as opposed to *pro forma* records).

6. The Settlement Agreement disposes of all disputes concerning the rates, terms, and conditions of the SWEPCO rate schedules in Docket Nos. ER08-1501-000 and ER09-86-000. SWEPCO's requests for rehearing in Docket Nos. ER08-1501-001 and ER09-86-001 are withdrawn, pursuant to SWEPCO's request, and Prescott's requests for rehearing in Docket Nos. ER08-1501-001 and ER09-86-001 are moot and therefore denied. Docket Nos. ER08-1501-000, ER08-1501-001, ER09-86-000, and ER09-86-001 are hereby terminated.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

¹ See *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276, at P 96 (2008).