

136 FERC ¶ 61,024
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

July 8, 2011

In Reply Refer To:
New England Power Company
Docket Nos. ER10-523-000
ER10-523-001

Alston & Bird LLP
Attn: Sean A. Atkins, Esq., and Bradley R. Miliauskas, Esq.
Attorneys for New England Power Company
950 F Street, NW
Washington, DC 20004-1404

Dear Mr. Atkins and Mr. Miliauskas:

1. On December 30, 2009, as amended on January 29, 2010, New England Power Company (NEP) submitted revised tariff sheets amending the terms and conditions governing its integrated facilities service under Schedule III-B of NEP's Tariff, First Revised Volume No. 1. NEP also submitted two amended service agreements with its affiliates, Massachusetts Electric Company and Narragansett Electric Company. By order issued March 29, 2010, the Commission accepted the proposed tariff sheets and related service agreements for filing; suspended them for a nominal period, to become effective, subject to refund, January 1, 2010; and established hearing and settlement judge procedures.¹

2. On March 31, 2011, you submitted an Offer of Settlement and Settlement Agreement (Settlement) on behalf of NEP, in the above-captioned proceedings. The Settlement resolves all issues in the above-captioned proceeding. On April 20, 2011, Commission Trial Staff filed initial comments supporting the Settlement. No reply comments were filed. On May 5, 2011, the Settlement Judge certified the Settlement to the Commission as uncontested.

¹ *New England Power Company*, 130 FERC ¶ 61,253 (2010).

3. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The Settlement sets forth the parties' belief that Commission review of the Settlement is under the just and reasonable standard of review,² and that, once the Settlement is approved, it is the parties' intention that the Integrated Facilities Agreement under Tariff No. 1 may be modified under the just and reasonable standard of review.³ 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. The Settlement includes proposed revisions to NEP's Tariff, First Revised Volume No. 1 and Sixth Revised Service Agreement No. 20 between NEP and Massachusetts Electric Company and Nantucket Electric Company. We direct NEP to file, within 30 days of the date of this order, its tariff and the service agreement in eTariff format in their entirety, to reflect the Commission's action in this order.⁴

5. This letter order terminates Docket Nos. ER10-523-000 and ER10-523-001.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

² NEP Settlement Agreement at 9.

³ *Id.*

⁴ See *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276, at P 96 (2008).