

139 FERC ¶ 61,182
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

June 5, 2012

In Reply Refer To:
Dynergy Oakland, LLC
Docket No. ER12-275-003

King and Spaulding LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006-4706

Attention: Bruce L. Richardson
Counsel for Dynergy Oakland, LLC

Dear Mr. Richardson:

1. On October 31, 2011, as amended on April 13, 2012, Dynergy Oakland, LLC (Dynergy) submitted revisions to Reliability Must-Run (RMR) Rate Schedules A, B, D and J (RMR Schedules) in its RMR Agreement with the California Independent System Operator Corporation (CAISO). Dynergy also submitted for informational purposes detailed support for changes to its Annual Fixed Revenue Requirement (AFRR) pursuant to Schedule F of its RMR Agreement (Schedule F Filing).
2. Notice of this filing was published in the *Federal Register*, 76 Fed. Reg. 69,252 (2011), with interventions and protests due on or before November 21, 2011. The CAISO and Pacific Gas and Electric Company (PG&E) filed timely motions to intervene and a joint protest. CAISO and PG&E filed their protest on the grounds that Dynergy failed to provide adequate support to establish that the proposed RMR Schedules were just and reasonable. The California Public Utilities Commission also filed a timely motion to intervene.
3. While the instant filing was pending before the Commission, Dynergy filed multiple requests for the Commission to defer action on the filing to allow parties time to negotiate an agreement. On April 13, 2012, Dynergy filed a proposed settlement agreement (Settlement) with the Commission amending the RMR Schedules initially filed in the above-referenced docket. Comments were due on May 3, 2012, and reply comments were due on May 14, 2012. No comments were filed.

4. The Settlement resolves all issues in the above-captioned proceedings related to certain RMR Schedules in Dynegy's RMR Agreement with CAISO. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved, effective January 1, 2012. The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue involved in this proceeding.

5. We also find that the accompanying revised RMR Schedules in Attachment A and Schedule L-1 in Attachment B of the Settlement are just and reasonable. Accordingly, the revised RMR Schedules and Schedule L-1 are also accepted, effective January 1, 2012, as requested; however, Schedule L-1 was not included in the tariff records. Dynegy is directed to submit a compliance filing within 15 days of the date of this order to incorporate Schedule L-1 in the tariff records. Additionally, we hereby acknowledge receipt of Dynegy's Schedule F Filing for informational purposes.

6. This order terminates Docket No. ER12-275-003.

By direction of the Commission.

Kimberly D. Bose,
Secretary.