

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, and Joseph T. Kelliher.

Central Hudson Gas & Electric Corporation	Docket Nos. ER97-1523-065 ER97-1523-067 OA97-470-060 OA97-470-062 ER97-4234-058 ER97-4234-060
Niagara Mohawk Power Corporation	OA96-194-010

ORDER APPROVING UNCONTESTED SETTLEMENT AGREEMENT

(Issued March 25, 2005)

1. On December 21, 2004, Niagara Mohawk Power Corporation (NMPC) and Multiple Intervenors (MI) filed as sponsoring parties a settlement agreement related to the captioned dockets. An unopposed motion to amend the settlement was filed on January 7, 2005. On January 10, 2005, Commission Trial Staff submitted initial comments and on January 13, 2005, NMPC and MI submitted reply comments. No other comments were received. On February 17, 2005, the settlement judge certified the settlement to the Commission as uncontested.
2. The settlement resolves whether NMPC owed any additional refunds to certain members of MI who opted out of a previous settlement approved by the Commission in Docket No. OA96-194-000. The settlement dismisses all refund claims in exchange for a lump-sum payment by NMPC to the MI group of \$1.15 million without interest. The subject settlement as amended is in the public interest and is hereby approved. The tariff sheets submitted with the settlement comply with Order No. 614.¹ Consistent with the settlement, NMPC is hereby ordered to submit a compliance filing within 20 days from this order to revise Sheet No. 404 of the NYISO OATT. The Commission's approval of the settlement does not constitute approval of, or precedent regarding any principle or issue in this proceeding.

¹ *Designation of Electric Rate Schedule Sheets*, Order No. 614, FERC Stats. & Regs., Regulations Preambles July 1996 – December 2000 ¶ 31,096 (2000).

3. Refunds will be made in accordance with the terms of the settlement.
4. This order terminates Docket Nos. ER97-1523-065; ER97-1523-067; OA97-470-060; OA97-470-062; ER97-4234-058; ER97-4234-060 and OA96-194-010.

By the Commission. Commissioner Kelly not participating.

(S E A L)

Linda Mitry,
Deputy Secretary.