

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

Basin Electric Power Cooperative

Docket No. ER05-1243-000

ORDER ACCEPTING SETTLEMENT

(Issued April 14, 2006)

1. On February 13, 2006, Basin Electric Power Cooperative (Basin), Black Hills Power, Inc. (Black Hills), Powder River Energy Corporation (PRECorp) (collectively, the Common Use Utilities)¹ and their customers, Municipal Energy Agency of Nebraska (MEAN) and the City of Gillette, Wyoming (Gillette), filed a settlement agreement in the referenced docket. On March 6, 2006, Commission Trial Staff filed comments on the offer of settlement. No other comments were received. On March 7, 2006, the settlement judge certified the uncontested settlement to the Commission.²

2. The subject settlement resolves all of the issues set for hearing in Docket No. ER05-1243-000, including the change in rates for paid to the Common Use Utilities by MEAN and Gillette resulting from the inclusion of the costs of a new transmission facility in Basin's revenue requirement.³ It appears to be fair and reasonable and in the public interest and is hereby approved and the revised Schedules 7 and 8 and Attachment H to the Common Use Utilities' joint tariff is accepted for filing effective December 1, 2005. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. In addition, 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 (2000).

¹ The Common Use Utilities provide transmission service to their customers over integrated transmission facilities and are parties to a single transmission tariff filed with the Commission.

² *Basin Electric Power Cooperative*, 114 FERC ¶ 63,035 (2006).

³ *Basin Electric Power Cooperative*, 113 FERC ¶ 61,079 (2005).

3. The rate schedule designations submitted as part of the settlement are in compliance with Order No. 614, and are accepted for filing and made effective as set forth in the settlement. *See* Designation of Electric Rate Schedule Sheets, Order No. 614, 65 Fed. Reg. 18,221, FERC Statutes & Regulations, Regulations Preambles July 1996-December 2000 ¶ 31,096 (2000).

4. This order terminates Docket No. ER05-1243-000.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.