

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Goldendale Energy Center, LLC

Docket No. ER05-1102-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued May 19, 2006)

1. On March 22, 2006, Goldendale Energy Center, LLC (Goldendale) filed a settlement agreement entered into between itself and the Bonneville Power Administration. The settlement resolves all disputes in the captioned proceeding, which involves the charges for Goldendale's provision of reactive power and voltage control services to the Bonneville Power Administration. On April 11, 2006, FERC Trial Staff submitted comments in support of the settlement. On April 14, 2006, the Chief Judge certified the settlement to the Commission as uncontested.
2. The settlement is in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding any principle or issue in this proceeding.
3. The rate schedule sheets submitted as part of the settlement do not comply with Order No. 614. *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)). Goldendale is required to file rate schedule sheets in conformance with Order No. 614 within 30 days of this order. The rate schedule sheets shall be designated as follows: "Substitute Original Sheet Nos. 1 and 2 to Rate Schedule FERC No. 2 under FERC Electric Tariff, Original Volume No. 1"
4. Goldendale will refund Bonneville collections in excess of the settlement rate, plus interest, subject to approval by the bankruptcy court, under the procedures specified in the settlement, with interest calculated pursuant section 35.19a of the Commission's regulations under the FPA, 18 C.F.R. § 35.19a (2005). Within 15 days after making such refunds, Goldendale will file with the Commission a compliance refund report showing monthly billing determinants, revenue receipt dates, revenues under the present and settlement rates, the monthly revenue refund, and monthly interest computed, together with a summary of such information for the total refund period. Goldendale shall furnish copies of the report to the affected customers and to each state Commission within whose jurisdiction the affected wholesale customers distribute and sell electric energy at retail.

5. This Order terminates Docket No. ER05-1102-000. A new sub-docket will be assigned in Docket No. ER05-1102 upon receipt of the required compliance refund report.

By the Commission. Commissioner Kelly dissenting in part with a separate statement attached.

(S E A L)

Magalie R. Salas,
Secretary.

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Goldendale Energy Center, L.L.C.

ER05-1102-000

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KELLY, Commissioner, *dissenting in part*:

For the reasons I have previously set forth in *Wisconsin Power & Light Co.*, 106 FERC ¶ 61,112 (2004), I do not believe that the Commission should depart from its precedent of not approving settlement provisions that preclude the Commission, acting *sua sponte* on behalf of a non-party, or pursuant to a complaint by a non-party, from investigating rates, terms and conditions under the “just and reasonable” standard of section 206 of the Federal Power Act at such times and under such circumstances as the Commission deems appropriate.

Therefore, I disagree with this order to the extent it accepts for filing an agreement with an Explanatory Statement that provides, in relevant part: “The standard for review for changes to the Settlement proposed by a Party, a non-Party, or the Commission acting *sua sponte*, shall be the *Mobile-Sierra* ‘public interest’ standard of review...”

Suedeem G. Kelly