

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Midwest Independent Transmission System  
Operator, *et al.*

Docket Nos. ER05-6-062  
EL04-135-064  
EL02-111-082  
EL03-212-078

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued June 28, 2006)

1. On May 3, 2006, American Electric Power Service Corporation as agent for the Eastern Operating Companies of American Electric Power Company, Inc. (AEP) and Buckeye Power, Inc. (Buckeye) filed an Offer of Settlement (settlement) that resolves all issues pending in the captioned proceedings related to the AEP Seams Elimination Cost Agreement (SECA) claim for issues between Buckeye and AEP. However, the settlement does not affect the amount of lost revenue that transmission owners other than AEP may claim against any other party to these proceedings, nor does it affect any potential defense another party to the proceedings may have to any issue currently set for hearing.
2. On May 8, 2006, Commission Trial Staff submitted comments in support of the settlement. The presiding judge certified the settlement to the Commission as uncontested on June 6, 2006.
3. The subject 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. 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. § 824(e) (2000).
4. This letter terminates Docket Nos. ER05-6-062, EL04-135-064, EL02-111-082, and EL03-212-078.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.