

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Sudeen G. Kelly, Marc Spitzer,  
Philip D. Moeller, and Jon Wellinghoff.

Midwest Independent Transmission System  
Operator, Inc., Docket No. ER05-6-064

Midwest Independent Transmission  
System Operator, Inc. Docket No. EL04-135-066  
PJM Interconnection, LLC, *et al.*

Midwest Independent Transmission  
System Operator, Inc. Docket No. EL02-111-084  
PJM Interconnection, LLC, *et al.*

Ameren Services Company, *et al.* Docket No. EL03-212-080

ORDER APPROVING UNCONTESTED PARTIAL SETTLEMENT

(Issued August 18, 2006)

1. On May 1, 2006, Blue Ridge Power Agency (BRPA)<sup>1</sup> and Duke Energy Shared Services Inc. (formerly Cinergy Services, Inc.)<sup>2</sup> filed a Stipulation and Agreement (Settlement) that resolves all of BRPA's potential and existing shift-to-shipper claims involving Duke that may arise or have been asserted in the captioned proceedings, which concern load-serving entities' (LSE's) Seams Elimination Cost Adjustment (SECA) monetary obligations. No comments were filed. On June 6, 2006, the presiding judge certified the Settlement to the Commission as uncontested.<sup>3</sup>

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<sup>1</sup> BRPA filed on behalf of the five member Virginia municipalities that purchased power from Duke (formerly Cinergy) during the period July 1, 1998 through June 30, 2005, namely, Bedford, Danville, Martinsville, Richlands, and Salem, Virginia.

<sup>2</sup> Duke filed on behalf of The Cincinnati Gas & Electric Company and PSI Energy, Inc.

<sup>3</sup> *Midwest Indep. Transmission Sys. Operator Inc.*, 115 FERC ¶ 63,062 (2006).

2. The Commission found the regional through-and-out rates between PJM Interconnection, L.L.C. (PJM) and the Midwest Independent System Operator (MISO) unjust and unreasonable, and, accordingly, directed the elimination of those rates.<sup>4</sup> On November 18, 2004, the Commission ordered MISO, PJM, and their transmission owners to submit revised tariff sheets eliminating through-and-out rates and to implement the SECA methodology.

3. The proposed settlement establishes a monetary obligation BRPA will pay to Duke within 30 days of the Commission's approval of the proposed Settlement with interest to accrue from January 1, 2006 through the payment date at a rate consistent with the Commission's regulations. 18 C.F.R. §35.9 (2006). Additionally, the proposed Settlement provides that any refunds arising from SECA charges paid by BRPA will be divided between Duke and BRPA in the manner provided for by the proposed Settlement.

4. 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. 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 (3) 2000.

5. This letter terminates Docket Nos. ER05-6-064, EL04-135-066, EL02-111-084, and EL03-212-080.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.

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<sup>4</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 104 FERC ¶ 61,105 (2003), *order on reh'g*, 105 FERC ¶ 61,212 (2003), *order on reh'g*, 105 FERC ¶ 61,212 (2003).