

120 FERC ¶ 61,125
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.

North Star Steel Company, LLC

Docket Nos. EL06-68-000
EL06-68-001

v.

Arizona Public Service Company
California Independent System Operator Corp.
Enron Power Marketing, Inc.
Nevada Power Company
PacifiCorp
Powerex Corp.
Public Service Company of New Mexico
Tucson Electric Power Company

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued August 1, 2007)

1. On May 15, 2007, North Star Steel Company, LLC (North Star) and PacifiCorp filed a Joint Explanatory Statement and a Settlement and Release of Claims Agreement (the Settlement), pursuant to Rule 602 of the Commission's Rules of Practice and Procedure.¹

2. North Star and PacifiCorp assert that the Settlement resolves claims by North Star against PacifiCorp in this proceeding, which involves a request for refunds and other

¹ 18 C.F.R. § 385.602 (2006).

remedies related to transactions and events in western energy markets from January 1, 2000 through June 20, 2001.²

3. Initial comments on the Settlement were due on or before June 4, 2007, and reply comments were due on or before June 14, 2007. No comments were filed.

4. The Commission approves the Settlement, finding it to be fair and reasonable and in the public interest. The Commission's approval of the 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. § 824e (2000).

By the Commission. Commissioner Moeller concurring in part with a separate statement attached.

(S E A L)

Kimberly D. Bose,
Secretary.

² See, *North Star Steel Company v. Arizona Public Service Company*, 116 FERC ¶ 61,022 (2006).

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MOELLER, Commissioner *concurring in part*:

While the settlement agreement does not state the applicable standard of review for changes, the explanatory statement clearly indicates that changes to the settlement agreement shall be subject to the “just and reasonable” standard. I remind parties that the standard of review they intend to apply to changes to the settlement agreement must match the standard set forth in the explanatory statement. An explanatory statement does not control the terms of a settlement agreement and in the event of a conflict, I will rely on the terms of the settlement agreement, not the explanatory statement, in determining the applicable standard of review.

Philip D. Moeller
Commissioner