

125 FERC ¶ 61,348  
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.

Toledo Edison Company

Docket Nos. ER08-1020-000  
EL08-65-000

ORDER APPROVING UNCONTESTED SETTLEMENT  
AND ACCEPTING SUBSTITUTE NOTICE OF CANCELLATION

(Issued December 22, 2008)

1. On October 14, 2008, the Toledo Edison Company (Toledo) filed a settlement agreement (Settlement) between itself and American Municipal Power-Ohio (AMP-Ohio). The Settlement resolves all issues in these proceedings, including Toledo's obligation to provide capacity and energy to AMP-Ohio pursuant to a May 1, 1989 interconnection and service agreement between the two companies (Service Agreement). The Settlement provides that the Service Agreement shall be cancelled December 31, 2008, as the parties have agreed upon mutually acceptable alternative service.
2. As part of the Settlement, the parties request cancellation of the Service Agreement as of midnight, December 31, 2008. They also request substitution of the notice of cancellation of service included in the Settlement for the original notice of cancellation that the Commission accepted and suspended,<sup>1</sup> and termination of the hearing procedures in these proceedings.
3. No entity filed comments on the Settlement. On October 24, 2008, the presiding judge certified the Settlement as uncontested.<sup>2</sup>

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<sup>1</sup> See *Toledo Edison Co.*, 124 FERC ¶ 61,168, *order on reh'g and clarification*, 124 FERC ¶ 61,278 (2008).

<sup>2</sup> *Toledo Edison Co.*, 125 FERC ¶ 63,006 (2008).

4. The Settlement is fair, reasonable, and in the public interest, and is hereby approved. The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue in these proceedings. 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 (2006).

5. The substitute notice of cancellation of service is hereby accepted in substitution for the notice accepted previously. This order terminates Docket Nos. ER08-1020-000 and EL08-65-000.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.