

127 FERC ¶ 61,100
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

April 30, 2009

In Reply Refer To:
Entergy Services, Inc.
Docket Nos. ER08-750-000
ER08-751-000
ER08-752-000

Entergy Services, Inc.
Attn: Erin M. Murphy, Esq.
101 Constitution Ave. NW
Suite 200
Washington, DC 20001

Reference: Uncontested Settlement with AECC and Arkansas Cities

Dear Ms. Murphy:

1. On February 26, 2009 Entergy Services Inc. (ESI) filed two Settlement Agreements, comprising a single offer of Settlement, on behalf of Entergy Arkansas, Inc. (EAI) with Settling Parties.¹ ESI asserts that the Settlement resolves all of the issues between the Settling Parties in the above referenced dockets and includes the updating of EAI's formula rates.² On March 18, 2009, the Commission's Trial Staff filed initial comments supporting the Settlements.

¹ One Settlement Agreement resolves issues with the Arkansas Electric Cooperative Corporation (AECC). The second Settlement Agreement resolves issues with the City of Osceola, Arkansas, and the Hope Water and Light Commission (collectively, Arkansas Cities).

² *Entergy Arkansas, Inc.*, 124 FERC ¶ 61,125 (2008), Docket No. ER08-750-000; 124 FERC ¶ 61,126 (2008), Docket No. ER08-751-000; and 124 FERC ¶ 61,127 (2008), Docket No. ER08-752-000.

No other comments or reply comments were filed. On April 2, 2009 the presiding judge certified the Settlement to the Commission as uncontested.³

2. Article II, Paragraph 7 of the AECC Settlement Agreement and Article II, Paragraph 10 of the Arkansas Cities Settlement Agreement provide that:

This Settlement Agreement may only be amended by the agreement in writing of all the Parties hereto. The standard of review for any modifications to this Settlement Agreement that are not agreed to by all the Parties, including any modifications resulting from the Commission acting *sua sponte*, shall be the just and reasonable standard of review. For proposed modification by non-parties to the Settlement Agreement, the parties also accept the just and reasonable standard. See *Devon Power LLC*, 126 FERC ¶ 61,027 (2009), citing *Maine Pub. Util. Comm'n v. FERC*, 520 F.3d 464 (D.C. Cir. 2008).

3. The Commission finds that the offer of Settlement comprised of two Settlement Agreements is fair and reasonable and 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 involved 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 set forth in section 206 of the Federal Power Act, 16. U.S.C. § 824e (2006). The rate schedules submitted as part of the settlement are properly designated, and accepted for filing, and is made effective as set forth in the Settlement. See Designation of Electric Rate Schedule Sheets, Order 614, FERC Stats & Regs., Regulations Preambles July 1996-December 2000 ¶ 31,096 (2000). Refunds are due as provided for in the Settlement Agreements.

4. This order terminates Docket Nos. ER08-750-000, ER08-751-000, and ER08-752-000.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

³ *Entergy Arkansas, Inc.*, 127 FERC ¶ 63,001 (2009).