

128 FERC ¶ 61,120
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

August 3, 2009

In Reply Refer To:
Town of Norwood, Massachusetts
v. National Grid USA, *et al.*
Docket Nos. EL03-37-010
EL03-37-011

Mr. Kenneth Jaffe
Alston & Bird, LLP
The Atlantic Building
950 F Street, NW
Washington, DC 20004

Reference: *Town of Norwood, Massachusetts v. National Grid USA, et al.*
Settlement Agreement and Offer of Settlement

Dear Mr. Jaffe:

1. On July 6, 2009, you filed a Settlement Agreement and Offer of Settlement (Settlement) for National Grid USA (National Grid), on behalf of itself, New England Power Company (New England Power), Massachusetts Electric Company, The Narragansett Electric Company (jointly, the Respondents), and the Town of Norwood, Massachusetts (Norwood) (collectively, Settling Parties). The Settlement resolves all of the issues between the Settling Parties in the above referenced dockets and requires Norwood to pay to New England Power \$20,000,000.00 by August 31, 2009 in full settlement and satisfaction of all outstanding claims of New England Power or any Respondent or other affiliate of New England Power for contract termination charges, late payment charges, or any other obligation arising out of Norwood's termination of service under New England Power's FERC Electric Tariff No.1, Primary Service for Resale or Norwood's failure to pay any amounts that New England Power claims are owed.

2. Section 3.1 of the Settlement provides that the standard of review for any modification to the Settlement, whether set forth in a written amendment executed by the Settling Parties or pursuant to the Commission's exercise of its authority under section 206 of the Federal Power Act, whether acting *sua sponte* or on a complaint filed by a non-Settling Party, shall be the "just and reasonable" standard.

3. The Settlement resolves all of the issues between the Settling Parties in the above referenced docket. The Settlement is fair, reasonable, and in the public interest and is hereby approved. Commission 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 (2006).

4. The Settlement moots Norwood's request for clarification and rehearing filed in Docket No. EL03-37-010 and New England Power's compliance filing filed in Docket No. EL03-37-011.

5. This order terminates Docket Nos. EL03-37-010 and EL03-37-011.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.