

128 FERC ¶ 61,228
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

September 4, 2009

In Reply Refer To:
Midwest Independent Transmission
System Operator, Inc.
Docket Nos. ER09-654-000
and ER06-493-000

Midwest Independent Transmission System
Operator, Inc.
P.O. Box 4202
Carmel, IN 46082-4202

Attention: Matthew R. Dorsett, Attorney

Reference: Termination of Market Participant Agreement

Dear Mr. Dorsett:

1. On January 28, 2009, Midwest Independent Transmission System Operator, Inc. (Midwest ISO) notified the Commission that it was suspending all services to JJR Power LLC (JJR Power) due to JJR Power's default with regard to payments due for Revenue Sufficiency Guarantee (RSG) settlements. On February 4, 2009, Midwest ISO filed a request to terminate the market participant agreement between Midwest ISO and JJR Power. On April 3, 2009, the Commission issued an order accepting the termination of JJR Power's market participant agreement, and suspending it for five months, to be effective September 6, 2009, subject to refund and subject to a further Commission order (April 3 Order).¹

2. Subsequent to issuance of the April 3 Order, Midwest ISO recalculated the RSG settlement amounts based on a revised effective date. JJR Power has not made any filing with the Commission that shows that it is in compliance with the credit policy set forth in

¹*Midwest Indep. Transmission Sys. Operator, Inc.*, 127 FERC ¶ 61,015 (2009).

Attachment L of Midwest ISO's Open Access Transmission, Energy and Operating Reserves Market Tariff (Tariff) as a result of the recalculation. Nor has JJR Power made any filing with the Commission that demonstrates that it has satisfied its financial obligations under the Tariff and market participant agreement. Furthermore, JJR Power did not seek rehearing of the April 3 Order. Therefore, we find that JJR Power remains in default following the recalculation of RSG settlement amounts and has not satisfied its outstanding financial obligations. Since JJR Power has failed to satisfy its financial obligations and has made no further attempt to justify the continuation of its market participant agreement, the Commission's decision in the April 3 Order to terminate Midwest ISO's market participant agreement with JJR Power is now final.

By direction of the Commission.

Kimberly D. Bose,
Secretary.