

131 FERC ¶ 61,159
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

May 18, 2010

In Reply Refer To:
Midwest Independent Transmission
System Operator, Inc., *et al.*
Docket Nos. ER05-6-112, EL04-135-115,
EL02-111-133, and EL03-212-129

Thompson Coburn LLP
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Attn: Bruce A. Grabow, Esq.
Attorney for FirstEnergy Entities
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Dear Mr. Straus and Mr. Grabow:

1. On March 17, 2010, you filed a Settlement Agreement (Settlement) for FirstEnergy Service Company on behalf of itself and American Transmission Systems, Inc., Jersey Central Power & Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company (collectively, FirstEnergy Entities) and American Municipal Power, Inc. (AMP) that fully resolves as between FirstEnergy Entities and AMP all issues related to the Seams Elimination Cost/Charge Adjustment/Assignment (SECA) charges that had been set for hearing in the above-captioned dockets. No comments were filed.

2. Under Section 3.1 of the Settlement, AMP accepts responsibility with respect to a total monetary obligation to the FirstEnergy Entities in the amount of \$1,280,345. The Settling Parties agree that this amount represents a fair and complete settlement of all

issues concerning the respective obligations of AMP to FirstEnergy Entities in the SECA proceedings. Under Section 3.3 of the Settlement, netting the amounts agreed to be owed by AMP against the amounts already paid by AMP, FirstEnergy Entities shall pay refund amounts to AMP totaling \$1,863,044, as shown in Appendix A, within 30 days of the effective date of the Settlement.

3. Section 6.4 of the Settlement states that the standard of review for any modifications to this Settlement requested by a Party that are not agreed to by all Parties shall be the public interest standard as set forth in *Morgan Stanley Capital Group, Inc. v. Public Util. Dist. No. 1 of Snohomish*, 128 S. Ct. 2733 (2008). The standard of review for any modifications to the Settlement requested by a non-Party and the Commission will be the most stringent standard permissible under applicable law.

4. The Settlement 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 in this proceeding.

5. This letter order terminates Docket Nos. ER05-6-112, EL04-135-115, EL02-111-133, and EL03-212-129.

By direction of the Commission.

Kimberly D. Bose,
Secretary.