

137 FERC ¶ 61,258  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

December 30, 2011

In Reply Refer To:  
Trans Bay Cable LLC  
Docket Nos. ER10-116-000  
ER11-3262-005  
ER11-3262-006

Robert L. Daileader, Esq.  
Nixon Peabody LLP  
401 9th Street, NW, Suite 900  
Washington, DC 20004-2128

Re: *Trans Bay Cable LLC*, Docket No. ER10-116-000  
Offer of Settlement and Stipulation

Dear Mr. Daileader:

1. On November 8, 2011, in Docket No. ER10-116-000, you filed an Offer of Settlement and Stipulation (Settlement) on behalf of Trans Bay Cable LLC (Trans Bay). On the same date, in Docket Nos. ER11-3262-005 and ER11-3262-006, you filed a revised Transmission Owner Tariff to implement the settlement rates. The Settlement resolves all issues set for hearing in Docket No. ER10-116-000 concerning revisions to the Transmission Revenue Requirement (TRR) for purposes of its participation in the California Independent System Operator Corporation (CAISO) as a Participating Transmission Owner.
2. In accordance with Rule 602(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.602(d) (2011), the Settlement was served on all parties on the Commission's official service list for the above-captioned proceedings, and all parties had an opportunity to comment on the Settlement. Initial comments were filed by Commission Trial Staff on November 16, 2011, in support of the Settlement. The Settlement Judge certified the Settlement to the Commission as uncontested on November 18, 2011.<sup>1</sup>

---

<sup>1</sup> *Trans Bay Cable LLC*, 137 FERC ¶ 63,011 (2011).

3. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Settlement resolves all issues set for hearing in this matter. The Commission's approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. Paragraph 7.10 of the Settlement provides that the standard of review for any modifications to the Settlement requested by a Party to the Settlement that is not agreed to by all of the Parties shall be the public interest standard of review and that the standard of review for any modifications to the Settlement requested by a non-party or initiated by the Commission on its own motion shall be the just and reasonable standard. The Commission retains the right to investigate rates, terms, and conditions of tariffs 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. Pursuant to the Settlement, Trans Bay shall refund to CAISO, on behalf of Trans Bay's transmission customers, the amount of any revenues over-collected, with interest at the Commission's interest rate, to implement the rates established in the Settlement. Trans Bay shall file with the Commission a refund report within thirty (30) days of the date on which Trans Bay has provided refunds to CAISO.
5. This letter order terminates Docket No. ER10-116-000. A new sub-docket will be assigned in Docket No. ER10-116 upon receipt of the refund report required by the Settlement.
6. Trans Bay's filing in Docket Nos. ER11-3262-005 and ER11-3262-006 complies with *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276, at P 96 (2008) and the revised tariff records are accepted.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

cc: All parties