

138 FERC ¶ 61,214  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

March 23, 2012

In Reply Refer To:  
Midwest Independent Transmission  
System Operator, Inc.  
Docket Nos. ER09-1246-000  
ER09-1246-001

Spiegel & McDiarmid LLP  
Attention: Robert A. Jablon, Esq.  
1333 New Hampshire Avenue, NW  
Washington, DC 20036

Dear Mr. Jablon:

1. On November 15, 2011, you filed a Settlement Agreement (Settlement) dated November 10, 2011 among Midwest Municipal Transmission Group (MMTG), Municipal Energy Agency of Nebraska (MEAN), MidAmerican Energy Company (MidAmerican), and Midwest Independent Transmission System Operator, Inc. (MISO) (collectively, the Parties) in Docket No. ER09-1246-000.

2. The Parties filed the Settlement pursuant to Rule 602 of the Commission's Rules of Practice and Procedure.<sup>1</sup> The Parties state that the Settlement resolves claims against MISO and MidAmerican, in which MMTG/MEAN alleged that the integration of MidAmerican into MISO resulted in unjust and unreasonable and otherwise unlawful Financial Transmission Rights/Auction Revenue Rights allocations.<sup>2</sup> Further, the Parties state that the Settlement does not resolve a congestion cost averaging issue between MMTG and MidAmerican, but MMTG has agreed not to pursue that issue in this proceeding, and MMTG and MidAmerican reserve their rights as to that issue in case it is addressed in the future in a separate Commission proceeding.<sup>3</sup> The Parties state that the Settlement is in the public interest and resolves all disputes among MISO, MMTG/MEAN and MidAmerican regarding MidAmerican's integration into MISO;

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<sup>1</sup> 18 C.F.R. § 385.602 (2011).

<sup>2</sup> Joint Explanatory Statement at 4.

<sup>3</sup> *Id.*

clarifies previously disputed issues; and better protects MMTG/MEAN with respect to certain congestion cost hedging, consistent with MISO's Open Access Transmission, Energy and Operating Reserve Markets Tariff,<sup>4</sup> on a reasonable basis.<sup>5</sup> The Parties state that the Settlement establishes no principles and does not require Commission resolution on the merits, although approval of the Settlement is necessary to allow all of its provisions to be implemented.<sup>6</sup>

3. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved.<sup>7</sup> The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue involved in this proceeding.

4. The Commission hereby directs Parties to make such filings with the Commission as may be necessary to accomplish the Settlement and terminate the proceeding within thirty (30) days of the date of this order, pursuant to and consistent with section 3.8 of the Settlement.

By direction of the Commission.

Kimberly D. Bose,  
Secretary.

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<sup>4</sup> MISO's FERC Electric Tariff, Fifth Revised Volume No. 1.

<sup>5</sup> Joint Explanatory Statement at 6.

<sup>6</sup> Joint Request to Approve Settlement at 5.

<sup>7</sup> We find that, under these circumstances, it is appropriate that the Settlement be transmitted directly to the Commission to review, without certification by an administrative law judge.