

140 FERC ¶ 61,137
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Philip D. Moeller, John R. Norris,
and Cheryl A. LaFleur.

Midwest Independent Transmission System Operator, Inc.	Docket Nos. ER05-6-122
Midwest Independent Transmission System Operator, Inc. PJM Interconnection, LLC	EL04-135-124
Midwest Independent Transmission System Operator, Inc. PJM Interconnection, LLC	EL02-111-143
Ameren Services Company	EL03-212-138

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued August 22, 2012)

1. In this order, the Commission approves an uncontested settlement (Settlement) filed by BP Energy Company (BP Energy), American Electric Power Service Corporation (AEP), the Dayton Power and Light Company (Dayton), and Exelon Corporation (Exelon).¹ The Settlement resolves all issues in the above-captioned proceedings between BP Energy and the Settling PJM Transmission Owners² relating to

¹ Exelon filed on behalf of Baltimore Gas and Electric Company (BG&E), Commonwealth Edison Company and Commonwealth Edison Company of Indiana (collectively, ComEd), and PECO Energy Company (PECO).

² The Settling PJM Transmission Owners include: AEP on behalf of itself and Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company; Dayton; and Exelon.

the Seams Elimination Cost/Charge Adjustment/Assignment (SECA) charges in the above-captioned dockets.

I. Settlement

2. This Settlement resolves all matters at issue in this proceeding between the parties, and represents a final settlement of all SECA obligations at issue between BP and the Settling PJM Transmission Owners.

3. Section 3.1 specifies that BP shall pay each Settling PJM Transmission Owner a specified settlement amount as set forth in the Allocation Matrix, attached to the Settlement as Exhibit A.

4. Article IV provides that, within ten days of the effective date,³ BP shall: (1) pay each Settling PJM Transmission Owner its settlement amount; and (2) withdraw its petition for review filed with the United States Court of Appeals for the District of Columbia Circuit. Furthermore, both parties shall file with the Commission a declaration stating that none of its previously filed pleadings shall apply to the other party.

5. Under Article V of the Settlement, other PJM Transmission Owners may opt to become Settling PJM Transmission Owners and obtain the benefits of the Settlement by agreeing to become bound by the Settlement, by filing a Notice to Opt-In with the Commission. A *pro forma* Notice to Opt-In is attached to the Settlement. Once such a PJM Transmission Owner files the Opt-In Notice, no other action is required by the Commission and within 10 days of the filing, or of the effective date, whichever is later, BP will pay that Transmission Owner its settlement amount as specified in the Allocation Matrix.

6. No comments were filed.

II. Discussion

7. The Settlement appears to be 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.

³ The effective date is defined as the date this order becomes final and non-appealable, and this order is considered to be final, under the terms of the Settlement, as of the date all requests for rehearing of this order are denied, or, in the absence of rehearing, the date on which the right to seek rehearing expires.

8. This order terminates Docket Nos. ER05-6-122, EL04-135-124, EL02-111-143, and EL03-212-138.

By the Commission. Commissioner Clark is not participating.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.