

141 FERC ¶ 61,205
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. ER05-6-123 |
| Midwest Independent Transmission System Operator, Inc. PJM Interconnection, LLC | EL04-135-125 |
| Midwest Independent Transmission System Operator, Inc. PJM Interconnection, LLC | EL02-111-144 |
| Ameren Services Company | EL03-212-139 |
| Midwest Independent Transmission System Operator, Inc. | ER10-2283-002 |

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued December 12, 2012)

1. In this order the Commission approves an uncontested settlement (Settlement) filed by American Electric Power Service Corporation¹ (AEP), Exelon Corporation² (Exelon) and Direct Energy, LLC³ (Direct Energy) (collectively Settling Parties). The Settlement resolves all issues in the above-captioned proceedings between Direct Energy

¹ AEP filed on behalf of itself and Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company.

² Exelon filed on behalf of Baltimore Gas and Electric Company, Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc. and PECO Energy Company.

³ Direct Energy filed on behalf of itself and Strategic Energy, LLC.

and AEP and Exelon (the Settling Transmission Owners) relating to 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 Direct Energy and the Settling Transmission Owners.

3. Section 3.1 specifies that AEP will make lump sum payments to Direct Energy as set forth in section 3.2 and Exelon will make lump sum payments to Direct Energy as set forth in section 3.3 within three business days of the effective date of the Settlement.

4. Section 3.4 specifies that, in order to reflect Commonwealth Edison Company and Commonwealth Edison Company of Indiana's (ComEd) transmission owner portion of Exelon's lump sum payment to Direct Energy in a manner consistent with prior revenue crediting of SECA revenues in the determination of monthly transmission service charges of customers in the ComEd Zone pursuant to Paragraph 2 of Attachment H-13, Paragraph 8 of Schedule 7, and Paragraph 9 of Schedule 8 of the PJM Open Access Transmission Tariff, Exelon will provide PJM with the amount that represents ComEd transmission owner portion of Exelon's lump sum payment to Direct. After determining the amount that is to be passed through to the transmission customers in the ComEd zone, other than ComEd as the transmission customer, PJM Interconnection, LLC shall collect from the other transmission customers in the ComEd zone their share of the lump sum payment and credit such amounts to ComEd as a transmission owner.

5. Section 3.5 requires Direct Energy to withdraw its petitions for review filed with the United States Court of Appeals for the District of Columbia Circuit within five business days of receipt of the lump sum payments as specified in sections 3.2 and 3.3.

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.

8. This order terminates Docket Nos. ER05-6-123, EL04-135-125, EL02-111-144, EL03-212-139, ER10-2283-002.

By the Commission. Commissioner Clark is not participating.

(S E A L)

Kimberly D. Bose,
Secretary.