

142 FERC ¶ 61,144  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

ISO New England Inc.

Docket No. ER11-3891-000

NOTICE OF FINALITY OF ORDER TERMINATING PROCEEDING

(February 25, 2013)

1. On October 20, 2011, the Commission accepted a filing by ISO New England Inc. (ISO-NE) detailing the results of its fifth Forward Capacity Auction, to become effective October 25, 2011, except for the dynamic de-list bid submitted by Entergy Nuclear Power Marketing (Entergy) for the Vermont Yankee Power Station (Vermont Yankee), which the Commission accepted, suspended for a nominal period, effective October 25, 2011, subject to refund, and set for hearing and settlement judge procedures.<sup>1</sup> On September 14, 2012, the settlement negotiations resulted in an Offer of Settlement, which was opposed by the New England Power Pool Participants Committee and by NRG Companies. On December 31, 2012, the Vermont Department of Public Service filed an unopposed motion to dismiss the September 14, 2012 Offer of Settlement and terminate the hearing and settlement judge procedures, explaining that the issues set for hearing have been rendered moot by ISO-NE's acceptance of Entergy's de-list bid for Vermont Yankee. On January 16, 2013, the Chief Administrative Law Judge (ALJ) issued an order dismissing the offer of settlement, terminating the settlement judge procedures, and terminating the proceeding subject to final Commission review.<sup>2</sup>
2. Rule 708 of the Commission's Rules of Practice and Procedure<sup>3</sup> provides that an initial decision<sup>4</sup> becomes a final Commission decision 10 days after exceptions are due unless exceptions are timely filed or the Commission issues an order staying the effectiveness of the decision pending review under Rule 712.<sup>5</sup> The Commission hereby

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<sup>1</sup> *ISO New England Inc.*, 137 FERC ¶ 61,056 (2011).

<sup>2</sup> *ISO New England Inc.*, Docket No. ER11-3891-000 (Jan. 16, 2013) (Order of Chief Judge Dismissing Offer of Settlement, Terminating Settlement Judge Procedures, and Terminating Proceeding Subject to Final Commission Review).

<sup>3</sup> 18 C.F.R. § 385.708(d) (2012).

<sup>4</sup> We find that the ALJ's January 16, 2013 order is, in substance, like an initial decision and therefore subject to Rule 708.

gives notice that it will not take action on the ALJ's January 16, 2013 order terminating this proceeding, to which no exceptions have been filed, thereby allowing the order to become a final Commission decision.

By direction of the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>5</sup> 18 C.F.R. § 385.712 (2012).