

142 FERC ¶ 61,252
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Mississippi Power Company

Docket No. ER12-337-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued March 29, 2013)

1. On September 27, 2012, Mississippi Power Company (Mississippi Power) submitted an uncontested settlement (Revised Settlement) resulting from negotiations with East Mississippi Electric Power Association (East Mississippi); City of Collins, Mississippi (City of Collins); and South Mississippi Electric Power Association (South Mississippi) (collectively, Customers).¹ The Revised Settlement resolves all currently pending issues in Docket No. ER12-337-000,² which concern transmission rates under Mississippi Power's cost-based FERC Electric Tariff, Third Revised Volume No. 1 (Tariff).³ On October 17, 2012, Trial Staff submitted comments supporting the certification and approval of the Revised Settlement. No adverse comments were filed,

¹ On March 13, 2012, Mississippi filed a settlement (Original Settlement) and a motion to place interim rates into effect pending approval of the Original Settlement. However, before the end of the comment period on the Original Settlement, the Mississippi Supreme Court issued a ruling that affected matters that the Original Settlement intended to resolve. *See Sierra Club v. Mississippi Public Service Commission*, 82 So.3d 618 (Miss. 2012). As a result, settlement proceedings in this docket were held in abeyance to give the parties the opportunity to reconsider the Original Settlement in light of changed circumstances. Negotiations were successful and produced the Revised Settlement submitted in this proceeding. The Revised Settlement replaces the Original Settlement in its entirety. *See Explanatory Statement at 3-4; Revised Settlement at 1.*

² Explanatory Statement at 1.

³ Note, the Tariff is also called the MRA Cost Based Tariff. *See Mississippi Power Co.*, 137 FERC ¶ 61,241, at P 1 (2011).

and on November 5, 2012, the Administrative Law Judge certified the Revised Settlement as uncontested.⁴

2. The Revised Settlement provides that any modifications to the rates, terms and conditions stated in the Revised Settlement shall be subject to the just and reasonable standard of review, not the public interest standard of review.⁵

3. The Revised Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of the Revised Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The Commission retains the right to investigate the rates, terms and conditions under the just and reasonable standard of section 206 of the Federal Power Act, 16 U.S.C. § 824e (2006).

4. Insofar as the revised Tariff records proffered with the Revised Settlement comply with *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008), they are accepted effective January 1, 2012. Refunds and adjustments shall be made pursuant to the Revised Settlement.

5. This order terminates Docket No. ER12-337-000.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

⁴ *Mississippi Power Co.*, 141 FERC ¶ 63,010 (2012).

⁵ Revised Settlement at Paragraph 11; Explanatory Statement at 10.