

144 FERC ¶ 61,160
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.

Sierra Pacific Power Company

Docket Nos. ER13-247-000
EL13-29-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued August 29, 2013)

1. In this order, the Commission approves a June 27, 2013 uncontested settlement (Settlement) filed by Sierra Pacific Power Company (Sierra Pacific), doing business as NV Energy. The Settlement resolves all issues in the above-captioned proceedings, involving Sierra Pacific's proposed changes in its transmission rates.
2. On July 17, 2013, Commission Trial Staff filed comments supporting the Settlement.¹ On July 23, 2013, the Settlement Judge certified the settlement to the Commission.²
3. The Settlement resolves all issues in dispute in these proceedings and appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of the Settlement does not constitute approval of, or precedent

¹ Trial Staff notes that the Settlement provides a reduced rate under Schedule 1 for Scheduling, System Control and Dispatch Service, which is to be made retroactive to January 1, 2013. However, Trial Staff further notes that the Settlement does not address the question of refunds for this service during the period from January 1, 2013 through May 31, 2013. Instead, according to Trial Staff, related refunds are addressed only in a Sierra Pacific Interim Rate Motion, which, at footnote 8, memorializes Sierra Pacific's commitment to provide refunds, with interest, of any amounts collected in excess of the Schedule 1 rate. Trial Staff recommends that the Commission order disposing of the Settlement explicitly require refunds to be made within 30 days and that Sierra Pacific file an appropriate refund report 15 days thereafter.

² *Sierra Pacific Power Co.*, 144 FERC ¶ 63,010 (2013).

regarding, any principle or issue in this proceeding. The Commission retains the right to investigate the rate, terms and conditions under the just and reasonable and not unduly discriminatory or preferential standard of section 206 of the Federal Power Act.³

4. The refunds provided for in Sierra Pacific's Interim Rate Motion must be provided within 30 days of the date of issuance of this order; Sierra Pacific has stated it will refund the difference between the filed and settled Schedule 1 rates at interest calculated pursuant to 18 C.F.R. § 35.19a (2013).⁴ Within 15 days after making such refunds, Sierra Pacific shall file with the Commission a refund report.

5. This order terminates Docket Nos. ER13-247-000 and EL13-29-000.

The Commission orders:

(A) The Settlement is hereby approved, as discussed in the body of this order.

(B) Sierra Pacific is hereby ordered to make refunds, with interest, within 30 days of the date of this order, as discussed in the body of this order. Sierra Pacific is hereby directed to submit a refund report within 15 days thereafter.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ 16 U.S.C. § 824e (2006).

⁴ Unopposed Motion of Sierra Pacific Power Company for Interim Rate Relief and Request for Expedited Action, filed June 27, 2013 at 4, n.8 (Interim Rate Motion).