

146 FERC ¶ 61,029
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

PJM Interconnection, L.L.C.
American Electric Power Service Corporation
Appalachian Power Company

Docket No. ER13-539-000

ORDER APPROVING SETTLEMENT

(Issued January 16, 2014)

1. On October 1, 2013, pursuant to Rule 602 of the Commission's Rules of Practice and Procedure,¹ American Electric Power Service Corporation filed an Offer of Settlement and Settlement Agreement (Settlement) on behalf of Appalachian Power Company (APCo) between APCo and Collegiate Clean Energy, LLC (Collegiate), resolving all issues set for hearing in the above referenced docket.²
2. The settled issues include the rates, terms, and conditions for wholesale capacity sales that APCo makes available to Competitive Service Providers in APCo's Virginia service territory. The standard of review for changes proposed by a party shall be the *Mobile-Sierra* "public interest" standard.³ The standard of review for changes proposed by a non-settling party or the Commission, acting *sua sponte*, shall be the ordinary just and reasonable standard.⁴

¹ 18 C.F.R. § 385.602 (2013).

² On October 9, 2013, APCo filed updated Attachments C and D to the Settlement. The Attachments contain the Capacity Compensation Formula Rate Template that is populated with APCo FERC Form 1 and workpaper-based cost data for 2011.

³ *United Gas Pipe Line v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956), *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956) (*Mobile-Sierra*), and *Morgan Stanley Capital Group, Inc. v. Public Utility District No. 1 of Snohomish County*, 554 U.S. 527 (2008) (*Morgan Stanley*).

⁴ *See Morgan Stanley*, 554 U.S. 527, 535.

3. In the proceedings before the Settlement Judge, Commission Trial Staff filed comments in support of the Settlement. No other parties filed comments. On October 25, 2013, the Presiding Administrative Law Judge certified the Settlement to the Commission as uncontested.⁵

4. We find that the Settlement appears to be fair, reasonable, and in the public interest. It is therefore approved pursuant to Rule 602(g),⁶ to become effective on the date that this order issues, as per the terms of Article III, section 1 of the Settlement. Approval of the Agreement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

5. The Settlement was not filed in the eTariff format required by Order No. 714.⁷ Therefore APCo shall make a compliance filing within 30 days in eTariff format to reflect the Commission's action in this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

⁵ *PJM Interconnection, L.L.C.*, 145 FERC ¶ 63,006 (2013).

⁶ 18 C.F.R. § 385.602(g) (2013).

⁷ *See Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008) (cross-referenced at 124 FERC ¶ 61,270 (2008)).