

147 FERC ¶ 61,018
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

April 7, 2014

In Reply Refer To:
Midwest Independent Transmission
System Operator, Inc.
Docket Nos. ER11-2059-000
ER11-2059-001

Midwest Independent Transmission
System Operator, Inc.
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Dear Counsel:

1. On April 29, 2013, you filed, in Docket No. ER11-2059-000, a Settlement Agreement among the Midwest Independent Transmission System Operator, Inc.¹ (MISO) and the parties involved in Docket No. ER11-2059-000 with whom MISO had not previously entered into a settlement (the Parties).² On May 20, 2013, Commission

¹ Effective April 26, 2013, MISO changed its name from “Midwest Independent Transmission System Operator, Inc.” to “Midcontinent Independent System Operator, Inc.”

² The Commission previously approved two settlements in Docket Nos. ER11-2059-002 and ER11-2059-003: one between MISO and FirstEnergy Service Company and the other between MISO, Duke Energy Ohio, Inc., and Duke Energy Kentucky, Inc. See *Midwest Indep. Transmission Sys. Operator, Inc.*, 140 FERC ¶ 61,139 (2012).

Trial Staff and Midwest TDUs³ filed comments in support of the Settlement Agreement. On May 23, 2013, the Settlement Judge certified the Settlement Agreement to the Commission as an uncontested settlement.⁴

2. The Settlement Agreement would revise MISO's Open Access Transmission, Energy, and Operating Reserve Markets Tariff (Tariff) to address the impact to long-term firm transmission rights when a market participant withdraws from MISO. The Tariff changes included as part of the Settlement Agreement revise the proposed Tariff changes that MISO originally filed with the Commission for approval in this proceeding on November 9, 2010, which were set for hearing.

3. The Settlement Agreement provides that:

[a]ny modifications to this Offer of Settlement after it has been accepted or approved by the Commission (including modifications by the Commission acting *sua sponte* or on a complaint pursuant to Section 206 of the [Federal Power Act] shall be subject to the "ordinary" and "regular" just and reasonable standard of review. See *United Gas Pipe Line Co. v. Memphis Light, Gas & Water Division*, 358 U.S. 103 (1958).⁵

4. The Settlement Agreement resolves all issues in dispute in this proceeding between MISO and the Parties. The Settlement Agreement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of the Settlement Agreement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

5. The Settlement Agreement was not filed in the eTariff format required by Order No. 714.⁶ Accordingly, within 30 days of the date of this order, MISO is required to submit a compliance filing through eTariff to ensure that its electronic tariff data base

³ Midwest TDUs consist of Madison Gas and Electric Company, Midwest Municipal Transmission Group, Missouri Joint Municipal Electric Utility Commission, Missouri River Energy Services, Southern Minnesota Municipal Power Agency, and WPPI Energy.

⁴ *Midwest Indep. Transmission Sys. Operator, Inc.*, 143 FERC ¶ 63,009 (2013).

⁵ MISO April 29, 2013 Offer of Settlement, Docket No. ER11-2059-000 at art. 4.8.

⁶ See *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).

reflects the Commission's action in this proceeding. Consistent with the terms of the Settlement Agreement, we accept the revised Tariff provisions filed with the Settlement Agreement to be effective January 9, 2011, the same effective date as the Tariff changes initially filed in Docket No. ER11-2059-000.

6. This letter order terminates Docket Nos. ER11-2059-000 and ER11-2059-001.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

cc: All Parties