

149 FERC ¶ 61,077
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

October 28, 2014

In Reply Refer To:
Public Service Company of Colorado
Docket No. ER12-1589-001

Grand Valley Rural Power Lines, Inc.,
Yampa Valley Electric Association, Inc.,
Intermountain Rural Electric Association, and
Tri-State Generation and Transmission
Association, Inc. v. Public Service Company of
Colorado
Docket No. EL12-77-001

Grand Valley Rural Power Lines, Inc.,
Holy Cross Electric Association, Inc.,
Intermountain Rural Electric Association
and Yampa Valley Electric Association, Inc. v. Public
Service Company of Colorado
Docket No. EL13-86-000

Jones Day
Attn: James C. Beh, Esq.
Attorney for Public Service Company
of Colorado
51 Louisiana Avenue, NW
Washington, DC 20001

Dear Mr. Beh:

1. On September 2, 2014, Public Service Company of Colorado (PSCo) filed a stipulation and offer of settlement (Settlement) on behalf of itself and Grand Valley Rural Power Lines, Inc., Holy Cross Electric Association, Inc., Intermountain Rural Electric Association, Tri-State Generation and Transmission Association, Inc., and Yampa Valley Electric Association, Inc. (collectively, Settling Parties) to resolve all issues in the above-referenced proceedings. On September 22, 2014, Commission Trial Staff submitted initial comments in support of the Settlement. No other comments were filed.

2. The Settlement resolves issues associated with the stated return on equity inputs to Attachment O-PSCo to the Xcel Energy Operating Companies' Joint Open Access Transmission Tariff (Tariff) and to PSCo's Assured Power and Energy Requirements Service Tariff (Production Formula Rate Tariff), and thus resolves all outstanding issues in the above-referenced proceedings. The Settlement provides that it is subject to the condition that the Commission's order approving the Settlement consolidates Docket No. EL13-86-000 with Docket Nos. ER12-1589-001 and EL12-77-001 pursuant to Rule 602(b)(3) for action by the Commission without the intervening step of a certification from an administrative law judge.¹ The Settling Parties therefore request that the Settlement be transmitted directly to the Commission for approval without any requirement for certification of the Settlement by an administrative law judge.²

3. Section IV of the Settlement governs the standard of review and provides that absent the mutual agreement of the Settling Parties to a proposed change to the Settlement, the standard of review for unilateral changes to this Settlement proposed by a Settling Party shall be the "public interest" standard of review. Further, the standard of review for any changes proposed by a non-party, or the Commission acting *sua sponte*, shall be the ordinary just and reasonable standard of review, not the public interest standard of review.

4. The Settlement 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 regarding, any principle or issue in these proceedings.

5. The Settlement was not filed in eTariff format as required by Order No. 714.³ Therefore, PSCo is directed to make a compliance filing within 30 days in eTariff format to reflect the Commission's action in this order, and to incorporate into Attachment O-PSCo to the Xcel Energy Operating Companies' Tariff and into PSCo's Production Formula Rate Tariff the approved tariff revisions from the Settlement attachments.

¹ To the extent necessary, consistent with Rule 602(b)(3), the above-referenced proceedings are hereby consolidated.

² Settling Parties' September 2, 2014 Joint Motion to Consolidate Proceedings at 2-3 (citing *San Diego Gas & Elec. Co. v. Sellers of Energy & Ancillary Services*, 142 FERC ¶ 61,083, at P 17 (2013); *San Diego Gas & Elec. Co.*, 131 FERC ¶ 61,082, at P 14 (2010)).

³ *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).

6. Refunds and adjustments shall be made pursuant to the Settlement.⁴
7. This letter order terminates Docket Nos. ER12-1589-001, EL12-77-001, and EL13-86-000.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

⁴ Any refund report submitted in eTariff should use the following coding: Type of Filing Code 1130 – Refund Report.