

156 FERC ¶ 61,073
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

July 28, 2016

In Reply Refer To:
Midcontinent Independent System
Operator, Inc.
Docket Nos. ER14-292-000
ER14-294-000

Orrick, Herrington & Sutcliffe LLP
1152 15th Street, NW
Washington, DC 20005

Attention: Kyle W. Drefke, Esq.

Dear Mr. Drefke:

1. On October 6, 2015, you filed, in the above-referenced proceedings, a Settlement Agreement (Settlement) among Big Rivers Electric Corporation (Big Rivers), Midcontinent Independent System Operator, Inc. (MISO), and Century Aluminum of Kentucky General Partnership (Century) (collectively, Settling Parties). On October 26, 2015, Commission Trial Staff filed comments in support of the Settlement. No other comments were filed. On November 6, 2015, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.¹

2. The Settlement addresses the costs associated with the operation of units 1-3 of Big Rivers' Coleman generating station pursuant to: (1) a System Support Resource (SSR) agreement between Big Rivers and MISO, designated as MISO Original Service Agreement No. 6501 under MISO's Open Access, Transmission, Energy and Operating Reserve Markets Tariff (Tariff) (Coleman SSR Agreement); and (2) Rate Schedule No. 43F under the Tariff governing the allocation of SSR costs associated with the Coleman SSR Agreement.²

¹ *Midcontinent Indep. Sys. Operator, Inc.*, 153 FERC ¶ 63,012 (2015).

² *See Midcontinent Indep. Sys. Operator, Inc.*, 145 FERC ¶ 61,296 (2013), *order on tariff filings*, 151 FERC ¶ 61,259 (2015).

3. Section 4.3 of the Settlement provides that:

[t]he standard of review applicable to proposed modifications to the Settlement, either on the Commission's own motion or on behalf of a signatory or a non-signatory to this Settlement, shall be the "just and reasonable" standard of review rather than the "public interest" standard review set forth in *United Gas Pipe Line v. Mobile Gas Serv. Corp.*, 350 U.S. 332 (1956) and *Fed. Power Comm'n v. Sierra Pac. Power Co.*, 350 U.S. 348 (1956) (establishing the "Mobile-Sierra" doctrine), as interpreted in *Morgan Stanley Capital Group, Inc. v. Pub. Util. Dist. No. 1*, 554 U.S. 527, 128 S. Ct. 2733 (2008).

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

5. This letter terminates Docket Nos. ER14-292-000 and ER14-294-000.

By direction of the Commission.

Kimberly D. Bose,
Secretary.