

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

May 4, 2018

In Reply Refer To:  
Emera Maine  
Docket No. ER18-960-000

Jeffrey M. Jakubiak  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue  
New York, NY 10166

Dear Mr. Jakubiak:

1. On March 5, 2018, Emera Maine filed a Joint Offer of Settlement (Settlement) between itself and the Maine Public Utilities Commission (Maine Commission) (individually, Party or collectively, Parties), resolving issues raised by the Maine Commission with regard to Emera Maine's 2017 annual charges update (2017 Annual Update) under the Emera Maine Open Access Transmission Tariff for Maine Public District (MPD OATT). The Settlement resolves all issues raised by the Maine Commission with regard to the 2017 Annual Update filed on June 22, 2017 in Docket No. ER15-1429-000.<sup>1</sup>

2. Notice of Emera Maine's filing was published in the *Federal Register*, 83 Fed. Reg. 10,715 (2018), with interventions and protests due on or before March 27, 2018. On March 19, 2018, the Maine Commission filed a notice of intervention. No comments were filed.

3. Section 6.5 of the Settlement provides:

Unless the Parties agree to otherwise in writing, the standard of review for any proposed changes sought by either Party to the terms of this Stipulation shall be the 'public interest' standard of review set forth in *United Gas Pipe Line Co. v. Mobile Gas Services Corp.*, 350 U.S. 332 (1956) and *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956), as clarified in *Morgan Stanley Capital Group Inc. v. Pub. Util. Dist. No. 1*, 554 U.S. 527 (2008). The standard of review for any changes proposed by a non-Party or the Commission acting *sua sponte* shall be the ordinary just

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<sup>1</sup> Emera Maine Transmittal Sheet at 2.

and reasonable standard of review, not the public interest standard of review. *See NRG Power Marketing, LLC v. Me. Pub. Utilities Comm'n*, 558 U.S. 165, 174-75 (2010) and *Devon Power LLC*, 134 FERC ¶ 61,208 at P 10 (2011).<sup>2</sup>

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

5. The Commission accepts the revised tariff sheets filed as part of the Settlement effective June 1, 2017, as requested.

6. This letter order terminates Docket No. ER18-960-000.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>2</sup> Emera Maine Exhibit 2, Stipulation and Agreement, section 6.5.