

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

Duke Power, a Division of Duke Energy
Corporation

Docket Nos. ER96-110-016
ER05-1272-000
ER05-1272-001
EL05-4-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued April 13, 2006)

1. On February 3, 2006, Duke Power, a Division of Duke Energy Corporation (Duke Power) filed an Offer of Settlement (Settlement) to resolve all of the issues in the above-captioned proceeding, concerning the appropriate rates for wholesale sales within the Duke Power control area.¹ On February 23, 2006, Trial Staff submitted comments in support of the Settlement. No comments in opposition to the Settlement were filed and all active intervenors in the proceeding have withdrawn their protests. On March 21, 2006, the Settlement was certified to the Commission as uncontested.

2. The Settlement is in the public interest and is hereby approved. Commission approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The Commission retains the right to investigate the rates, terms and conditions under the just and reasonable and not unduly discriminatory or preferential standard of section 206 of the Federal Power Act, 16 U.S.C. § 824e (2000).

3. The Commission finds that the rate schedule submitted as part of the Settlement is designated properly. Accordingly the Commission accepts this rate schedule for filing and makes it effective as set forth in the Settlement. *See Designation of Electric Rate*

¹ The Commission had accepted and suspended, and set the proposed rates for hearing and settlement judge proceedings on November 21, 2005. *Duke Power*, 113 FERC ¶ 61,192 (2005). The Settlement is the result of that process. The Settlement provides that Duke Power's petition for rehearing of the suspension order will be deemed withdrawn on the effective date of the Settlement.

Schedule Sheets, Order No. 614, FERC Stats. & Regs., Regulations Preambles 1996 – 2000 ¶ 31,096 (2000).

4. This order terminates Docket Nos. ER96-110-016, EL05-4-000, ER05-1272-000, and ER05-1272-001.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.