

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Midwest Independent Transmission System Operator, Inc.	Docket No. ER05-6-038
Midwest Independent Transmission System Operator, Inc. PJM Interconnection, LLC, <i>et al.</i>	Docket No. EL04-135-040
Midwest Independent Transmission System Operator, Inc. PJM Interconnection, LLC, <i>et al.</i>	Docket No. EL02-111-058
Ameren Services Company, <i>et al.</i>	Docket No. EL03-212-054

ORDER APPROVING UNCONTESTED PARTIAL SETTLEMENT

(Issued April 13, 2006)

1. On January 26, 2006, Ormet Corporation and Ormet Primary Aluminum Corporation (Ormet) and Exelon Corporation (Exelon)¹ filed a Settlement Agreement (Settlement) in the above-referenced dockets. Approval of the Settlement will resolve all shift-to-shipper issues between Ormet and Exelon in the above-captioned dockets. No comments were filed. On March 16, 2006, the Presiding Administrative Law Judge certified the Settlement to the Commission as an uncontested partial settlement, 114 FERC ¶ 63,043 (2006).
2. The subject settlement is in the public interest and is hereby approved. The Commission's acceptance of the Settlement Agreement does not constitute approval of,

¹ Exelon acts on behalf of its operating subsidiaries, Commonwealth Edison Company and Commonwealth Edison Company of Indiana (jointly, ComEd), PECO Energy Company (PECO), and Exelon Generation Company, LLC (ExGen).

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. In an order issued January 14, 2005, the Commission allowed Ormet to pay the SECA (Seams Elimination Charge/Cost Adjustment/Assignment) rate applicable for service to its native load until Ormet's SECA obligation is finalized, subject to and conditioned upon refunds or surcharges.² In accordance with that order, Ormet paid the SECA rate applicable to Exelon for service to its native load, to recover lost revenues of transmission owners located within the Midwest Independent Transmission System Operator, Inc. (Midwest ISO), for the month of December 2004, in the amount of \$29,897.61, subject to surcharge and refund.

4. The Settlement requires Exelon to pay Ormet \$ 29,897.61, plus interest, within 30 days of the Commission's order approving the Settlement. Upon issuance of a Commission order determining Ormet's SECA obligation applicable to lost revenues of transmission owners located within the Midwest ISO (Ormet's Midwest ISO SECA Obligation), any surcharges, plus interest, otherwise owed by Ormet in satisfaction of its Midwest ISO SECA Obligation for the month of December 2004, as determined by the Commission, will become the responsibility of Exelon, and Ormet shall be relieved of any responsibility for paying such surcharges. PJM shall assess such surcharges, plus interest, as determined by the Commission, applicable to Ormet's Midwest ISO SECA Obligation for the month of December 2004 to Exelon. Additionally, any refunds, including interest, otherwise payable to Ormet in connection with Ormet's Midwest ISO SECA obligation for the month of December 2004 will be payable to Exelon, and Ormet shall not be entitled to receive any such refunds. PJM shall assess refunds, plus interest, as determined by the Commission, applicable to Ormet's Midwest ISO SECA obligation for the month of December 2004 to Exelon.

² *Midwest Indep. Transmission Sys. Operator, Inc.*, 110 FERC ¶ 61,022 at P 13 (2005).

5. This order terminates Docket Nos. ER05-6-038, EL04-135-040, EL02-111-058 and EL03-212-054.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.