

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

City of Sioux Falls, South Dakota and
Heartland Consumers Power District

v.

Docket No. EL06-28-000

Xcel Energy Services, Inc., Northern States
Power Company (Minnesota), and Midwest
Independent Transmission System Operator, Inc.

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued October 27, 2006)

1. On June 30, 2006, the Midwest Independent Transmission System Operator, Inc., the City of Sioux Falls, South Dakota (Sioux Falls), Heartland Consumers Power District (Heartland), and Xcel Energy Services, Inc. (Xcel), on behalf of itself and its utility operating company affiliate Northern States Power Company (NSP) submitted a Joint Settlement Agreement (Settlement Agreement) that they state resolves all of the issues related to the above-captioned proceeding. No comments were filed in response to the Settlement Agreement.

2. The Settlement Agreement fully resolves the complaint proceeding in Docket No. EL06-28-000, which concerns Sioux Falls's request that NSP provide transmission service under Grandfathered Agreement No. 360 for power Sioux Falls proposes to purchase from Heartland.

3. The Commission finds that the Settlement Agreement is fair and reasonable and in the public interest and hereby approves it. The Commission's approval of the Settlement Agreement 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 of the Settlement Agreement under the just and reasonable and not unduly discriminatory or preferential standard of section 206 of the Federal Power Act.

4. This order terminates Docket No. EL06-28-000.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.