

110 FERC ¶ 61,057
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Duke Energy Lee, LLC	Docket Nos.	ER04-641-000
		ER04-641-001
		ER04-641-002

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued January 25, 2005)

1. On November 16, 2004, Duke Energy Lee, LLC (Duke Lee) and Exelon Corporation, on behalf of itself and its subsidiaries, Commonwealth Edison Company and Exelon Generation, LLC filed a settlement agreement in the above referenced dockets. The subject settlement resolves all the issues set for hearing in the referenced dockets. Initial comments were filed on December 6, 2004, by Commission Trial Staff and no reply comments were filed. On December 17, 2004, the Settlement Judge certified the settlement to the Commission as uncontested.
2. The subject settlement is 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 this proceeding. The Commission retains the right to investigate rates, terms, and conditions under the just and reasonable and not unduly discriminatory or preferential standard of § 206 of the Federal Power Act, 16 U.S.C. § 824(e) (2000).
3. The tariff sheet designation submitted with the settlement does not contain a clean (non-redline) rate schedule and thus does not comply with *Designation of Electric Rate Schedule Sheets*, Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000). Duke Lee is directed to file rate scheduled sheets in conformance with Order No. 614 within 30 days from this order approving the settlement.
4. Refunds will be made in accordance with paragraph 11 of the settlement agreement. Within thirty (30) days after such refunds are made, Duke Lee shall file with this Commission a compliance report detailing the refunds. Duke Lee shall furnish copies of the report to the appropriate State Commissions.

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5. This order terminates Docket Nos. ER04-641-000 and ER04-641-001. Duke Lee has agreed to withdraw its request for rehearing in Docket No. ER04-641-002, thereby rendering this docket moot. A new subdocket will be assigned to Docket No. ER04-641 upon receipt of the required compliance refund report.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.