

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Midwest Independent Transmission  
System Operator

Docket Nos. ER05-6-076  
EL04-135-079  
EL02-111-096  
EL03-212-092

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued May 10, 2007)

1. On July 27, 2006, Exelon Corporation filed a Stipulation and Settlement Agreement, on behalf of Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc. (collectively, ComEd); Quest Energy, L.L.C. (Quest); and WPS Energy Services, Inc. (WPS ESI) (collectively, Quest/ESI). The Agreement resolves all of the issues set for hearing<sup>1</sup> between the ComEd and Quest/ESI in the captioned dockets. Specifically, the Settlement resolves Quest/ESI's obligations under the transitional SECA rate mechanism at issue in these proceedings; any lost revenue claims by ComEd payable by Quest/ESI; any potential obligations from attempts to shift SECA responsibility to Quest/ESI; and any shift-to-shipper claims of Quest/ESI against ComEd. On August 1, 2006, Staff filed comments in support of the Agreement. On August 30, 2006, the Presiding Administrative Law Judge certified the Agreement to the Commission as an uncontested settlement.<sup>2</sup>

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

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<sup>1</sup> *Midwest Independent Transmission System Operator*, 109 FERC ¶ 61,168 (2004).

<sup>2</sup> *Midwest Independent Transmission System Operator*, 116 FERC ¶ 63,043 (2006).

3. This order terminates Docket Nos. ER05-6-076, EL04-135-079, EL02-111-096 and EL03-212-092.

By the Commission. Commissioner Moeller not participating.

( S E A L )

Kimberly D. Bose  
Secretary