

126 FERC ¶ 61,61,048
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

January 15, 2009

In Reply Refer To:
Southern California Edison Company
Docket No. ER08-567-002

Southern California Edison Company
Attn: James Cuillier, Director of FERC Rates and Regulations
Rebecca Austin Furman, Esquire
P.O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770

Reference: Amended and Restated Settlement Agreement

Dear Mr. Cuillier and Ms. Furman:

1. On November 18, 2008, Southern California Edison Company (SoCal Edison) filed an Amended and Restated Settlement Agreement (Amended Settlement Agreement) between itself and the City of Anaheim, California. SoCal Edison states that the Amended Settlement Agreement is being filed in response to the Commission's October 3, 2008 letter order,¹ which conditionally approved the initial Settlement Agreement upon the filing of a revised standard of review provision applicable to non-settling third parties.

2. Notice of SoCal Edison's filing was published in the *Federal Register*, 73 Fed. Reg. 78,772 (2008), with interventions and protests due on or before December 9, 2008. No protests or comments were filed. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R § 385.214 (2008), timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

¹ *Southern Cal. Edison Co.*, 125 FERC ¶ 61,012 (2008) (October 3 Letter Order).

3. Under the initial Settlement Agreement, the standard of review applicable to the settling parties, non-parties, and the Commission acting *sua sponte* for any modifications to the Settlement Agreement after approval was the public interest standard under the *Mobile-Sierra* doctrine.² In compliance with the October 3 Letter Order, the parties revised the standard of review for non-settling third parties to provide that “the standard of review for changes to this Agreement proposed by non-settling third parties shall be ‘the most stringent standard permissible under applicable law.’ ”³ The revised terms of the Amended Settlement Agreement satisfactorily comply with our previous directive; the other terms are nearly identical to the terms included in the initial Settlement Agreement that we found in the October 3 Letter Order to be fair and reasonable and in the public interest. Accordingly, we approve the Amended Settlement Agreement effective January 14, 2009.⁴

4. The Commission’s approval of the Amended Settlement Agreement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

² *United Gas Pipe Line Co. v. Mobile Gas Serv. Corp.*, 350 U.S. 332 (1956); *Federal Power Comm’n v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

³ Amended Settlement Agreement, § 1.3.

⁴ SoCal Edison requested that the Amended Settlement Agreement be approved “effective January 14, 2009 (61 days from the date of filing).” Transmittal Letter at 2. Although it appears that January 14, 2009 would be fifty-seven days after the date of filing, we are granting the effective date requested of January 14, 2009.