

130 FERC ¶ 61, 131  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

February 24, 2010

In Reply Refer To:  
Docket No. EL09-3-000

Alston & Bird LLP  
Attn: Andrea Wolfman, Esq.  
Attorney for Berkshire Power Company, LLC  
950 F Street, N.W.  
Washington, D.C. 20004

Reference: Uncontested Settlement

Dear Ms. Wolfman:

1. On December 22, 2009, you filed a Joint Offer of Settlement (Settlement) on behalf of Berkshire Power Company, LLC (Berkshire) and the Municipal Complainants Group<sup>1</sup> in the above-referenced docket. The Settlement reflects the parties' agreement to resolve all issues pending in this docket, which concerns a complaint seeking the termination of a Reliability Must Run (RMR) Agreement between Berkshire and ISO New England, Inc.<sup>2</sup> The Settlement provides that the Monthly Fixed-Cost Charge to be

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<sup>1</sup> The Municipal Complainants Group consists of Ashburnham Municipal Light Plant, Boylston Municipal Light Department, Chester Municipal Electric Light Department, Groton Electric Light, Holden Municipal Light Department, Holyoke Gas & Electric Light Department, Paxton Municipal Light Department, Princeton Municipal Light Department, Russell Municipal Light Department, Shrewsbury Electric Light and Cable, Sterling Municipal Light Department, Templeton Municipal Light, West Boylston Municipal Light Plant, Westfield Gas & Electric, Chicopee Municipal Lighting Plant, Hudson Light & Power Department, South Hadley Electric Light Department, and Massachusetts Municipal Wholesale Electric Company.

<sup>2</sup> Ashburnham Municipal Light Plant, *et al.*, complaint, Docket No. EL09-3-000 (Oct. 8, 2008, as amended Oct. 17, 2008).

paid to Berkshire in May 2010 shall be zero and that a just and reasonable standard of review will be applied.

2. No comments were filed in response to the Settlement.
3. The subject Settlement is fair and reasonable and in the public interest, and is hereby approved.<sup>3</sup> 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 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.<sup>4</sup>
4. This letter order terminates Docket No. EL09-3-000.

By direction of the Commission.

Kimberly D. Bose,  
Secretary.

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<sup>3</sup> 18 C.F.R. § 385.602(g)(3)(2009).

<sup>4</sup> 16 U.S.C. § 824e (2006).