

133 FERC ¶ 61,119
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

November 2, 2010

In Reply Refer To:
Entergy Services, Inc.
Docket Nos. EL09-78-000
 EL09-78-001
 ER09-1214-000

Entergy Services, Inc.
101 Constitution Ave., NW
Suite 200-East
Washington, DC 20001

Attn: Erin M. Murphy, Esq.

Dear Ms. Murphy:

1. On August 11, 2010, you filed a Settlement Agreement in the above-referenced dockets on behalf of the Entergy Operating Companies and South Mississippi Electric Power Association, Arkansas Electric Cooperative Corporation, Mississippi Delta Energy Agency, Clarksdale Public Utilities Commission, Public Service Commission of Yazoo City, Conway Corporation, West Memphis Utilities Commission, City of Prescott, Arkansas, Louisiana Energy and Power Authority, Lafayette Utilities System, and Municipal Energy Agency of Mississippi. The Settlement Agreement indicates that it resolves all outstanding issues in Docket Nos. ER09-1214 and EL09-78.

2. On August 31, 2010, Commission Trial Staff submitted comments in support of the Settlement Agreement. Further, on the same date, the Conway Corporation, West Memphis Utilities Commission, and the City of Prescott, Arkansas (the Arkansas Cities), filed comments stating that they did not oppose the Settlement Agreement. No other comments were received. On September 16, 2010, the Presiding Administrative Law Judge certified the uncontested Settlement Agreement to the Commission.

3. Paragraph 8 of the Settlement states that the standard of review for modifications to the Settlement Agreement that are not agreed to by all the parties, as well as modifications resulting from the Commission acting *sua sponte* and modifications by non-parties to the Settlement Agreement, shall be the just and reasonable standard of review.
4. The Settlement appears to be 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.
5. Within 30 days from the date of this letter, any amounts collected in excess of the settlement rates will be refunded together with any interest computed under section 35.19a of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 35.19a (2010). Within 15 days after making such refunds, Entergy Services, Inc. will file with the Commission a compliance refund report showing monthly billing determinants, revenue receipt dates, revenues under the prior, present, and settlement rates, the monthly revenue refund, and the monthly interest computed, together with a summary of such information for the total refund period. Entergy Services, Inc. will furnish copies of the report to the affected wholesale customers and to each state commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.
6. This letter terminates Docket Nos. EL09-78-000, EL09-78-001 and ER09-1214-000. A new subdocket will be assigned in this docket upon receipt of the required compliance refund report.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

cc: All Parties