

138 FERC ¶ 61,047
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

January 23, 2012

In Reply Refer To:
Terra-Gen Dixie Valley, LLC
Docket Nos. ER11-2127-001
ER11-2127-002
EL11-37-000

Raymond B. Wuslich, Esq.
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006

Reference: Settlement Agreement

Dear Mr. Wuslich:

1. On October 12, 2011, you filed a Settlement Agreement (Settlement) with the Commission on behalf of Terra-Gen Dixie Valley, LLC (Dixie Valley) and Green Borders Geothermal, LLC in the above referenced dockets, resolving all issues set for hearing concerning Dixie Valley's monthly demand charge for firm point-to-point transmission service.¹
2. On November 1, 2011, Commission Trial Staff filed comments in support of the Settlement. No other comments were filed. The settlement judge certified the offer of settlement to the Commission as uncontested on November 3, 2011.²
3. The Settlement resolves all issues set for hearing in Docket Nos. ER11-2127-001, ER11-2127-002, and EL11-37-000. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission also approves the revised Schedule 7 rate provisions appended to the Settlement as *pro forma* tariff sheets.
4. The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue involved in this proceeding. Article VII of the

¹ *Terra-Gen Dixie Valley, LLC*, 135 FERC ¶ 61,134 (2011).

² *Terra-Gen Dixie Valley, LLC*, 137 FERC ¶ 63,008 (2011).

Settlement provides that the standard of review for changes to the Settlement, including any modifications resulting from the Commission acting *sua sponte*, will be the just and reasonable standard of review. 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, 16 U.S.C. § 824(e) (2006).

5. Within 30 days of the date of this order, Dixie Valley is directed to make a compliance filing in eTariff pursuant to Order No. 714,³ in order to implement the Settlement and revised Schedule 7 tariff sheets consistent with the Commission's approval in this order.

By direction of the Commission. Chairman Wellinghoff is not participating.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ See *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).