

139 FERC ¶ 61,250
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

June 25, 2012

In Reply Refer To:
Public Service Company of Colorado
Docket No. ER11-2853-000

Carolyn Y. Thompson, Esq.
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001

Dear Ms. Thompson:

1. On April 11, 2012, you filed settlement documents with the Commission that include a Stipulation and Offer of Settlement (Settlement) on behalf of Public Service Company of Colorado.
2. On May 1, 2012, Commission Trial Staff filed initial comments in support of the Settlement. No adverse comments were filed, and on May 23, 2012, the settlement judge certified the Settlement to the Commission as uncontested.¹
3. The Settlement resolves all issues set for hearing in Docket No. ER11-2853-000. Article IV of the Settlement provides that the standard of review for changes to the Settlement by a settling party that are not agreed to by the other settling parties shall be the “public interest” standard set forth in *United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956), and *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956). The standard of review for any changes proposed by a non-party or the Commission acting *sua sponte* shall be the “ordinary just and reasonable standard of review.” 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 involved 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, 16 U.S.C. § 824e (2006).

¹ *Public Service Company of Colorado*, 139 FERC ¶ 63,014 (2012).

4. Refunds and adjustments shall be made pursuant to the Settlement. Pursuant to the Settlement, and with the concurrence of the City of Burlington, Colorado, the Commission approves and accepts, effective September 1, 2011, the amended and restated Burlington power purchase agreement attached to the Settlement.
5. Within 30 days of the date of this order, Public Service Company of Colorado is directed to make a compliance filing in eTariff format to reflect the Commission's actions in this order.²
6. This order terminates Docket No. ER11-2853-000.

By direction of the Commission. Commissioner Clark is not participating.

Kimberly D. Bose,
Secretary.

² See *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).