

141 FERC ¶ 61,187  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

December 4, 2012

In Reply Refer To:  
Midwest Independent Transmission  
System Operator, Inc.  
Docket Nos. ER11-2700-000  
ER11-2700-001  
ER11-2700-002  
ER11-2700-003  
ER11-2700-004  
(Consolidated)  
Docket No. ER11-2700-005  
Docket Nos. ER12-427-000  
ER12-427-001  
ER12-427-002

Midwest Independent Transmission System Operator, Inc.  
Attention: Matthew R. Dorsett  
720 City Center Drive  
Carmel, IN 46032

VENABLE LLP  
Attention: David M. DeSalle  
575 7<sup>th</sup> Street, NW  
Washington, DC 20004-1607

Dear Counsel:

1. On May 24, 2012, as amended on June 29, 2012, you filed, in the above-referenced proceedings, a Settlement Agreement on behalf of the Midwest Independent Transmission System Operator, Inc. (MISO) and other settling parties (collectively, the Settling Parties).<sup>1</sup> On June 12, 2012, Commission Trial Staff filed comments in support

---

<sup>1</sup> The Settling Parties are MISO; the Central Minnesota Municipal Power Agency (CMMPA)/the Midwest Municipal Transmission Group; the MISO Transmission Owners (MISO TOs); Xcel Energy Services Inc., on behalf of its utility operating company

(continued...)

of the Settlement. On June 14, 2012, MISO and CMMPA filed comments supporting the Settlement. On July 2, 2012, the Settlement Judge certified the uncontested Settlement to the Commission.

2. The Settlement addresses: CMMPA's Attachments O and MM; accounting, reporting and posting requirements; revenue distribution and billing methodology; and CMMPA's recovery of its annual transmission revenue requirement; and deferred regulatory asset treatment. Pursuant to the Settlement, unless the Settling Parties otherwise agree in writing, any modifications to the Settlement proposed by one of the Settling Parties after the Commission accepts or approves the Settlement will be subject to the "public interest" application of the just and reasonable standard of review set forth in *United Gas Pipe Line Co. v. Mobile Gas Serv. Corp.*, 350 U.S. 332 (1956) and *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956), as clarified in *Morgan Stanley Capital Group, Inc. v. Public Util. Dist. No. 1 of Snohomish County, Washington*, 554 U.S. 527 (2008) and refined in *NRG Power Mktg. v. Maine Pub. Utils. Comm'n*, 130 S. Ct. 693, 700 (2010). The Settlement states that any modifications proposed by the Commission acting *sua sponte* or by a non-settling party will be subject to the most stringent standard available under applicable law.

---

affiliates Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin); and Great River Energy. For purposes of these proceedings, the MISO TOs are Ameren Services Company, as agent for Union Electric Company d/b/a Ameren Missouri, Ameren Illinois Company d/b/a Ameren Illinois and Ameren Transmission Company of Illinois; American Transmission Company LLC; Big Rivers Electric Corporation; City Water, Light & Power (Springfield, IL); Dairyland Power Cooperative; Duke Energy Corporation for Duke Energy Indiana, Inc.; Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Company; International Transmission Company d/b/a ITC *Transmission*; ITC Midwest LLC; Michigan Electric Transmission Company, LLC; Michigan Public Power Agency; MidAmerican Energy Company; Minnesota Power (and its subsidiary Superior Water, L&P); Montana-Dakota Utilities Co.; Northern Indiana Public Service Company; Northwestern Wisconsin Electric Company; Otter Tail Power Company (Otter Tail); Southern Illinois Power Cooperative; Southern Indiana Gas & Electric Company; Southern Minnesota Municipal Power Agency; Wabash Valley Power Association, Inc.; and Wolverine Power Supply Cooperative, Inc.

3. The Settlement includes proposed revisions to MISO Open Access Transmission Tariff Schedules 7, 8 and 9; Attachment O-CMMPA; and Attachment MM-CMMPA. Settling Parties request an effective date of May 24, 2012 for these proposed tariff revisions.

4. The Settlement resolves all issues in dispute in these proceedings. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in these proceedings. 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. We find that the proposed revisions to MISO Open Access Transmission Tariff Schedules 7, 8 and 9; Attachment O-CMMPA; and Attachment MM-CMMPA are just and reasonable, and we accept them, to become effective on May 24, 2012, as requested.

6. This letter order terminates Docket Nos. ER11-2700-000, ER11-2700-001, ER11-2700-002, ER11-2700-003, ER11-2700-004, ER11-2700-005, ER12-427-000, ER12-427-001, and ER12-427-002.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.