

143 FERC ¶ 61,162
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

May 23, 2013

In Reply Refer To:
PacifiCorp
Docket Nos. ER11-3643-000
ER11-3643-001
ER11-3643-003

PacifiCorp
Attn: Mark M. Rabuano, Esq.
825 N.E. Multnomah
Suite 1800
Portland, OR 97232

Dear Mr. Rabuano:

1. On February 22, 2013, you filed on behalf of PacifiCorp and the parties a Settlement Agreement (Settlement), resolving all outstanding issues in the above-referenced dockets. On March 14, 2013, Commission Trial Staff filed comments in support of the Settlement. On March 26, 2013, the settlement judge certified the Settlement to the Commission as uncontested.¹
2. Section 3.7 of the Settlement governs the standard of review for changes to the Settlement after approval, and provides that to the extent the Commission considers changes to the Settlement's rate moratorium provisions in section 3.2, sought in a filing by a Party, and the proposed changes would take effect prior to June 1, 2015, the standard of review for such proposed changes shall be the "public interest" application of the just and reasonable standard of review. However, the ordinary just and reasonable standard of review (rather than the "public interest" standard) applies to future changes to the section 3.2 moratorium provisions sought by the Commission acting *sua sponte* or at the request of a non-Party. With respect to changes to section 3.2 or the moratorium provisions listed therein that would take effect on or after June 1, 2015, or to changes to other provisions of the Settlement, the standard of review shall be the ordinary just and reasonable standard, including without limitation, written amendments or modifications to the Settlement agreed to by all Parties.

¹ *PacifiCorp*, 142 FERC ¶ 63,023 (2013).

3. The Commission retains the right to investigate the rates, terms, and conditions under the just and reasonable standard of section 206 of the Federal Power Act, 16 U.S.C. § 824e (2006).
4. The Commission finds that the Settlement appears to be fair and reasonable and in the public interest, and it is hereby approved. This approval does not constitute approval of, or precedent regarding, any principle or issue in this proceeding, except to the limited extent expressly provided in the Settlement. Refunds and adjustments shall be made pursuant to the Settlement.
5. The Settlement was not filed in the eTariff format required by Order No. 714.² Therefore, PacifiCorp shall make a compliance filing within 30 days in eTariff format to reflect the Commission's action in this order, and to incorporate into PacifiCorp's Open Access Transmission Tariff the approved tariff revisions from the Settlement Appendices.
6. This letter terminates Docket Nos. ER11-3643-000, and ER11-3643-001, and ER11-3643-003.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

cc: All Parties

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