

143 FERC ¶ 61,281
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

June 27, 2013

In Reply Refer To:
Southwest Power Pool, Inc.
Docket Nos. ER12-891-000
 EL12-47-000
 ER12-1017-000
 EL12-51-000

Westar Energy, Inc.
 ER12-909-000
 ER12-909-002

Southwest Power Pool, Inc.
 ER13-178-000¹

Westar Energy, Inc.
Attn: Cathryn Dinges, Esq.
 Senior Corporate Counsel for Westar Energy, Inc.
818 S. Kansas, P.O. Box 889
Topeka, KS 66601

¹ Docket No. ER13-178-000 was not among the other proceedings captioned above that were consolidated for settlement judge proceedings; however, Docket No. ER13-178-000 was made “subject to the outcome of” the consolidated proceedings in Docket No. ER12-909-000, *et al.* See *Southwest Power Pool, Inc.*, 141 FERC ¶ 61,216 (2012). See also *Southwest Power Pool, Inc.*, 138 FERC ¶ 61,211 (2012); *Westar Energy, Inc.*, 138 FERC ¶ 61,237 (2012); and *Southwest Power Pool, Inc.*, 139 FERC ¶ 61,016 (2012) for the sequence of the proceedings that were consolidated.

Wright & Talisman, P.C.
Attn: Carrie L. Bumgarner, Esq.
Attorney for Southwest Power Pool
1200 G Street NW, Suite 600
Washington, DC 20005

Dear Ms. Dinges and Ms. Bumgarner:

1. On May 3, 2013, Westar Energy, Inc. (Westar) filed an executed Settlement Agreement (Settlement) on behalf of the Settling Parties² in the above captioned proceedings, which include proceedings involving Southwest Power Pool, Inc. (SPP).³ On May 15, 2013, the Commission's Trial Staff filed comments supporting the settlement. No other comments were filed. On May 21, 2013, the Settlement Judge certified the Settlement to the Commission as uncontested.⁴
2. The Settlement resolves all the issues set for hearing in the above captioned proceedings, concerning the transmission and distribution loss factors to be included in Westar's Open Access Transmission Tariff (OATT). 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 this proceeding.
3. Insofar as Westar and SPP have complied with *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008), the tariff provisions that implement the Settlement are hereby accepted. We find that the proposed revisions to Sections 15.7 and 28.5 of Westar's OATT and Attachment M of SPP's OATT contained in Attachment A of the Settlement, and the proposed revisions to the respective Appendix 3 for each of

² "Settling Parties" collectively include Westar; Kansas Electric Power Cooperative; Kansas Power Pool, Inc.; and Doniphan Electric Cooperative (Doniphan); Kaw Valley Electric Cooperative, Inc. (Kaw Valley); and Nemaha-Marshall Electric Cooperative (Nemaha-Marshall) (Doniphan, Kaw Valley and Nemaha-Marshall, collectively, the Independent Cooperatives).

³ SPP is not a signatory to the Settlement, but authorized the Settling Parties to state that SPP does not oppose the Settlement, and assuming no further changes of which SPP is not aware, SPP will execute the applicable Network Operating Agreements and Network Integration Transmission Service Agreements (NITSA) of the Settling Parties to conform to the Settlement.

⁴ *Southwest Power Pool, Inc.*, 143 FERC ¶ 63,007 (2013).

the Independent Cooperatives' NITSA contained in Attachment B of the Settlement, are just and reasonable, and we accept them, to become effective as of the date of this letter order. Refunds and adjustments shall be made pursuant to the Settlement.

4. As provided in Section 4.8 of the Settlement, the applicable standard of review for proposed changes to the Settlement shall be the just and reasonable standard under sections 205 and 206 of the Federal Power Act, whether the change is proposed by a settling party, a non-party, or by the Commission acting *sua sponte*. 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).

5. This letter order terminates Docket Nos. ER12-891-000, EL12-47-000, ER12-909-000, ER12-909-002, ER12-1017-000, ER12-1018-000, EL12-51-000, and ER13-178-000.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.