

143 FERC ¶ 61,287
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Philip D. Moeller, John R. Norris,
Cheryl A. LaFleur, and Tony Clark.

The City of Alexandria, Louisiana,
The Louisiana Energy and Power
Authority, and
The Lafayette Utilities System

Docket No. EL12-61-000

v.

Cleco Power LLC

ORDER DISMISSING COMPLAINT AND TERMINATING PROCEEDING

(June 27, 2013)

1. On April 25, 2012, the City of Alexandria, Louisiana, the Louisiana Energy and Power Authority, and the Lafayette Utilities System (collectively, Complainants) filed a complaint (Complaint) with the Commission against Cleco Power LLC (Cleco). The Complaint sought an investigation under sections 206, 306, and 309 of the Federal Power Act¹ of Cleco's rate proposal filed in Docket Nos. ER12-1378-000 and ER12-1379-000 (collectively, the Settlement Dockets). In the Settlement Dockets, Cleco proposed to adopt a cost-based formula rate for transmission service charges under: (1) its Open Access Transmission Tariff (OATT); (2) filed service agreements under the OATT; and, (3) certain bilateral Electric Service Interconnection Agreements entered into prior to the OATT.²

2. On February 6, 2013, the Commission approved a Settlement Agreement (Settlement) filed on behalf of Cleco and the Complainants, resolving all issues in the Settlement Dockets concerning Cleco's formula rate proposal and terminating the

¹ 16 U.S.C. §§ 824e, 825e, 825h (2006).

² Complainants also filed protests in the Settlement Dockets "based on the same set of facts, policy and precedent" as the Complaint. Complaint at 2.

Settlement Dockets.³ Article IX of the Settlement requires Complainants to file with the Commission a motion to dismiss the Complaint with prejudice no later than 15 days after the date on which the Settlement becomes effective pursuant to a final order of the Commission, as defined in the Settlement.⁴ On March 18, 2013, Complainants filed a motion requesting that the Commission dismiss the Complaint with prejudice.

3. The Commission will grant Complainants' motion to dismiss the Complaint, with prejudice, and terminate the proceeding.

The Commission orders:

The Complaint filed in Docket No. EL12-61-000 is hereby dismissed and the proceeding is terminated.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ *Cleco Power LLC*, 142 FERC ¶ 61,094 (2013) (*Cleco*).

⁴ Settlement at Article IX; *Cleco*, 142 FERC ¶ 61,094 at P 4 n.1.