

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, and Joseph T. Kelliher.

El Paso Electric Company

Docket No. ER03-93-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued February 11, 2004)

1. On November 6, 2003, El Paso Electric Company (El Paso) and Public Service Company of New Mexico (PNM) filed a proposed offer of settlement with the Commission in the above-referenced proceeding. On November 26, 2003, Commission Trial Staff (Trial Staff) filed initial comments in support of the offer of settlement. Also on November 26, 2003, Peoples Energy Resources Company, LLC (Peoples Energy) filed comments opposing the offer of settlement.¹ Reply comments were filed on December 8, 2003 by PNM, Peoples Energy and Trial Staff.² No other comments were filed. On December 17, 2003, the presiding administrative law judge certified the settlement to the Commission as uncontested.

2. The subject settlement is 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. The rate schedules submitted as part of the settlement are in compliance with Order No. 614 (FERC Statutes and Regulations ¶ 31,096 (2001)) and are accepted for filing as designated.

¹ Peoples Energy filed a motion to intervene out-of-time in this proceeding. The presiding administrative law judge denied that motion and certified the settlement as uncontested. See, e.g. Williams Energy Marketing & Trading Co., 105 FERC ¶ 61,165 at P 8 (2003) (finding settlement uncontested because entity opposing the settlement was not a party to the proceeding).

² El Paso also filed reply comments on December 8, 2003 which were not included in the Commission's initial certification of this settlement on December 17, 2003. El Paso's reply comments were reported in a supplement to the certification of uncontested settlement issued on December 22, 2003.

3. This order terminates Docket No. ER03-93-000.

By the Commission. Commissioner Kelly not participating.

(S E A L)

Linda Mitry,
Acting Secretary.