

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

May 22, 2003

In Reply Refer To:  
Cargill Power Markets, LLC  
Docket No. EL03-38-000

Duane Morris

Attn: Stephen L. Teichler, Esq.

Attorney for Midwest Independent Transmission System Operator, Inc.

1667 K Street, NW

Suite 700

Washington, D.C. 20006-1608

Dear Mr. Teichler:

1. On March 14, 2003, you filed an offer of settlement (settlement) on behalf of the Midwest Independent Transmission System Operator, Inc. (Midwest ISO), and Cargill Power Markets, LLC (CPM), in the above proceeding. On April 1, 2003, timely comments supporting the settlement were filed by CPM. On April 3, 2003, timely comments contesting the settlement were filed by Tenaska Power Services Company (Tenaska Power). On April 21, 2003, CPM filed timely reply comments supporting the settlement. On April 21, 2003, Tenaska Power filed a formal withdrawal of its April 3, 2003 comments. On April 24, 2002, the settlement judge certified the settlement as an uncontested settlement.

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 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. § 824e (2000).

3. The transmission service agreements provided for by the settlement do not conform to the standard terms and conditions for service agreements under the Midwest ISO Open Access Transmission Tariff. Non-conforming transmission service agreements are

required to be filed with the Commission.<sup>1</sup> The Midwest ISO is, therefore, directed to file the service agreements within 30 days of the date of this order.

4. This letter order terminates Docket No. EL03-38-000. A new subdocket will be assigned to the compliance filing.

By direction of the Commission.

Magalie R. Salas  
Secretary,

cc: All Parties

Minnesota Public Utilities Commission  
121 Seventh Place E. Suite 350  
Saint Paul, MN 55101-2163

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<sup>1</sup>See Revised Public Utility Filing Requirements, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, reh'g denied, Order No. 2001-A, 100 FERC ¶ 61,074 (2002).