

accepted and suspended Wabash Valley's proposed Formula Rate Tariff and its proposed contracts with its members, subject to refund, established hearing and settlement judge procedures and consolidated Docket Nos. ER04-789-000 and ER04-802-000 for purposes of hearing and decision (June 29 Order).¹

III. Filing

3. Wabash Valley states that the purpose of its filing is to correct three errors contained in the Formula Rate Tariff as originally filed with the Commission in Docket No. ER04-789-000. Specifically, Wabash Valley seeks to clarify: (1) the computation of the annual substation surcharges; (2) the application of the peak billing demand charge to all delivery voltages; and (3) the measurement of metered coincident demand – billing window. Wabash Valley states that the changes are designed to ensure that it collects from its members revenues under the formula rate in a manner which more closely tracks cost incurrence. Wabash Valley adds that the changes do not deviate from the cost documentation previously filed with the Commission that supported the Formula Rate Tariff. Wabash Valley requests an effective date of July 1, 2004.

IV. Notice of Filing

4. Notice of Wabash Valley's filing was published in the *Federal Register*, 69 Fed. Reg. 45,702 (2004), with comments, interventions, and protests due on or before August 11, 2004. None were filed.

V. Discussion

5. Wabash Valley's proposed revisions raise issues of material fact that cannot be resolved based on the record before us, and are more appropriately addressed in a hearing. Our preliminary analysis of Wabash Valley's proposed revisions indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we will accept them for filing, suspend them for a nominal period to be effective July 1, 2004, as requested, subject to refund, and set them for hearing and settlement judge procedures.

6. In addition, because there are common issues of law and fact we will consolidate the instant proceeding with the proceeding in Docket Nos. ER04-789-000 and ER04-802-000 for purposes of hearing and decision.

¹ Wabash Valley Power Association, Inc., 107 FERC ¶ 61,327 (2004), *reh'g pending*.

The Commission orders:

(A) Wabash Valley's filing is hereby accepted for filing, suspended for a nominal period to be effective July 1, 2004, subject to refund.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 C.F.R., Chapter I), a public hearing shall be held in Docket No. ER04-1033-000 concerning the justness and reasonableness of the proposed revisions to Wabash Valley's Formula Rate Tariff, as discussed in the body of this order. However, the hearing shall be held in abeyance to provide time for settlement judge procedures.

(C) Docket No. ER04-1033-000 is hereby consolidated with Docket Nos. ER04-789-000 and ER04-802-000 for purposes of hearing and decision.

(D) The settlement judge or presiding judge, as appropriate, in Docket Nos. ER04-789-000 and ER04-802-000 shall determine the procedures best suited to accommodate consolidation of Docket No. ER04-1033-000 with Docket Nos. ER04-789-000 and ER04-802-000.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.