

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
William L. Massey, and Nora Mead Brownell.

Entergy Services, Inc.

Docket Nos. ER03-1273-000
ER03-59-001
ER03-59-002

ORDER ACCEPTING NOTICE OF WITHDRAWAL AND DISMISSING AS MOOT
REHEARING AND COMPLIANCE FILINGS

(Issued October 23, 2003)

1. On August 29, 2003, Entergy Services, Inc., on behalf of Entergy New Orleans, Inc. (collectively, Entergy) filed a Notice of Termination stating that Duke Energy Orleans, LLC (Duke) had requested that Entergy terminate the Interconnection and Operating Agreement (IA) and Generator Imbalance Agreement (GIA) the parties had previously entered into and filed with the Commission in Docket No. ER03-59-000.
2. The Commission accepts the Notice of Termination and notes that this action moots the pending rehearings filed by Southern Company Services, Inc. (Southern) and Entergy in Docket No. ER03-59-001, as well as the compliance filing made by Entergy in Docket No. ER03-59-002.

Background

3. On August 29, 2003, Entergy filed with the Commission a Notice of Termination of the IA and GIA between Entergy and Duke. Exhibit A to Entergy's filing was a letter from Duke requesting the termination with an effective date of September 19, 2003.
4. The IA and GIA were conditionally accepted on December 16, 2002.¹ Both Entergy and Southern requested rehearing of the Commission's December 16, 2002 order. Entergy also made a compliance filing in Docket No. ER03-59-002. The Commission then tolled the rehearing requests.

¹101 FERC ¶ 61,289 (2002).

Notices and Pleadings

5. Notice of the filing was published on September 4, 2003, with comments, protests, and interventions due September 18, 2003. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR § 385.214 (2003), the notices of intervention and timely unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

Discussion

6. The unopposed request for termination is granted. Since the IA and GIA underlying the requests for rehearing in ER03-59-001 and the compliance filing in ER03-59-002 has been terminated, those proceedings are dismissed as moot.

The Commission orders:

(A) Duke's request for termination of the IA and GIA is granted effective September 19, 2003, as requested.

(B) The proceedings in Docket Nos. ER03-59-001 and ER03-59-002 are dismissed as moot.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.