



3. The settlement agreement is in the public interest and is hereby approved. The revised rate schedule that was submitted with the settlement is not paginated in accordance with Order No. 614, FERC Stats & Regs. ¶ 31,096 (2000). Accordingly, Wolverine is directed to file the corrected designations properly paginated, within 30 days from the date of this order.

4. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

5. This order terminates Docket Nos. ER04-132-000 and EL04-38-000. New sub-dockets will be assigned upon receipt of the required compliance filing.

By the Commission. Commissioner Kelly dissenting in part with a separate statement attached.

( S E A L )

Linda Mitry,  
Deputy Secretary.

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Wolverine Power Supply Cooperative, Inc.      Docket Nos. ER04-132-000  
EL04-38-000

(Issued November 22, 2004)

KELLY, Commissioner, *dissenting in part*:

For the reasons I have previously set forth in *Wisconsin Power & Light Co.*, 106 FERC ¶ 61,112 (2004), I do not believe that the Commission should depart from its precedent of not approving settlement provisions that preclude the Commission, acting *sua sponte* on behalf of a non-party, or pursuant to a complaint by a non-party, from investigating rates, terms and conditions under the “just and reasonable” standard of section 206 of the Federal Power Act at such times and under such circumstances as the Commission deems appropriate.

Therefore, I disagree with this order to the extent it approves a settlement where the parties stipulate that “the standard of review for changes to the Settlement Agreement proposed by a Party, a Non-Party or the FERC acting *sua sponte* shall be the ‘public interest’ standard of review set forth in *United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956) (the ‘Mobile Sierra’ Doctrine).”

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