

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Detroit Edison Company

Docket Nos. EL01-51-005
ER01-1649-005

ORDER CONDITIONALLY ACCEPTING COMPLIANCE FILING

(Issued December 22, 2004)

1. In this order, the Commission conditionally accepts Detroit Edison Company's (Detroit Edison) filing in compliance with the Commission's June 4 Order¹ approving the settlement agreement filed by the parties in this proceeding on March 13, 2002. This order benefits customers because it assures that the agreement between the parties contains just and reasonable terms.

I. Background

2. Detroit Edison initially filed a Distribution Interconnection Agreement (Agreement) with Dearborn Industrial Generation, L.L.C. (Dearborn) on April 16, 2001. On June 15, 2001, the Commission issued an order accepting the Agreement, as modified, for filing, suspending it for a nominal period, to be effective March 14, 2001, subject to refund, and set the Agreement for hearing and settlement judge procedures.² On June 29, 2001, Detroit Edison submitted a revised version of the Agreement as modified in compliance with the Commission's June 15 Order.³

3. Detroit Edison and Dearborn engaged in settlement negotiations and reached agreement to settle the issues set for hearing in the June 15 Order. On March 13, 2002, Detroit Edison and Dearborn submitted to the Commission a Settlement Agreement.

¹ See *Detroit Edison Company*, 99 FERC ¶ 61,268 (2002) (June 4 Order).

² See *Detroit Edison Company*, 95 FERC ¶ 61,415 (2001) (June 15 Order).

³ This compliance filing was submitted in Docket No. EL01-51-003, and is addressed in a Commission order issued concurrently with this order.

On June 4, 2002, the Commission issued an order approving the Settlement Agreement and directing Detroit Edison to file an updated copy of the Agreement incorporating the changes made in the Settlement Agreement.⁴

II. Compliance Filing

4. On July 3, 2002, Detroit Edison submitted a filing in compliance with the Commission's June 4 Order. Detroit Edison states that references in the body of the Agreement provide appropriate cross-references to the relevant provisions of the Settlement Agreement.

III. Notice of Filings and Pleadings

5. Notice of Detroit Edison's filing was published in the *Federal Register*, 67 Fed. Reg. 47,533 (2002), with comments, protests, or interventions due on or before July 24, 2002. On July 24, 2002, Dearborn filed comments. Dearborn states that it does not take issue with any of the changes Detroit Edison has made in the compliance filing; however, Dearborn states that, as a base for the compliance filing, Detroit Edison uses a version of the Agreement that is the subject of an unresolved protest filed by Dearborn on July 20, 2001 in Docket No. EL01-51-003.⁵

IV. Discussion

6. We will conditionally accept Detroit Edison's July 3 compliance filing to be effective March 14, 2001. The revised Agreement submitted in compliance with the Commission's June 4 Order properly incorporates the changes made in the Settlement Agreement. However, as Dearborn notes, Detroit Edison used as a base for its compliance filing a version of the Agreement that is the subject of a proceeding in Docket No. EL01-51-003. Accordingly, we will make our acceptance of the revised Agreement subject to the outcome of the proceeding in Docket No. EL01-51-003.

⁴ See June 4 Order, 99 FERC ¶ 61,268 at 62,139.

⁵ See *supra* note 3.

The Commission orders:

Detroit Edison's July 3 compliance filing is hereby conditionally accepted, effective March 14, 2001, as discussed in the body of this order.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.