

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

American Electric Power Services Corporation

Docket No.ER01-2658-000
ER01-2658-001, ER02-602-000,
ER02-602-001, ER01-2977-000,
ER01-2977-001, ER01-2980-000,
ER01-2980-001, ER02-371-000,
ER02-371-001, ER-02-371-002,
ER-02-1216-000,
(Consolidated)
EL00-79-000, EL01-113-000,
EL02-24-000, ER02-1410-000,
EC01-130-000, and ER01-2668-
000

ORDER ACCEPTING UNCONTESTED SETTLEMENT

(Issued December 24, 2003)

1. On June 27, 2003, American Electric Power Service Corporation and its affiliates, AEP Texas North Company (formerly West Texas Utilities Company (WTU)) and AEP Texas Central Company (formerly Central Power and Light Company) (collectively, AEP) filed an Offer of Settlement in the above referenced dockets which included a Settlement Agreement and an Explanatory Statement pursuant to Rule 602 of the Commission's Rules of Practice and Procedures, 18 C.F.R. § 385.602 (2003).

2. The Offer of Settlement resolves the issues that Big Country Electric Cooperative, Inc., Brazos Electric Cooperative, Inc., Coleman County Electric Cooperative, Inc., Concho Valley Electric Cooperative, Inc., Golden Spread Electric Cooperative, Inc., Lighthouse Electric Cooperative, Inc., Southwest Texas Electric Cooperative, Inc. and Taylor Electric Cooperative, Inc. (collectively Cooperative Customer Group–West (CCG-W)), Rio Grande Electric Cooperative, Inc., TXU Energy Retail Company LP, successor to TXU Energy Services Company, Tex-La Electric Cooperative of Texas, Inc., East Texas Electric Cooperative, Inc. and Northeast Texas Electric Cooperative, Inc., have raised in the proceedings referenced above.

3. As a “global settlement,” the Offer of Settlement resolves all of the issues raised in the following dockets: Docket Nos. ER01-2658-000, ER01-2658-001, ER02-602-000, ER02-602-001, ER01-2977-000, ER01-2977-001, ER01-2980-000, ER01-2980-001, ER02-371-000, ER02-371-001, ER02-371-002, ER02-1216-000, and reaches beyond these proceedings to also resolve the issues raised in all but two of the following dockets: EL00-79-000, EL01-113-000, EL02-24-000, ER02-1410-000, EC01-130-000, and ER01-2668-000. According to the Offer of Settlement (and the Settlement Judge’s certification of the settlement), Docket Nos. EC01-130-000 and ER01-2668-000 would remain open due to a pending request for rehearing filed by Rayburn Country Electric Cooperative, Inc. (Rayburn). However, we note that on October 21, 2003, Rayburn filed a notice of withdrawal of its rehearing request.

4. All of the above named active participants to these proceedings supported the Offer of Settlement with respect to the dockets to which they were a party. Commission Trial Staff does not oppose the settlement.

5. On July 17, 2003, Rayburn filed comments on the Offer of Settlement. On August 27, 2003, the Settlement Judge certified the Offer of Settlement to the Commission as uncontested. On October 21, 2003, Rayburn filed a notice of withdrawal of its comments.

6. The subject Settlement is in the public interest and is hereby approved. The rates submitted with the settlement are accepted for filing and are made effective on the dates agreed upon by the parties. The Commission’s approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

7. Pursuant to the settlement, AEP is to make refunds to CCG-W, and WTU will file a compliance refund report in Docket No. EL00-79. Within 30 days from the date of this order, any amounts collected in excess of the settlement rates shall be refunded together with interest computed pursuant to Section 35.19a of the Commission's regulations. See 18 C.F.R. ' 35.19a (2001). In addition, within 30 days from the date that AEP makes refunds to CCG-W, WTU shall file with the Commission a compliance refund report showing monthly billing determinants; revenue receipt dates; revenues under the prior, present, and settlement rates; the monthly revenue refund; and the monthly interest computed, together with a summary of such information for the total refund period. WTU shall furnish copies of the report to the any affected wholesale customers, and each state commission within whose jurisdiction the affected wholesale customers distribute and sell energy at retail.

8. This order terminates Docket Nos. ER01-2658-000, ER01-2658-001, ER02-602-000, ER02-602-001, ER01-2977-000, ER01-2977-001, ER01-2980-000, ER01-2980-001, ER02-371-000, ER02-371-001, ER02-371-002, ER02-1216-000, EL00-79-000,

EL01-113-000, EL02-24-000, and ER02-1410-000. A new subdocket will be assigned in Docket No. EL00-79 upon receipt of the required compliance refund report.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.