

133 FERC ¶ 61,048
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

October 21, 2010

In Reply Refer To:
Dynergy South Bay, LLC
Docket No. ER10-166-000

Bruce L. Richardson, Esq.
King & Spalding LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006

Re: Letter Order Approving Uncontested Settlement

Dear Mr. Richardson:

1. On August 12, 2010, on behalf of Dynergy South Bay, LLC (Dynergy), the California Independent System Operator Corporation (CAISO), and San Diego Gas & Electric Company, you submitted a proposed offer of settlement (Settlement) in the above proceeding. The Settlement resolves all issues set for hearing by the Commission's January 29, 2010 order¹ on proposed revisions to a Reliability Must-Run Agreement (RMR Agreement) between Dynergy and CAISO and to certain rate schedules under the RMR Agreement.
2. On September 1, 2010, the Commission's Trial Staff filed comments in support of the Settlement. No reply comments were filed. On September 2, 2010, the Settlement Judge certified the uncontested Settlement to the Commission.²
3. Paragraph 28 of the Settlement states that the standard of review for any modifications to the Settlement requested by a non-party or initiated by the Commission will be the most stringent standard permissible under applicable law.
4. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of this settlement does not

¹ *Dynergy South Bay, LLC*, 130 FERC ¶ 61,076 (2010).

² *Dynergy South Bay, LLC*, 132 FERC ¶ 63,010 (2010).

constitute approval of, or precedent regarding, any principle or issue in this proceeding.

5. If Dynegy has made its baseline electronic tariff filing pursuant to Order No. 714 and did not file the Settlement in the eTariff format required by Order No. 714, it is required to make a compliance filing in eTariff format to ensure that its electronic tariff provisions reflect the Commission action in this order.³ Such a compliance filing also is necessary for any settlement filing containing *pro forma* tariff sheets but is not necessary if the Settlement was filed in eTariff format with actual tariff records (as opposed to *pro forma* records).

6. This letter terminates Docket No. ER10-166-000.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

cc: All Parties

³ See *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276, at P 96 (2008).