

155 FERC ¶ 61,047
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

April 21, 2016

In Reply Refer To:
ON Climate & Renewables North
America LLC
Pioneer Trail Wind Farm, LLC
Settlers Trail Wind Farm, LLC
v.
Northern Indiana Public Service
Company
Docket No. EL14-66-003

Troutman Sanders
401 9th Street, NW
Suite 1000
Washington, DC 20004

Attention: Russell Kooistra

Dear Mr. Kooistra:

1. On October 14, 2015, you filed an uncontested partial settlement agreement (Partial Settlement) between Northern Indiana Public Service Company (Northern Indiana); Meadow Lake Wind Farm, LLC, Meadow Lake Wind Farm II LLC, Meadow Lake Wind Farm III LLC, and Meadow Lake Wind Farm IV LLC (collectively, the Meadow Lake Companies); and Fowler Ridge Wind Farm LLC, Fowler Ridge II Wind Farm LLC, and Fowler Ridge III Wind Farm LLC (collectively, the Fowler Ridge Companies).¹ On November 3, 2015, Commission Trial Staff submitted comments in support of the Partial Settlement. No other comments were filed. On December 14,

¹ This order refers to Northern Indiana, the Meadow Lake Companies, and the Fowler Ridge Companies, collectively, as the Settling Parties.

2015, the Settlement Judge certified the Partial Settlement to the Commission as an uncontested settlement.²

2. On June 10, 2014, E.ON Climate & Renewables North America LLC, Pioneer Trail Wind Farm, LLC, and Settlers Trail Wind Farm, LLC (collectively, E.ON) filed a complaint against Northern Indiana in Docket No. EL14-66-000 (E.ON Proceeding). The Meadow Lake Companies and the Fowler Ridge Companies intervened in that proceeding.³ On December 8, 2014, the Commission issued an order granting E.ON's complaint in part and establishing hearing and settlement judge procedures in the E.ON Proceeding. On December 23, 2014, the Meadow Lake Companies and the Fowler Ridge Companies submitted a separate complaint in Docket No. EL15-34-000 involving related issues.⁴ On January 7, 2015, the Meadow Lake Companies and the Fowler Ridge Companies filed a request for rehearing in the E.ON Proceeding in Docket No. EL14-66-002.

3. Pursuant to the Partial Settlement, the Meadow Lake Companies and the Fowler Ridge Companies agree to permanently withdraw their complaint in Docket No. EL15-34-000 and their request for rehearing in the E.ON Proceeding in Docket No. EL14-66-002 within 30 days of the effective date of the Partial Settlement. Because further settlement negotiations were ongoing in the E.ON Proceeding, the Partial Settlement was assigned Docket No. EL14-66-003.⁵

4. The Partial Settlement resolves issues involving the costs Northern Indiana will incur pursuant to a 138 kV Transmission Upgrade Agreement for ownership and operation of upgrades that are attributable to the Meadow Lake Companies and the Fowler Ridge Companies.

² *E.ON Climate & Renewables N. America LLC v. N. Ind. Pub. Serv. Co.*, 153 FERC ¶ 63,024 (2015).

³ *E.ON Climate & Renewables N. America LLC v. N. Ind. Pub. Serv. Co.*, 149 FERC ¶ 61,217 (2014).

⁴ The separate complaint in Docket No. EL15-34-000 is pending before the Commission.

⁵ *E.ON Climate & Renewables N. America LLC v. N. Ind. Pub. Serv. Co.*, 153 FERC ¶ 63,024 at n.1.

5. Pursuant to the Partial Settlement,

[t]he [Settling] Parties intend that any modification to the [Partial Settlement] proposed by a Party be reviewed under the Mobile-Sierra public interest standard. *See United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *FPC v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956). The statutory “just and reasonable” standard of review applies to future changes to the [Partial] Settlement sought by the Commission acting sua sponte or at the request of a non-settling third party.⁶

6. The Partial Settlement resolves issues in dispute in Docket No. EL14-66-003 as between Northern Indiana, the Meadow Lake Companies, and the Fowler Ridge Companies. The Partial Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission’s approval of the Partial Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

This letter order terminates Docket No. EL14-66-003.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

⁶ Partial Settlement, § 5.6.