

122 FERC ¶ 61,202
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Xcel Energy Services, Inc.

Docket No. ER05-699-005

ORDER APPROVING UNCONTESTED PARTIAL SETTLEMENT

(Issued March 5, 2008)

1. On November 21, 2007, Xcel Energy Services, Inc. (Xcel), on behalf of itself and Dairyland Power Cooperative (Dairyland), filed a settlement agreement resolving all of the issues between Xcel and Dairyland in this proceeding, which concerns the cost responsibility for certain Midwest Independent Transmission System Operator, Inc. (MISO) charges under MISO's Open Access Transmission and Energy Markets Tariff.¹
2. On December 11, 2007, Commission Trial Staff submitted comments in support of the settlement. No other comments were filed. On January 28, 2008, the settlement was certified to the Commission as uncontested.²
3. The settlement is fair, reasonable, and in the public interest and is hereby approved. The standard of review for any modifications to this settlement not agreed to by the Parties, including modifications by the Commission acting *sua sponte*, shall be the "just and reasonable" standard of review.
4. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The Commission retains the right to investigate the rates, terms and conditions under the just and reasonable and not unduly discriminatory or preferential standard of section 206 of the Federal Power Act, 16 U.S.C. § 824e (2000).

¹ The charges at issue are associated with a specific grandfathered agreement, GFA No. 377, and were incurred from May 10, 2005 to May 1, 2006.

² *Xcel Energy Services, Inc.*, 122 FERC ¶ 63,004 (2008).

5. Refunds and adjustments shall be made pursuant to the settlement.

6. This order terminates Docket No. ER05-699-005.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.