

124 FERC ¶ 61,142
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

August 5, 2008

In Reply Refer To:
Docket Nos. ER02-136-009
and ER02-136-010

Raymond B. Wuslich, Esq.
Attorney for Allegheny Power and West Penn Power Company
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Dear Mr. Wuslich:

1. On May 16, 2008, the two parties to these proceedings¹ filed a joint Settlement Agreement (Settlement) to resolve all outstanding issues in Docket Nos. ER02-136-009 and ER02-136-010 relating to the subtransmission rate AEC will pay Allegheny Power for service over West Penn's subtransmission system. The Settlement resolves all outstanding issues between the parties in the above-captioned dockets.
2. The Settlement is fair, reasonable, and in the public interest and is hereby approved. Commission approval of the Settlement does not constitute approval of, or precedent regarding any principle or issue in this proceeding.
3. The applicable standard of review specified in the Settlement for Commission review of any proposed modifications to the Settlement is the "just and reasonable" standard. 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 (2006).

¹ West Penn Power Company (West Penn) doing business as Allegheny Power (Allegheny Power), and Allegheny Electric Cooperative, Inc. (AEC).

4. This order terminates all proceedings in Docket No. ER02-136, including the proceedings in Docket Nos. ER02-136-009 and ER02-136-010.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.