

124 FERC ¶ 61,155
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

August 13, 2008

In Reply Refer To:
Maine Public Service Company,
Docket No. ER08-1109-000

Wendy N. Reed, Esq.
Wright & Talisman, P.C.
1200 G Street, N.W.
Suite 600
Washington, DC 20005-3802

Dear Ms. Reed:

1. On June 16, 2008, you submitted, on behalf of Maine Public Service Company (Maine PSC), an annual update filing reflecting changes to Maine PSC's Open Access Transmission Tariff (OATT) decreasing the rate for Network Integration Service from \$31.95 per kW/year to \$23.00 per kW/year. Your filing also reflects a new transmission loss factor, which is the same as the loss factor accepted by the Commission in Docket No. ER08-681-000.¹

2. Notice of the filing was published in the *Federal Register*, 73 Fed. Reg. 35,681 (2008), with interventions and protests due on or before July 7, 2008. A timely motion to intervene and comments were filed by Houlton Water Company (Houlton). The Maine Public Utilities Commission (MPUC) and the Maine Public Advocate (MPA) filed motions to intervene out-of-time.

3. Houlton notes that historically it has engaged in discussions with Maine PSC resulting in a settlement resolving the issues raised by Maine PSC's annual filing under the formula rate. Houlton requests that the Commission defer final action on Maine PSC's filing to allow the parties an opportunity to resolve their concerns. Houlton notes that it is authorized to state that Maine PSC supports this request for a deferral.

¹ See *Maine Public Service Co.*, Docket No. ER08-681-000 (April 24, 2008) (unpublished letter order).

4. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2008), the timely motion to intervene serves to make the entity that filed it a party to this proceeding. Pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214(d) (2008), the Commission will grant the late-filed motions to intervene submitted by MPUC and MPA given their interest in the proceeding, the early stage of the proceeding and the absence of undue prejudice or delay.

5. As the parties are engaged in ongoing discussions with a view towards resolving Houlton's concerns amicably, and noting that with respect to previous such filings the parties were able to reach agreement on all issues,² the Commission will accept and suspend this filing and make it effective June 1, 2008, as requested, subject to refund and further Commission order.

6. Maine PSC is directed to inform the Commission no later than October 7, 2008 on the status of negotiations and file an amendment to its June 16, 2008 filing, as necessary, to reflect the resolution of the issues.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

² See *Maine Public Service Co.*, Docket No. ER00-1053-019 (February 8, 2007) (unpublished delegated letter order) (accepting settlement agreement between Maine PSC and Houlton with respect to similar formula rate changes proposed in 2006); *see also*, *Maine Public Service Co.*, 115 FERC ¶ 61,359 (2008) (accepting settlement agreement between Maine PSC and Houlton with respect to similar formula rate changes proposed in 2005). Maine PSC and Houlton continue to negotiate a settlement with respect to Maine PSC's formula rate changes proposed in 2007.