UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

NOTICE TO THE PUBLIC

AMENDED NOTICE TO THE PUBLIC ON INFORMATION TO BE PROVIDED WITH SETTLEMENT AGREEMENTS AND GUIDANCE ON THE ROLE OF SETTLEMENT JUDGES

(Issued December 15, 2016)

1. On October 15, 2003, the Chief Administrative Law Judge issued a notice to the public titled *Information to be Provided with Settlement Agreements* (October 2003 Notice).[[1]](#footnote-2) The October 2003 Notice mandated that the Explanatory Statement, which is required to accompany filed settlement agreements pursuant to Rule 602(c)(1)(ii) of the Commission’s Rules of Practice and Procedure,[[2]](#footnote-3) must also address five specific questions.[[3]](#footnote-4)
2. The October 2003 Notice is hereby amended. The five specific questions are amended to four, to read as follows: a) Does the settlement affect other pending cases; (b) Does the settlement involve issues of first impression; (c) Does the settlement depart from Commission precedent [if so, identify by case name(s) and docket numbers (s)]; and (d) Does the settlement seek to impose a standard of review other than the ordinary just and reasonable standard with respect to any changes to the settlement that might be sought by either a third party or the Commission acting *sua sponte*. The presiding administrative law judge’s or settlement judge’s certification of a settlement need only address these questions if they raise matters the discussion of which will aid the Commission in resolving the case.
3. The Commission’s Rules of Practice and Procedure establish powers and duties for presiding administrative law judges and settlement judges under Rules 504 and 603(g), and specific procedures that govern filed offers of settlement under Rule 602.[[4]](#footnote-5) Presiding administrative law judges and settlement judges, in reviewing filed offers of settlements, may request that the participants correct any errors or deficiencies in the filed documents before certification to the Commission.

Carmen A. Cintron

Chief Administrative Law Judge

1. The October 2003 Notice was corrected by an errata issued on October 23, 2003. [↑](#footnote-ref-2)
2. 18 C.F.R. § 385.602(c)(1)(ii) (2016). [↑](#footnote-ref-3)
3. The five stated questions listed by the October 2003 Notice were:

   (a) What are the issues underlying the settlement and what are the major implications; (b) Whether any of the issues raise policy implications; (c) Whether other pending cases may be affected; (d) Whether the settlement involves issues of first impression, or if there are any previous reversals on the issues involved; and (e) Whether the proceeding is subject to the just and reasonable standard or whether there is *Mobile-Sierra* language making it the standard, i.e., the applicable standards of review. [↑](#footnote-ref-4)
4. 18 C.F.R. §§ 385.504, .602, .603(g) (2016); *see generally Cities of Anaheim* *v. Cal. Indep. System Operator Corp.*, 101 FERC ¶ 61,392, at PP 10-13 (2002). [↑](#footnote-ref-5)