

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, Joseph T. Kelliher,  
and Suedeem G. Kelly.

Entergy Services, Inc.

Docket Nos. ER03-599-000  
ER03-599-001  
ER03-599-002  
ER03-599-003

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued September 16, 2004)

1. On June 7, 2004, Entergy Services, Inc. filed a settlement agreement and an explanatory statement concerning the settlement agreement in the above referenced proceedings. The Commission's Trial Staff filed comments in support of the settlement agreement on June 24, 2004, and the Arkansas Electric Cooperative Corporation filed comments in support of the settlement agreement on June 28, 2004. On July 14, 2004, the Presiding Administrative Law Judge certified the settlement to the Commission as an uncontested offer of settlement.

2. The subject settlement is in the public interest and is hereby approved. The rate schedules submitted as part of the settlement are accepted for filing. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

4. This order terminates Docket Nos. ER03-599-000, ER03-599-001 and ER03-599-002, and ER03-599-003.

By the Commission. Commissioner Kelly dissenting in part with a separate statement attached.

( S E A L )

Linda Mitry,  
Acting Secretary.

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Entergy Services Inc., LLC

Docket Nos. ER03-599-000,  
001, 002, 003

(Issued September 16, 2004)

KELLY, Commissioner, dissenting in part:

For the reasons I have previously set forth in Wisconsin Power & Light Co., 106 FERC ¶ 61,112 (2004), I do not believe that the Commission should depart from its precedent of not approving settlement provisions that preclude the Commission, acting *sua sponte* on behalf of a non-party, or pursuant to a complaint by a non-party, from investigating rates, terms and conditions under the “just and reasonable” standard of section 206 of the Federal Power Act at such times and under such circumstances as the Commission deems appropriate.

Therefore, I dissent from this order to the extent it accepts for filing an agreement that provides, in relevant part: “The standard of review for any modifications to this Settlement Agreement that are not agreed to by all the parties, including any modifications resulting from the Commissioner acting *sua sponte*, shall be the “public interest” standard under the Mobile-Sierra Doctrine.”

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Suedeem G. Kelly