

168 FERC ¶ 61,110  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

August 23, 2019

In Reply Refer To:  
Athens Energy, LLC  
Docket Nos. ER19-81-000  
ER19-81-001

Gibson, Dunn & Crutcher LLP  
1050 Connecticut Avenue, NW  
Washington, D.C. 20036

Attention: William S. Scherman

Dear Mr. Scherman:

1. On June 14, 2019, Athens Energy, LLC (Athens Energy) filed a Joint Offer of Settlement (Settlement) between itself and Central Maine Power Company. Athens Energy states that, if approved by the Commission, the Settlement will resolve all issues raised by Central Maine Power Company with respect to Athens Energy's payment of refunds as ordered by the Commission on September 10, 2018.<sup>1</sup>
2. In the September Order, the Commission directed Athens Energy to make refunds for unauthorized wholesale sales and directed Athens Energy to submit a refund report within 15 days thereafter. On October 10, 2018, as amended on April 26, 2019 and May 8, 2019, Athens Energy filed the refund report in Docket No. ER19-81-000.
3. Notice of the refund report was published in the *Federal Register*,<sup>2</sup> with interventions and protests due on or before May 29, 2019. On May 22, 2019, Central

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<sup>1</sup> Athens Energy's June 14, 2019 Filing at 1 (citing *Athens Energy, LLC*, 164 FERC ¶ 61,177 (2018) (September Order), *order on reh'g*, 166 FERC ¶ 61,005 (2019)). Section 1.1 of the Stipulation and Agreement states that the parties enter into the Stipulation and Agreement "to provide for the resolution of all issues raised" by Central Maine Power Company with respect to Athens Energy's payment of refunds.

<sup>2</sup> 83 Fed. Reg. 52,831 (2018); 84 Fed. Reg. 18,838 (2019); 84 Fed. Reg. 22,837 (2019).

Maine Power Company filed a motion to intervene and protest stating that although the Commission directed Athens Energy to make refunds to Central Maine Power Company, Athens Energy had not done so.

4. Notice of Athens Energy's June 14, 2019 Settlement filing in Docket No. ER19-81-001 was published in the *Federal Register*,<sup>3</sup> with interventions and protests due on or before July 5, 2019. None was filed.

5. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2018), Central Maine Power Company's timely, unopposed motion to intervene serves to make it a party to this proceeding.<sup>4</sup>

6. Section 5.5 of the Stipulation and Agreement provides:

Unless the Parties agree to otherwise in writing, the standard of review for any proposed changes sought by either Party to the terms of this Stipulation shall be the "public interest" standard of review set forth in *United Gas Pipe Line Co. v. Mobile Gas Services Corp.*, 350 U.S. 332 (1956) and *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956), as clarified in *Morgan Stanley Capital Group Inc. v. Pub. Util. Dist. No. 1*, 554 U.S. 527 (2008). The standard of review for any changes proposed by a non-Party or the Commission acting *sua sponte* shall be the ordinary just and reasonable standard of review, not the public interest standard of review. See *NRG Power Marketing, LLC v. Me. Pub. Utilities Comm'n*, 558 U.S. 165, 174-75 (2010) and *Devon Power LLC*, 134 FERC ¶ 61,208 at P 10 (2011).

7. The Settlement provides that Athens Energy will pay the Commission ordered refund obligation pursuant to an installment plan. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

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<sup>3</sup> 84 Fed. Reg. 29,198 (2019).

<sup>4</sup> Although Central Maine Power Company requests to intervene "out-of-time," Central Maine Power Company's intervention is timely because it was filed prior to the May 29, 2019 intervention deadline.

8. This letter order terminates Docket Nos. ER19-81-000 and ER19-81-001.

By direction of the Commission.

Kimberly D. Bose,  
Secretary.