

169 FERC ¶ 61,061
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

October 21, 2019

In Reply Refer To:
American Municipal Power, Inc.
Docket No. EL18-181-000

Jennings, Strouss & Salmon P.L.C.
1350 I Street, NW
Suite 810
Washington, DC 20005-3305

Attention: Gary J. Newell, Esq.
Attorney for American Municipal Power, Inc.

Dear Mr. Newell:

1. On February 12, 2019, American Municipal Power, Inc. (AMP) filed an Offer of Settlement (Settlement) addressing the revenue requirement for the provision of Reactive Supply and Voltage Control from Generation or Other Sources Service (Reactive Service) from the Belleville Hydroelectric Facility, located on the Ohio River. The Settlement resolves all issues that were set for hearing and settlement judge procedures in Docket No. EL18-181.¹
2. On March 4, 2019, Commission Trial Staff filed comments in support of the Settlement. On April 4, 2019, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.²

¹ See *American Municipal Power, Inc.*, 164 FERC ¶ 61,123 (2018) (accepting and suspending proposed rate schedule for Reactive Service and establishing hearing and settlement judge procedures).

² *American Municipal Power, Inc.*, 167 FERC ¶ 63,003 (2019).

3. Section 3.6 of the Settlement states that:

[t]he Commission’s review of any modification to the Settlement proposed by AMP or a third party, or considered by the Commission acting *sua sponte*, will be governed by the ordinary “just and reasonable” standard of review rather than the “public interest” application of the just and reasonable standard of review, as set forth in *United Gas Pipe Line Co. v. Mobile Gas Service 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. Public Utility District No. 1 of Snohomish County*, 554 U.S. 527 (2008) and refined in *NRG Power Marketing, LLC v. Maine Public Utilities Commission*, 558 U.S. 165, 174-75 (2010).

4. The Settlement appears to be fair and 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.

5. AMP is directed to make a compliance filing with revised tariff records in eTariff format,³ within 30 days of this order, to reflect the Commission’s action in this order.⁴

By direction of the Commission.

Kimberly D. Bose,
Secretary.

³ See *Electronic Tariff Filings*, Order No. 714, 124 FERC ¶ 61,270 (2008).

⁴ AMP included *pro forma* tariff records as an attachment to its offer of settlement. We note that, when submitting a *pro forma* filing, as an eTariff filing, parties should include a tariff record in eTariff format using Record Change Type *Pro Forma*. The tariff record should reflect the effective date of the rate and tariff provisions to which the parties have agreed, if known. If the effective date of the tariff record is not known, the filing should use as the Tariff Record Proposed Effective Date 12/31/9998.