

169 FERC ¶ 61,066
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

October 24, 2019

In Reply Refer To:
Fairless Energy, L.L.C.
Docket No. ER19-38-002

Eversheds Sutherland (US) LLP
700 Sixth Street, NW
Suite 700
Washington, DC 20001

Attention: Jonathan W. Gottlieb, Esq.
Attorney for Fairless Energy, L.L.C.

Dear Mr. Gottlieb:

1. On June 19, 2019, Fairless Energy, L.L.C. (Fairless) 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 Fairless's natural-gas fired combined cycle generation facility located in Fairless Hill, Pennsylvania. The Settlement resolves all issues that were set for hearing and settlement procedures in Docket Nos. ER19-38 and EL19-15.¹

¹ See *Dominion Energy Fairless, LLC*, 165 FERC ¶ 61,207 (2018); *Dominion Energy Fairless, LLC*, Errata Notice, Docket Nos. ER19-38-000 and EL19-15-000 (issued Dec. 6, 2018). On February 1, 2019, Fairless, formerly Dominion Energy Fairless, LLC, filed a notice of succession to its rate schedule for Reactive Service in Docket No. ER19-966-000, requested a December 17, 2018 effective date, and stated its intent to accept the reactive service revenue requirement approved by the Commission in Docket Nos. ER19-38 and EL19-15-000. On March 13, 2019, the Commission accepted this notice by delegated letter order. *Fairless Energy, L.L.C.*, Docket No. ER19-966-000, (Mar. 13, 2019) (delegated order).

2. On July 9, 2019, Commission Trail Staff filed comments supporting the Settlement. On August 9, 2019, the Chief Administrative Law Judge certified the Settlement to the Commission as an uncontested settlement.²
3. Section 21 of the Settlement states that “[t]he standard of review the Commission shall apply when acting on proposed modifications to this Settlement under section 205 or section 206 of the FPA, including by the Commission acting *sua sponte*, shall be the ordinary ‘just and reasonable’ standard of review.”
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. Fairless 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.

² *Fairless Energy, L.L.C.*, 168 FERC ¶ 63,012 (2019).

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

⁴ Fairless 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 tariff and rate changes specified in the settlement, 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. *See PA Solar Park, LLC*, 167 FERC ¶ 61,063, at P 4 n.4 (2019).