

169 FERC ¶ 61,152  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

November 25, 2019

In Reply Refer To:  
Enel Green Power HillTopper Wind, LLC  
Docket No. ER19-878-001

Locke Lord LLP  
701 8th Street, NW, Suite 700  
Washington, DC 20001

Attn: Bruce A. Grabow, Esq.  
Attorney for Enel Green Power HillTopper Wind, LLC

Dear Mr. Grabow:

1. On August 13, 2019, Enel Green Power HillTopper Wind, LLC (HillTopper) filed an Offer of Settlement (Settlement) addressing its revenue requirement for reactive supply and voltage control service from the HillTopper facility located in Logan County, Illinois. The Settlement resolves all issues that were set for hearing and settlement judge procedures in Docket No. ER19-878.<sup>1</sup> On September 3, 2019, Commission Trial Staff (Trial Staff) filed comments in support of the Settlement. On September 13, 2019, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.<sup>2</sup>

2. Paragraph 4.1 of the Settlement provides as follows:

The standard of review the Commission shall apply when acting on proposed modifications to this Settlement under section 205 or section 206 of the Federal Power Act, including

---

<sup>1</sup> *Enel Green Power HillTopper Wind, LLC*, 166 FERC ¶ 61,234 (2019) (accepting and suspending proposed rate schedule and establishing hearing and settlement judge procedures).

<sup>2</sup> *Enel Green Power HillTopper Wind, LLC*, 168 FERC ¶ 63,035 (2019).

by the Commission acting *sua sponte*, shall be the ordinary “just and reasonable” standard of review.

3. 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 these proceedings.

4. HillTopper is directed to make a compliance filing with revised tariff records in eTariff format,<sup>3</sup> within 30 days of this order, with an effective date of March 30, 2019, to reflect the Commission’s action in this order.<sup>4</sup>

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

---

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

<sup>4</sup> We note that HillTopper filed the *pro forma* tariff record using a 12/31/9998 date. This may reflect a confusion regarding our guidance in *Blackstone Wind Farm, LLC*, 167 FERC ¶ 61,004 (2019) regarding the use of the 12/31/9998 convention. We recognize that parties often make their settlements effective on the date of a Commission order accepting the settlement. But the effective date of the settlement does not necessarily equate with the effective date of the rate and tariff provisions to which the parties have agreed. When parties know the effective date of the tariff record being filed, they should include that date in the *pro forma* tariff records in their settlement filing. The only time the 12/31/9998 convention should be used is when the effective date of the tariff record depends on some future occurrence, such as a closing or other unknown date. See *Mendota Hills, LLC*, 168 FERC ¶ 61,203 (2019).