

169 FERC ¶ 61,185
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

December 4, 2019

In Reply Refer To:
Cooperative Energy
Docket No. EL19-49-000

Mr. Matthew R. Rudolphi
Duncan, Weinberg, Genzer & Pembroke, P.C.
1667 K Street, NW
Suite 700
Washington, DC 20006

Attention: Matthew R. Rudolphi, Esq.
Attorney for Cooperative Energy

Dear Mr. Rudolphi:

1. On September 10, 2019, Cooperative Energy filed a Settlement in the above-referenced proceeding.
2. On September 24, 2019, the Mississippi Public Service Commission and the Mississippi Public Utilities Staff filed comments, stating that it does not oppose the Settlement but is concerned that the Settlement's annual revenue requirement used a return-on-equity (ROE) based on the Midcontinent Independent System Operator, Inc. (MISO) Transmission Owners' ROE that is the subject of two complaints pending before the Commission.¹ On September 30, 2019, Commission Trial Staff filed comments in support of the Settlement. On October 10, 2019, Cooperative Energy filed reply comments, clarifying that the Settlement is the result of a series of concessions made by all parties during Settlement negotiations and the annual revenue requirement is not directly tied to or dependent upon the MISO ROE. On October 24, 2019, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.²

¹ Mississippi Public Service Commission and the Mississippi Public Utilities Staff Comments at 1-2 (citing *Ass'n of Bus. Advocating Tariff Equity v. Midcontinent Indep. Sys. Operator, Inc.*, Docket No. EL14-12-000; *Arkansas Elec. Coop. Corp. v. ALLETE, Inc.*, Docket No. EL15-45-000).

² *Cooperative Energy*, 169 FERC ¶ 63,014 (2019).

3. The Settlement addresses the revenue requirements for the provision of reactive supply and voltage control from Cooperative Energy's interests in two generating facilities, the Batesville Combined Cycle Generating Facility and the Grand Gulf Nuclear Generating Facility, located in the Entergy Mississippi, Inc. transmission pricing zone in the MISO South region.

4. Article II, section 8 of the Settlement states as follows:

The standard of review for any modifications to this Settlement will be the just and reasonable standard of review. For proposed modifications by non-parties to the Settlement, the Settling Parties also accept the just and reasonable standard of review.³

5. The Settlement resolves all issues in dispute in Docket No. EL19-49-000. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

6. Cooperative Energy is directed to make a compliance filing with revised tariff records in eTariff format,⁴ within 30 days of this order, to reflect the Commission's action in this order.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

³ Settlement, Article II, § 8.

⁴ See *Electronic Tariff Filings*, Order No. 714, 124 FERC ¶ 61,270 (2008).