

171 FERC ¶ 61,163
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

May 26, 2020

In Reply Refer To:
Public Service Company of Colorado
Docket No. ER19-675-001

Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001

Attention: Kenneth B. Driver

Dear Mr. Driver:

1. On February 21, 2020, Public Service Company of Colorado (PSCo), on behalf of Southwestern Public Service Company (SPS), filed a Stipulation and Agreement of Partial Settlement (Settlement) between SPS and Golden Spread Electric Cooperative, Inc., addressing SPS's proposed changes to the formula rate template included in Attachment O-SPS of the Xcel Energy Inc. Operating Companies Open Access Transmission Tariff.¹ On March 12, 2020, the Commission's Trial Staff filed comments supporting the Settlement. On April 14, 2020, the Settlement Judge certified the Settlement to the Commission as uncontested.²

2. Article 8 of the Settlement provides the following standard of review:

8.1 The standard of review for any change to this Settlement Agreement proposed by a Settling Party shall be the "public interest" application of the

¹ The Settlement does not address the issues set for hearing and settlement judge procedures as between SPS and Lubbock Power & Light (LP&L). The Settlement represents that a discrete stipulation and agreement between SPS and LP&L (LP&L Settlement) will be filed separately, and that the resolution of the instant Settlement is not conditioned on the filing of the LP&L Settlement. Settlement at 1.

² *Pub. Serv. Co. of Colo.*, 171 FERC ¶ 63,007 (2020). On April 15, 2020, the Settlement Judge issued an errata to the certification that removed Docket No. ER19-675-000 from the caption.

just and reasonable standard 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, Washington*, 554 U.S. 527 (2008) and *NRG Power Marketing v. Maine Public Utilities Commission*, 558 U.S. 165 (2010).

8.2 Once this Settlement Agreement has become effective pursuant to the provisions of Article 11, the standard of review for any change to this Settlement Agreement sought by the Commission acting *sua sponte* or at the request of a non-Settling Party or a non-party to the proceeding shall be the just and reasonable standard of review (rather than the “public interest” standard), as clarified in *Morgan Stanley Capital Group Inc. v. Public Utility District No. 1 of Snohomish County, Washington*, 554 U.S. 527 (2008).

3. The Settlement resolves all issues set for hearing as between Golden Spread and SPS in Docket No. ER19-675.³ The Settlement appears to be fair and reasonable and in the public interest and it 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.

4. PSCo is directed to make a compliance filing with revised tariff records in eTariff format,⁴ within 45 days of this order, to reflect the Commission’s action in this order.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

³ *Pub. Serv. Co. of Colo.*, 166 FERC ¶ 61,156 (2019).

⁴ *See Electronic Tariff Filings*, Order No. 714, 124 FERC ¶ 61,270 (2008), *order on reh’g*, Order No. 714-A, 147 FERC ¶ 61,115 (2014).