

171 FERC ¶ 61,184
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

May 29, 2020

In Reply Refer To:
Birchwood Power Partners, L.P.
Docket No. ER19-2856-001

Bracewell LLP
2001 M Street, NW
Suite 900
Washington, DC 20036

Attn: Blake R. Urban, Esq.
Attorney for Birchwood Power Partners, L.P.

Dear Mr. Urban:

1. On March 5, 2020, Birchwood Power Partners, L.P. (Birchwood) 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 Birchwood's 258 MW coal-fired generating station in King George County, Virginia. On March 25, 2020, Commission Trial Staff filed comments supporting the Settlement. On April 15, 2020, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.¹
2. Article 3.6 of the Settlement states that:

The Commission's review of any modification to the Settlement proposed by Birchwood 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*

¹ *Birchwood Power Partners, L.P.*, 171 FERC ¶ 63,009 (2020).

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).

3. The Settlement resolves all issues that were set for hearing and settlement judge procedures in Docket No. ER19-2856.² 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.

4. The Commission accepts the proposed tariff records to be effective September 24, 2019, as requested.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

² *Birchwood Power Partners, L.P.*, 169 FERC ¶ 61,150 (2019) (accepting and suspending proposed rate schedule and establishing hearing and settlement judge procedures).