

167 FERC ¶ 61,137  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

May 16, 2019

In Reply Refer To:  
American Municipal Power, Inc.  
Docket No. EL18-174-000

Jennings, Strouss & Salmon, P.L.C.  
1350 I Street, NW  
Suite 810  
Washington, DC 20005-3305

Attention: Gary J. Newell  
Attorney for American Municipal Power, Inc.

Dear Mr. Newell:

1. On February 13, 2019, in the above-referenced proceeding, you filed an Offer of Settlement (Settlement) on behalf of American Municipal Power, Inc. (AMP). On March 5, 2019, Commission Trial Staff filed comments supporting the Settlement. On March 15, 2019, AMP filed clarifying reply comments. On April 4, 2019, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.<sup>1</sup>
2. The Settlement concerns AMP's annual revenue requirement for providing Reactive Supply and Voltage Control from Generation or Other Sources Service from the Smithland Hydroelectric Facility under Schedule 2 of the Midcontinent Independent System Operator, Inc., Open Access Transmission, Energy and Operating Reserve Markets Tariff.
3. Section 3.6 of the Settlement states that

[t]he Commission's review of any modification to the Settlement proposed by AMP 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 Stanley*

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<sup>1</sup> *American Municipal Power, Inc.*, 167 FERC ¶ 63,002 (2019).

*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).

4. The Settlement resolves all issues in dispute in this proceeding. 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.
5. This letter order terminates Docket No. EL18-174-000.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.