

167 FERC ¶ 61,231  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;  
Cheryl A. LaFleur and Richard Glick.

San Diego Gas & Electric Company

Docket No. EL00-95-000

v.

Sellers of Energy and Ancillary Services Into Markets  
Operated by the California Independent System Operator  
Corporation and the California Power Exchange

Investigation of Practices of the California Independent  
System Operator and the California Power Exchange

Docket No. EL00-98-000

Puget Sound Energy, Inc.

Docket No. EL01-10-000

v.

Sellers of Energy and/or Capacity

Fact-Finding Investigation Into Possible Manipulation of  
Electric and Natural Gas Prices

Docket No. PA02-2-000

Investigation of Anomalous Bidding Behavior and  
Practices in Western Markets

Docket No. IN03-10-000

Portland General Electric Company

Docket No. EL03-165-000

ORDER GRANTING MOTIONS

(Issued June 20, 2019)

1. In this order, we grant two separate motions filed by Portland General Electric Company (Portland General) and Midway Sunset Cogeneration Company (Midway Sunset) for permission to close the Settling Supplier Refund Escrow Accounts created

and administered under their respective settlements with the California Parties<sup>1</sup> in the above-captioned proceeding.

## I. Background

2. In May 2007, the Commission approved the settlement between Portland General and the California Parties resolving claims arising from events and transactions in western electricity markets during the January 1, 2000 through June 20, 2001 period.<sup>2</sup> In April 2008, the Commission approved a similar settlement between Midway Sunset and the California Parties, resolving claims arising from events and transactions in western electricity markets during the January 1, 2000 through June 20, 2001 period.<sup>3</sup> Both settlements provided for the establishment of “Settling Supplier Refund Escrow Accounts” to hold funds for further distribution to market participants in accordance with the allocation matrix included in the settlements.<sup>4</sup>

3. In separately filed motions, Portland General and Midway Sunset request the Commission’s authorization to close the Settling Supplier Refund Escrow Accounts in question because all potential disbursements from these accounts have been made and there is no purpose served by continued maintenance of the accounts. Portland General and Midway Sunset note in their motions that they were authorized by the California Parties to represent that the California Parties do not oppose the motions.<sup>5</sup>

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<sup>1</sup> For the purpose of these respective settlements, the California Parties are Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, the People of the State of California, *ex rel.* Attorney General, the California Department of Water Resources acting solely under the authority and powers created by Assembly Bill 1 of the First Extraordinary Session of 2001-2002, codified in Sections 80000 through 80270 of the California Water Code, the California Electricity Oversight Board, and the California Public Utilities Commission.

<sup>2</sup> *San Diego Gas & Electric Co. v. Sellers of Energy and Ancillary Serv.*, 119 FERC ¶ 61,151 (2007).

<sup>3</sup> *San Diego Gas & Electric Co. v. Sellers of Energy and Ancillary Serv.*, 123 FERC ¶ 61,004 (2008).

<sup>4</sup> *See* Portland General-California Parties Joint Offer of Settlement, Docket No. EL00-95-000 (March 12, 2007); Midway-California Parties, Joint Offer of Settlement, Docket No. EL00-95-000 (Dec. 21, 2007).

<sup>5</sup> Portland General Motion at 2; Midway Motion at 3.

(continued ...)

4. Portland General explains that the Settling Supplier Refund Escrow Account has served the purpose for which it was established, as each market participant entitled to a refund from Portland General has received its entitlement. According to Portland General, the Settling Supplier Refund Escrow Account balance will be zero after the final disbursement to Vistra Energy Corp (formerly Illinova Energy Partners) and there will be no further need for or use of this escrow account.<sup>6</sup>

5. Midway Sunset also states that there is no purpose served by the continued maintenance of the Settling Supplier Refund Escrow Account because the parties entitled to refunds from Midway Sunset have all received their disbursements. Midway Sunset explains that the continued maintenance of the account is an ongoing burden on Midway Sunset as it must retain an accountant and submit tax returns on the very small amount of interest accruing on the remaining balance in the account. According to Midway Sunset, there is a small balance in the account of less than \$10,000 representing the refund owed to a participant that went out of business without qualifying for its refund and the remaining balance would be distributed to Midway Sunset.<sup>7</sup>

6. In their separately filed motions, Portland General and Midway Sunset state that after the closure of the Settling Supplier Refund Escrow Accounts, the parties would remain subject to all of its obligations and retain all of its rights under their respective settlements with the California Parties, and the Commission's decisions in the above-captioned proceedings.<sup>8</sup>

## **II. Commission Determination**

7. We grant Portland General's and Midway Sunset's unopposed motions seeking the Commission's authorization to close the Settling Supplier Refund Escrow Accounts established under their respective settlements with the California Parties in the captioned proceedings. We find no reason to continue to maintain the Settling Supplier Refund Escrow Accounts, as all the parties entitled to distributions from those accounts have already received their entitlements. In addition, Portland General and Midway Sunset both represent that the California Parties do not oppose their respective motions.<sup>9</sup> Our decision to grant authorization to close Settling Supplier Refund Escrow Accounts in response to the motions filed by Portland General and Midway Sunset does not impact the terms of these parties' settlements with the California Parties in these proceedings.

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<sup>6</sup> Portland General Motion at 2.

<sup>7</sup> Midway Sunset Motion at 2-3.

<sup>8</sup> Portland General Motion at 2; Midway Sunset Motion at 3.

<sup>9</sup> *Id.*

The Commission orders:

Portland General's and Midway Sunset's motions are hereby granted, as discussed in the body of this order.

By the Commission. Commissioner McNamee is not participating.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.