

168 FERC ¶ 61,024
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

July 18, 2019

In Reply Refer To:
Lackawanna Energy Center LLC
Docket No. ER18-2370-001

Crowell & Moring LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004

Attention: Larry F. Eisenstat, Esq.
Counsel for Lackawanna Energy Center LLC

Dear Mr. Eisenstat:

1. On April 23, 2019, Lackawanna Energy Center LLC (Lackawanna) filed an Offer of Settlement and Settlement Agreement (Settlement) in this proceeding regarding Lackawanna's proposed annual revenue requirement for providing Reactive Supply and Voltage Control from Generation Sources Service (Reactive Service) as defined in Schedule 2 of the PJM Interconnection, L.L.C. Open Access Transmission Tariff. On May 13, 2019, Commission Trial Staff filed comments in support of the Settlement. No other comments were filed. On May 24, 2019, the settlement judge certified the Settlement to the Commission as an uncontested settlement.¹

2. Paragraph 12 of the Settlement provides:

[n]othing in this Offer of Settlement is intended to affect the Commission's authority, pursuant to Section 206 of the FPA or otherwise, to review, accept (with or without conditions or modifications) or reject this Offer of Settlement, or the legal standard applicable to the exercise of such authority. Once approved, any modification of the Settlement Rate Schedule

¹ *Lackawanna Energy Center LLC*, 167 FERC ¶ 63,024 (2019).

(continued ...)

would be governed by the “just and reasonable” standard of review.

3. The Settlement resolves all issues set for hearing and settlement judge procedures by the Commission.² The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission’s approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue in these proceedings.

4. Lackawanna is directed to make a compliance filing with revised live tariff records, in eTariff format,³ with the effective date of October 1, 2018, as provided in the Settlement, within 30 days of this order, to reflect the Commission’s action in this order.⁴

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

² *Lackawanna Energy Center LLC*, 165 ¶ FERC 61,061 (2018).

³ Lackawanna included *pro forma* tariff records as an attachment to its offer of settlement. We note that, when submitting a *pro forma* filing, as an eTariff filing, parties should include a tariff record in eTariff format using Record Change Type *Pro Forma*. The tariff record should reflect the effective date of the settlement, if known. If the effective date of the settlement is not known, the filing should use as the Tariff Record Proposed Effective Date 12/31/9998.

⁴ See, e.g., *Blackstone Wind Farm, LLC*, 167 FERC ¶ 61,004 (2019).