

169 FERC ¶ 61,026
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

October 17, 2019

In Reply Refer To:
NTE Ohio, LLC
Docket No. ER18-2362-001

Pierce Atwood LLP
1875 K Street NW
Suite 700
Washington, DC 20006

Attn: Ruta Kalvaitis Skučas, Esq.
Attorney for NTE Ohio, LLC

Dear Ms. Skučas:

1. On June 11, 2019, NTE Ohio, LLC (NTE Ohio) filed an Offer of Settlement (Settlement) addressing the revenue requirement for the provision of reactive supply and voltage control service from NTE Ohio's natural gas-fired electric generating facility located in Middletown, Butler County, Ohio. This Settlement resolves all issues that were set for hearing and settlement judge procedures in Docket No. ER18-2362.¹ On July 1, 2019, Commission Trial Staff filed comments supporting the Settlement. On July 12, 2019, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.²

2. Section 15 of the Settlement states that “[t]he standard of review the Commission shall apply when acting on proposed modifications to this Settlement under section 205

¹ See *NTE Ohio, LLC*, 165 FERC ¶ 61,051 (2018) (accepting proposed rate schedule and establishing hearing and settlement judge procedures).

² *NTE Ohio, LLC*, 168 FERC ¶ 63,003 (2019).

or 206 of the [Federal Power Act], including by the Commission acting *sua sponte*, shall be the ordinary ‘just and reasonable’ standard of review.”³

3. 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. NTE Ohio is directed to make a compliance filing with revised tariff records in eTariff format,⁴ within 60 days of this order to reflect the Commission’s action in this order.⁵

By direction of the Commission.

Kimberly D. Bose,
Secretary.

³ Settlement, § 15 (Standard of Review) (referencing 16 U.S.C. §§ 824d-e (2018)).

⁴ See *Electronic Tariff Filings*, Order No. 714, 124 FERC ¶ 61,270 (2008).

⁵ NTE Ohio 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 rate and tariff provisions to which the parties have agreed, if known. If the effective date of the tariff record is not known, the filing should use as the Tariff Record Proposed Effective Date 12/31/9998.