

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, Joseph T. Kelliher,  
and Suedeen G. Kelly.

Midwest Independent Transmission  
System Operator, Inc.

Docket Nos. ER04-779-000  
ER04-779-001

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued December 10, 2004)

1. On September 30, 2004, the Midwest Independent Transmission System Operator, Inc. (“Midwest ISO”), certain of the Midwest ISO Transmission Owners,<sup>1</sup> including certain of the Midwest Stand Alone Transmission Companies<sup>2</sup> (collectively, “Midwest ISO Transmission Owners”), GridAmerica LLC (“GridAmerica”), the GridAmerica

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<sup>1</sup> For purposes of this Settlement, the Midwest ISO transmission owners are: Central Illinois Light Co. d/b/a AmerenCilco; Alliant Energy Corporate Services, Inc. on behalf of its operating company affiliate Interstate Power and Light Co. (f/k/a IES Utilities Inc. and Interstate Power Co.); Aquila, Inc. d/b/a Aquila Networks (f/k/a Utilicorp United, Inc.); Cinergy Services, Inc. (for Cincinnati Gas & Electric Co., PSI Energy, Inc., and Union Light Heat & Power Co.); City Water, Light & Power (Springfield, IL); Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Co.; LG&E Energy LLC (for Louisville Gas and Electric Co. and Kentucky Utilities Co.); Lincoln Electric System; Minnesota Power (and its subsidiary Superior Water, L&P); Montana Dakota Utilities Co.; Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin), subsidiaries of Xcel Energy Inc.; Otter Tail Corporation d/b/a Otter Tail Power Co.; Southern Illinois Power Cooperative; Southern Indiana Gas & Electric Co. (d/b/a Vectren Energy Delivery of Indiana); and Wabash Valley Power Association, Inc.

<sup>2</sup> International Transmission Company and Michigan Electric Transmission Company, LLC.

Companies<sup>3</sup>, Wisconsin Electric Power Company (“Wisconsin Electric”) and The Detroit Edison Company (“Detroit Edison”), (collectively, “Sponsoring Parties”) jointly filed a Stipulation and Agreement (“Settlement”) in the above-referenced dockets. On October 20, 2004, comments in support of the Settlement were filed by Commission Trial Staff and International Transmission Company. No other comments were received. On November 2, 2004, the Administrative Law Judge certified the Settlement to the Commission as uncontested, 109 FERC ¶ 63,025 (2004).

2. The Settlement is in the public interest and is hereby approved. The Commission’s acceptance of the Settlement does not constitute approval of, or precedent regarding, any principle or issue in these proceedings. The tariff designations submitted in this settlement are compliant with Order 614, FERC Stats & Regs ¶ 31,096 (2000).

3. This order terminates Docket Nos. ER04-779-000 and ER04-779-001.

By the Commission. Commissioner Kelly dissenting in part with a separate statement attached.

( S E A L )

Magalie R. Salas,  
Secretary.

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<sup>3</sup> The GridAmerica Companies are: Ameren Services Company as agent for its electric utility affiliates, Union Electric Company, d/b/a AmerenUE and Central Illinois Public Services Company, d/b/a AmerenCIPS (collectively, “Ameren”); American Transmission Systems, Incorporated (“ATSI”), a subsidiary of FirstEnergy Corp. (“FirstEnergy”); and Northern Indiana Public Service Company (“NIPSCO”).

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KELLY, Commissioner, *dissenting in part*:

For the reasons I have previously set forth in *Wisconsin Power & Light Co.*, 106 FERC ¶ 61,112 (2004), I do not believe that the Commission should depart from its precedent of not approving settlement provisions that preclude the Commission, acting *sua sponte* on behalf of a non-party, or pursuant to a complaint by a non-party, from investigating rates, terms and conditions under the “just and reasonable” standard of section 206 of the Federal Power Act at such times and under such circumstances as the Commission deems appropriate.

Therefore, I dissent from this order to the extent it accepts for filing an agreement that provides, in relevant part: “any revision, modification, or amendment to this Settlement initiated by the Commission or by any party following its approval by the Commission shall be governed by the ‘public interest’ standard.”

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Sudeen G. Kelly