UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;

Nora Mead Brownell, Joseph T. Kelliher,

and Suedeen G. Kelly.

Commonwealth Edison Company and Docket Nos. ER03-1335-000

Commonwealth Edison Company of Indiana, Inc. ER03-1335-001

PJM Interconnection, L.L.C. and Docket Nos. ER04-367-000

Commonwealth Edison Company and ER04-367-001 Commonwealth Edison Company of Indiana, Inc. ER04-367-003

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued December 22, 2004)

- 1. On August 31, 2004, Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc. (collectively, ComEd) filed a settlement agreement (Settlement) by and between ComEd, Constellation NewEnergy, Inc., Cities of Batavia, St. Charles, Rochelle and Geneva (Illinois Cities), City of Naperville, Illinois Municipal Electric Agency, Illinois Industrial Energy Consumers, MidAmerican Energy Company and Wisconsin Electric Power Company. On September 20, 2004, Commission Trial Staff submitted comments in support of the Settlement. On October 28, 2004, the settlement judge certified the uncontested settlement to the Commission.
- 2. The subject settlement is in the public interest and is hereby approved. The tariff designations contained in the Settlement Agreement do not comply with Order No. 614. PJM Interconnection, L.L.C. (PJM) and ComEd are required to file rate schedule sheets in conformance with Order No. 614 within 30 days of this order approving the settlement.

¹ Designation of Electric Rate Schedule Sheets, Order No. 614, 65 Fed. Reg. 18,221, FERC Statutes and Regulations, Regulations Preambles July 1996-December 2000, ¶ 31,096 (2000)).

- 3. The Commission's acceptance of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The Commission retains the right to investigate the rates, terms and conditions under the just and reasonable and not unduly discriminatory or preferential standard of section 206 of the Federal Power Act, 16 U.S.C. § 824e (2000).
- 4. Within 30 days of the date of this order, ComEd, or PJM, as may be appropriate, shall refund any amounts collected in excess of the settlement rates together with interest computed under Section 35.19a of the Commission's Regulations. 18 C.F.R. § 35.19a (2004). The refunds will be effectuated through PJM's billing and settlement process.
- 5. Within 15 days after such refunds are made, PJM shall file a compliance report showing monthly billing determinants, revenue receipt dates, revenues under the prior, present, and settlement rates, the monthly revenue refund, and the monthly interest computed, together with a summary of such information for the total refund period. PJM shall furnish copies of the report to the affected wholesale customers and to each state commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.
- 6. This order terminates Docket Nos. ER03-1335-000, ER03-1335-001 and ER04-367-003 in their entirety and terminates the portions of Docket Nos. ER04-367-000 and ER04-367-001 that relate to ComEd's rates for transmission service and ancillary services. Docket Nos. ER04-367-000 and ER04-367-001 will continue as to PJM's regional through-and-out rates. A new subdocket will be assigned in Docket Nos. ER03-1335 and ER04-367 upon receipt of the required compliance refund report.

By the Commission.

(SEAL)

Linda Mitry, Deputy Secretary.