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. ER04-738-000 ER04-738-001

ORDER APROVING UNCONTESTED SETTLEMENT

(Issued January 26, 2005)

1. On October 19, 2004, Westar Energy, Inc. (Westar) and the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) filed an offer of settlement entered into by and between Westar and the Midwest ISO. The settlement represents a partial resolution of the issues in the above-captioned docket, as the settlement does not resolve any of the issues raised by Archer Daniels Midland (ADM), which are discrete and are not related to the instant settlement.[1] Comments in support of the settlement were filed by Commission Trial Staff on October 26, 2004. On November 22, 2004, the settlement judge certified the settlement to the Commission as uncontested.

2. The subject settlement is in the public interest and is hereby approved. The Commission's approval 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).

3. This order terminates Docket Nos. ER04-738-000 and ER04-738-001.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.

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[1] The Commission approved an uncontested settlement resolving the issues raised by ADM on December 22, 2004. *See Midwest Independent Transmission System Operator, Inc.*, 109 FERC ¶ 61,340 (2004).