

110 FERC ¶ 61,257
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Devon Power, LLC	
Middletown Power LLC,	Docket Nos. ER03-563-032, ER03-563-033,
Montville Power LLC, and	ER03-563-036, ER03-563-037,
Norwalk Power Marketing, and	ER03-563-040 & ER03-563-042
NRG Power Marketing Inc.	

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued March 7, 2005)

1. On January 21, 2005, Devon Power LLC, Montville Power LLC, Middletown Power LLC, and NRG Power Marketing, Inc., (collectively NRG) filed an offer of settlement (Settlement) that resolves all remaining issues in the above-referenced dockets that were not resolved by the settlement agreement filed on November 2, 2004¹ in the above-captioned and other proceedings. On January 31, 2005, the Commission Trial Staff filed comments in support of the settlement. On February 2, 2005, the settlement judge certified the Settlement to the Commission as an uncontested offer of settlement.
2. The Commission's approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The Settlement, among other things, sets out the terms and conditions for Cost-of-Service (COS) Agreements between NRG Companies and ISO-NE.
3. Under the terms of the Settlement, ISO-NE will refund, within 45 days after the date of this order, a total of \$9,741,394.69 to certain NEPOOL Participants, plus any accrued interest actually earned and paid under the Escrow Agreement between January 1, 2005 and the date of disbursement. In addition, ISO-NE will refund

¹ See *ISO New England, et al.*, 110 FERC ¶ 61,079 (2005).

\$277,636.11 to NRG from the Escrow Account for unpaid C-1² and C-2³ Costs. All the C-1, C-2 and Unanticipated Maintenance Costs paid by ISO-NE under the Escrow Agreement and the Fifth Revised COS Agreements, including the amounts paid to NRG are not subject to refund.

4. This order terminates Docket Nos. ER03-563-032, ER03-563-033, ER03-563-036, ER03-563-037, ER03-563-040, and ER03-563-042.

By direction of the Commission. Commission Kelly not participating.

Magalie R. Salas,
Secretary.

² C-1 Costs include routine materials, supplies and services purchased from third parties for the operation and maintenance of Devon Units 11 through 14, and the Montville, Middletown and Norwalk Harbor Stations (collectively, the Facilities).

³ C-2 Costs include the costs of major materials, supplies and services (except utility services) purchased from third parties.