

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. | ER04-691-013 ER04-106-006 |
|---|-------------|------------------------------|

| | | |
|---|------------|--------------|
| Public Utilities With Grandfathered Agreements in the Midwest ISO Region | Docket No. | EL04-104-012 |
|---|------------|--------------|

ORDER APPROVING UNCONTESTED PARTIAL SETTLEMENT

(Issued January 26, 2005)

1. On November 10, 2004, WPS Resources Corporation; Wisconsin Public Service Corporation; Alliant Energy Corporate Services, Inc., on behalf of Wisconsin Power and Light Company; and Xcel Energy Services Inc., on behalf of Northern States Power Company (collectively, the Executing Parties) submitted an offer of settlement (Settlement) disposing of the sole issue outstanding between them in the above-referenced proceedings. On November 30, 2004, comments neither supporting nor contesting the Settlement were filed by Marshfield Electric & Water Department and the Midwest Independent Transmission System Operator, Inc. (Midwest ISO). On December 2, 2004, the Midwest ISO filed a notice withdrawing its comments. On December 8, 2004, reply comments supporting the offer were filed by the Executing Parties. On December 13, 2004, the settlement judge certified the Settlement to the Commission as an uncontested offer of partial settlement.

2. The Settlement is in the public interest and is hereby approved. In addition, the rate schedules submitted as part of the Settlement are in compliance with Order No. 614, *FERC Statutes and Regulations, Regulations Preambles July 1996 – December 2000* ¶ 31,096 (2000), and are accepted for filing as designated. 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. ER04-691-013, ER04-106-006, and EL04-104-012.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.