

UNITED STATES OF AMERICA 106 FERC 61,041  
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, et al. Docket No. EL02-111-004

Ameren Services Company, et al. Docket No. EL03-212-002

ORDER ESTABLISHING SETTLEMENT JUDGE PROCEDURES

(Issued January 27, 2004)

1. The Commission, by this order, establishes settlement judge procedures to aid the parties in developing Seams Elimination Charge/Cost Adjustment/Assignment (SECA) compliance filings that are to be filed pursuant to the Commission's November 17, 2003 order in these proceedings.<sup>1</sup>

**Background**

2. On January 6, 2004, Detroit Edison Company, Consumers Energy Company, Wisconsin Electric Power Company, Wisconsin Public Power, Inc., Madison Gas and Electric Company, Wisconsin Public Service Corporation, and Upper Peninsula Power Company (collectively, Midwest LSEs) filed a joint motion asking that the Commission direct a stakeholder process to resolve differences among interested parties prior to the filing of SECA compliance filings. They asked, as well, that Commission staff be "allowed and encouraged" to participate in the development of SECA compliance filings.<sup>2</sup>

3. On January 8, 2004, the Michigan Public Power Agency and the Michigan South Central Power Agency filed in support of the Midwest LSEs motion for a stakeholder process. On January 22, 2004, the Midwest Transmission Owners submitted comments

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<sup>1</sup> Midwest Independent Transmission System Operator, et al., 105 FERC ¶ 61,212 at P 43, 97, clarified, 105 FERC ¶ 61,288 (2003). By notice issued January 23, 2004, the date for filing SECA compliance filings has been extended to February 13, 2004.

<sup>2</sup> Midwest LSEs Motion at 6; accord id. at 7.

that, among other things, agreed with the Midwest LSEs as to the appropriateness of a stakeholder process (so long as there would not be a transmission revenue shortfall).

### **Discussion**

4. We find that a stakeholder process may assist in the development of SECA compliance filings. Accordingly, noting that we have already granted the parties additional time to file SECA compliance filings, see supra note 1, we will also provide for settlement judge procedures pursuant to Rule 603 of the Commission's Rules of Practice and Procedure<sup>3</sup> under the auspices of the Chief Administrative Law Judge.<sup>4</sup>

5. At reasonable intervals, the Chief Administrative Law Judge shall report to the Commission concerning the status of the discussions.

#### The Commission orders:

(A) Pursuant to Rule 603 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.603 (2003), the Chief Administrative Law Judge is hereby directed to serve as a settlement judge in these proceedings. He shall have all powers and duties enumerated in Rule 603 and shall convene a conference as soon as practicable.

(B) At reasonable intervals, the Chief Administrative Law Judge shall report to the Commission on the status of the discussions.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.

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<sup>3</sup> 18 C.F.R. § 385.603 (2003).

<sup>4</sup> We will, in a separate notice to be issued by the Secretary, designate certain staff members as non-decisional employees for purposes of these discussions so that they will be available to the parties and the Chief Administrative Law Judge to assist in the development of SECA compliance filings.