

106 FERC ¶ 61,028
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

San Diego Gas & Electric Company

Docket No. EL03-172-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued January 22, 2004)

1. On August 29, 2003, Commission Trial Staff and San Diego Gas & Electric Company (SDG&E) jointly filed a Settlement Agreement that resolves all issues related to SDG&E that were set for hearing in Docket No. EL03-172-000 in the Commission's June 25, 2003 Show Cause Order.¹ On September 26, 2003 the California Independent System Operator Corporation (CAISO) filed comments in support of the Settlement. On September 30, 2003, the Port of Seattle, Washington and the California Parties filed comments in support of the Settlement. In their comments, the California Parties sought assurance and clarification that this Settlement Agreement does not resolve issues in other dockets nor preclude the Commission from ordering appropriate remedy as to SDG&E or others in other proceedings. Staff filed general reply comments on October 20, 2003, and a motion to supplement its general reply comments on October 22, 2003. No other comments were filed. On November 6, 2003, the presiding administrative law judge certified the Settlement Agreement as an uncontested Settlement.

2. The 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.²

¹ American Electric Power Service Corp., et al., 103 FERC ¶ 61,345 (2003) (Show Cause Order).

² Uncontested settlements, such as the settlement at issue here, and Commission approval of such settlements, do not constitute precedent. Florida Power Corp., 70 FERC ¶ 61,321 at 61,980 (1995); see also Southern Company Services, Inc., 61 FERC ¶ 61,339 at 62,335 n.59 (1992), reh'g denied, 63 FERC ¶ 61,217 (1993).

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3. With regard to the California Parties' request for clarification of the scope of the Settlement, the Settlement approved here resolves the matters at issue in Docket No. EL03-172-000.³

4. This order terminates Docket No. EL03-172-000.

By the Commission. Commissioner Kelly not participating.

(S E A L)

Magalie R. Salas,
Secretary.

³ See Colorado River Commission of Nevada, 106 FERC ¶ 61,022 at P-51-52 (2004).