

184 FERC ¶ 61,120
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

August 24, 2023

In Reply Refer To:
Oakland Power Company LLC
Docket Nos. ER22-290-004
ER22-290-000

Akin Gump Strauss Hauer & Feld LLP
2001 K Street, NW
Washington, DC 20006

Attention: Stephen J. Hug
Attorney for Oakland Power Company LLC

Dear Mr. Hug:

1. On May 10, 2023, Oakland Power Company LLC (Oakland Power) filed a Joint Offer of Settlement and Settlement Agreement (Settlement) addressing Oakland Power's proposed Annual Fixed Revenue Requirement for providing Reliability Must-Run (RMR) service during Contract Year 2022. On May 30, 2023, Commission Trial Staff filed comments supporting the Settlement. On June 21, 2023, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.¹

2. Section 3.6 of the Settlement provides:

The standard of review for any change or modifications to this Settlement, once it is approved by the Commission, whether offered by the Settling Parties or any other party to this proceeding, will be the *Mobile-Sierra* public interest standard for review set forth in *United Gas Pipe Line Co. v. Mobile Gas Servs. Corp.*, 350 U.S. 348 (1956), as clarified in *Morgan Stanley Cap. Grp. Inc. v. Pub. Util. Dist. No. 1*, 554 U.S. 527 (2008), and refined in *NRG Power Mktg., LLC v. Maine Pub. Utils. Comm'n*, 130 S. Ct. 693 (2010). The ordinary just and reasonable standard will apply to any modifications

¹ *Oakland Power Co. LLC*, 183 FERC ¶ 63,032 (2023).

to the Settlement that might be sought by the Commission acting *sua sponte* or by a third party that was not a party to this proceeding.

3. The Settlement resolves all issues set for hearing in ER22-290-000.² The Settlement appears to be fair and reasonable and 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 these proceedings.

4. Oakland Power is directed to make a compliance filing with revised tariff records in eTariff format,³ within 30 days of this order, to reflect the Commission's action in this order.

By direction of the Commission.

Debbie-Anne A. Reese,
Deputy Secretary.

² *Oakland Power Co. LLC*, 177 FERC ¶ 61,226 (2021).

³ See *Elec. Tariff Filings*, Order No. 714, 124 FERC ¶ 61,270 (2008), *order on reh'g*, Order No. 714-A, 147 FERC ¶ 61,115 (2014).