

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

102 FERC ¶ 61,130

February 5, 2003

In Reply Refer To:

Mirant Delta, LLC & Mirant Potrero, LLC
Docket Nos. ER02-64-000, ER02-198-000,
ER02-198-001, ER02-198-002, and
ER02-198-003

Troutman Sanders LLP
401 Ninth Street, N.W.
Suite 1000
Washington, D.C. 20004

Attention: Jeffrey M. Jakubiak, Esquire
Attorney for Mirant Delta, LLC and
Mirant Potrero, LLC

Dear Mr. Jakubiak:

1. On November 22, 2002, as amended on November 25, 2002, pursuant to Rule 602 of the Rules of Practice and Procedure you filed, on behalf of Mirant Delta, LLC and Mirant Potrero, LLC (collectively, Mirant), a Stipulation and Agreement (Stipulation) among Mirant, California Independent Operator Corporation (ISO), and Pacific Gas and Electric Company (PG&E) that is intended to resolve all outstanding issues set for dispute resolution in these proceedings.

2. The subject Stipulation is in the public interest and is hereby approved. The rate schedule sheets submitted with the Stipulation are accepted and made effective January 1, 2002.¹ The rate schedule designations, as included in the Stipulation, are correct. The Commission's approval of the settlement does not constitute approval of, or precedent regarding, any principle or issue in these proceedings. The Commission retains the right to investigate the rates, terms, and conditions under the just and reasonable and not

¹We note that Mirant's Information Package in Docket No. ER02-64-000 was subject of ADR procedures established in accordance with Schedule K of the RMR Agreements. The instant Stipulation is a result of those negotiations.

Docket Nos. ER02-64-000, et al.

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unduly discriminatory or preferential standard of section 206 of the Federal Power Act, 16 U.S.C. § 824e (2000).

3. Within thirty (30) days from the date of this letter order, any amounts collected in excess of the settlement rates shall be refunded together with interest computed pursuant to section 35.19a of the Commission's regulations. See 18 C.F.R. § 35.19a (2002). In addition, within 15 days after making such refunds, Mirant shall file with the Commission a compliance report, showing monthly billing determinants; revenue receipt dates; revenues under the prior, present, and settlement rates; the monthly revenue refund; and the monthly interest computed, together with a summary of such information for the total refund period. Mirant shall furnish copies of the report to the ISO, Pacific Gas and Electric Company, affected wholesale customers, and each state commission within whose jurisdiction the affected wholesale customers distribute and sell energy at retail.

4. This letter terminates Docket Nos. ER02-64-000, ER02-198-000, ER02-198-001, ER02-198-002 and ER02-198-003. New subdockets will be assigned upon receipt of the required compliance filing.

By direction of the Commission.

Magalie R. Salas,
Secretary.

cc: To All Parties