

106 FERC ¶ 61,118  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Southern California Edison Company                      Docket No. ER03-142-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued February 12, 2004)

1. On October 14, 2003, Southern California Edison Company (SoCal Edison) filed an Offer of Settlement (Settlement) in the above-referenced docket. Trial Staff filed comments on November 3, 2003. No reply comments were filed. The Settlement Judge certified the Settlement to the Commission as uncontested on November 19, 2003.

2. The Settlement is in the public interest and is hereby approved. The rates submitted with the Settlement are accepted for filing and are made effective as provided in the Settlement. 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. Within thirty (30) days from the date of this order, any amounts collected in excess of the settlement rates shall be refunded. Within fifteen (15) days after making such refunds, SoCal Edison shall file with the Commission a compliance refund 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. SoCal Edison shall furnish copies of the report to the affected customers and each state commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

4. This order terminates Docket No. ER03-142-000. A new subdocket will be assigned in Docket No. ER03-142 upon receipt of the required compliance refund report.

By the Commission. Commissioner Brownell dissenting in part with a separate statement attached.

( S E A L )

Magalie R. Salas,  
Secretary.

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Southern California Edison Company

Docket No. ER03-142-000

(Issued February 12, 2004)

Nora Mead BROWNELL, Commissioner *dissenting in part*:

1. As I explained in my separate statement in Midwest Independent Transmission System Operator, Inc., 105 FERC ¶ 61,073 (2003), I can no longer support making our acceptance of settlement agreements subject to a Commission reservation of authority to make future revisions under the just and reasonable standard, as opposed to the Mobile-Sierra public interest standard--unless, of course, the agreement itself includes language requesting such a reservation. If the Commission has objections to a settlement, we should articulate them when we first review it, instead of approving the settlement with the cloud of uncertainty that we might make subsequent changes under a lower-than-public-interest standard after market participants have come to rely on it. Therefore, I would have accepted this agreement without reserving the option of revisiting it under a just and reasonable standard.

Nora Mead Brownell