

177 FERC ¶ 61,007
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

October 4, 2021

In Reply Refer To:
New York Independent System
Operator, Inc.
Central Hudson Gas & Electric Corporation
Docket No. ER20-715-002

Central Hudson Gas & Electric Corporation
284 South Avenue
Poughkeepsie, NY 12601

Attn: Paul A. Colbert, Esq.
Attorney for Central Hudson Gas & Electric Corporation

Dear Mr. Colbert:

1. On June 30, 2021, the New York Independent Operator, Inc. (NYISO), on behalf of Central Hudson Gas & Electric Corporation (Central Hudson), filed a Settlement Agreement (Settlement) addressing Central Hudson's Rate Schedule for Highway System Deliverability Upgrades under Schedule 12 of the NYISO Open Access Transmission Tariff. On July 20, 2021, Commission Trial Staff filed comments supporting the Settlement. On August 3, 2021, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.¹
2. Section 6.1 of the Settlement provides that:

The standard of review for any change to this [Settlement] proposed by Central Hudson or a Settling Party shall be the "public interest" application of the just and reasonable standard set forth in *United Gas Pipe Line Co. v. Mobile Gas Serv. Corp.*, 350 U.S. [332] (1956), and *Fed. Power Comm'n v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956), as clarified in *Morgan Stanley Capital Grp., Inc. v. Pub. Util. Dist. No. 1 of Snohomish Cnty., Wash.*, 554 U.S. 527 (2008), and refined in *NRG Power Mktg. v. Maine Pub. Utils. Comm'n*, 558 U.S. 165 (2010). The ordinary just and reasonable standard of review (rather than the "public interest" standard), as clarified in *Morgan Stanley Capital Grp., Inc. v. Pub. Util. Dist. No. 1 of Snohomish Cnty., Wash.*, 554 U.S. 527 (2008),

¹ *N.Y. Indep. Sys. Operator, Inc.*, 176 FERC ¶ 63,012 (2021).

applies to any changes to the [Settlement] sought by the Commission acting *sua sponte* or at the request of a non-Settling Party or a non-party to this proceeding.

3. The Settlement resolves all issues set for hearing in Docket No. ER20-715.² 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. The Commission accepts the proposed tariff records, effective May 20, 2020, as requested.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

² *N.Y. Indep. Sys. Operator, Inc.*, 171 FERC ¶ 61,119 (2020).