

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 17, 2017

Elisabeth A. Shumaker
Clerk of Court

STATE OF WYOMING,

Petitioner,

v.

No. 14-9529

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Respondents.

POWDER RIVER BASIN RESOURCE
COUNCIL, et al.,

Intervenors.

WYOMING COUNTY
COMMISSIONERS ASSOCIATION, et
al.,

Amici Curiae.

POWDER RIVER BASIN RESOURCE
COUNCIL, et al.,

Petitioners,

v.

No. 14-9530

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Respondents.

STATE OF WYOMING, et al.,

Intervenors.

WYOMING COUNTY
COMMISSIONERS ASSOCIATION, et
al.,

Amici Curiae.

BASIN ELECTRIC POWER
COOPERATIVE,

Petitioner,

v.

No. 14-9533

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Respondents.

POWDER RIVER BASIN RESOURCE
COUNCIL, et al.,

Intervenors.

WYOMING COUNTY
COMMISSIONERS ASSOCIATION, et
al.,

Amici Curiae.

PACIFICORP,

Petitioner,

v.

No. 14-9534

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Respondents.

POWDER RIVER BASIN RESOURCE
COUNCIL, et al.,

Intervenors.

WYOMING COUNTY
COMMISSIONERS ASSOCIATION, et
al.,

Amici Curiae.

ORDER

Before **KELLY** and **BACHARACH**, Circuit Judges.

These four consolidated petitions for review are before us on (1) a “Motion to Hold in Abeyance *Basin Electric Power Cooperative v. EPA*, Case No. 14-9533, and Part of *State of Wyoming v. EPA*, Case No. 14-9529,” and on (2) a “Motion by the State of Wyoming, Basin Electric Power Cooperative, and PacifiCorp to Abate Proceedings Pending Settlement Process.”

In the first motion, the State of Wyoming, Basin Electric, and the EPA (the “settling parties”) move to abate Basin Electric’s entire petition for review (No. 14-9533), and the claims in Wyoming’s petition for review (No. 14-9529) that are specific to the Laramie River units due to a tentative settlement pertaining to Basin Electric’s Laramie River facility. In the second motion, the State of Wyoming, Basin Electric, and PacifiCorp (three of the four petitioners) move to abate all four petitions for review pending final action by the EPA on the tentative settlement.

None of the parties to these consolidated proceedings opposes abating No. 14-9533 and the affected claims in No. 14-9529. However, the Conservation Organizations (petitioners in No. 14-9530 and intervenor-petitioners in the other three cases), do oppose using this partial abatement as justification for abating all four petitions for review and vigorously oppose the motion to abate all proceedings.

Upon careful consideration of the motions to abate and the Conservation Organizations’ opposition, both motions are granted. All proceedings in these consolidated cases are abated.

Within 180 days from the date of this order, or sooner if significant developments occur that affect this abatement, the settling parties shall file a written report advising this

court as to the status of the implementation of the settlement agreement.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, reading "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Counsel to the Clerk