

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-1093**September Term, 2012****EPA-78FR6674****Filed On: August 2, 2013**

Delaware Department of Natural Resources
and Environmental Control,

Petitioner

v.

Environmental Protection Agency,

Respondent

Electric Power Supply Association, et al.,
Intervenors

Consolidated with 13-1095, 13-1102, 13-1104

ORDER

Upon consideration of the unopposed motion by respondent to sever certain issues and hold them in abeyance, the joint motion to hold member case No. 13-1095 in abeyance, and the joint motion to establish deadline for submission of proposed briefing format and schedule, it is

ORDERED that the motion to sever be granted. The Clerk is directed to sever the issues identified in paragraph four of respondent's motion, assign them docket No. 13-1233, which is to be captioned as Conservation Law Foundation; Calpine Corporation; PSEG Power LLC; and the State of Delaware, Delaware Department of Natural Resources and Environmental Control, Petitioners v. Environmental Protection Agency, Respondent, and hold No. 13-1233 in abeyance pending further order of the court. Respondent is directed to file within 120 days of the date of this order and every 120 days thereafter a report on the status of the reconsideration proceedings. The parties are directed to file motions to govern future proceedings in 13-1233 within 30 days after the conclusion of the reconsideration process. Any intervenor in No. 13-1093, et al. wishing to participate as an intervenor in No. 13-1233 must so notify the court, along with a corporate disclosure statement, within 30 days of the date of this order. It is

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FURTHER ORDERED that the motion to hold No. 13-1095 in abeyance be granted and the consolidation of No. 13-1095 with No. 13-1093 is hereby terminated. Respondent is directed to file within 120 days of the date of this order and every 120 days thereafter a report on the status of the parties' discussions. The parties are directed to file motions to govern future proceedings in 13-1095 within 30 days after the conclusion of the parties' discussions. Any intervenor in No. 13-1093, et al. wishing to participate as an intervenor in No. 13-1095 must so notify the court, along with a corporate disclosure statement, within 30 days of the date of this order. It is

FURTHER ORDERED that within 14 days of the date of this order, the parties submit proposed formats for the briefing of Nos. 13-1093, 13-1102, and 13-1104. The parties are strongly urged to submit a joint proposal and are reminded that the court looks with extreme disfavor on repetitious submissions and will, where appropriate, require a joint brief of aligned parties with total words not to exceed the standard allotment for a single brief. Whether the parties are aligned or have disparate interests, they must provide *detailed* justifications for any request to file separate briefs or to exceed in the aggregate the standard word allotment. Requests to exceed the standard word allotment must specify the word allotment necessary for each issue.

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Scott H. Atchue
Deputy Clerk