

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

<b>North American Electric</b>	)	
<b>Reliability Corporation,</b>	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 10-1383</b>
	)	
<b>Federal Energy Regulatory Commission,</b>	)	
<b>Respondent.</b>	)	
	)	
<b>The American Public Power Association,</b>	)	
<b>The Edison Electric Institute, The</b>	)	
<b>Electricity Consumers Resource Council,</b>	)	
<b>The Large Public Power Council, The</b>	)	
<b>National Rural Electric Cooperative</b>	)	
<b>Association, and The Transmission Access</b>	)	
<b>Policy Study Group,</b>	)	
<b>Petitioners,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 10-1387</b>
	)	<b>(Not Consolidated)</b>
<b>Federal Energy Regulatory Commission,</b>	)	
<b>Respondent.</b>	)	

**CONSENT MOTION TO CONSOLIDATE AND TO  
HOLD PETITIONS FOR REVIEW IN ABEYANCE**

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure and the rules of this Court, the Petitioner in Case No. 10-1383, North American Electric Reliability Corporation (“NERC”), and the Petitioners in Case No. 10-1387

(“APPA, *et al.*”)<sup>1</sup> hereby move to consolidate the above-captioned petitions for review and to hold them in abeyance. Petitioners are authorized to state that the Federal Energy Regulatory Commission (“Commission”), the Respondent in these proceedings, consents to this motion.

Petitioners are seeking appellate review of two Commission orders issued in FERC Docket Nos. RR09-6-000 and -001.<sup>2</sup> As NERC and APPA, *et al.* have petitioned for review of the same Commission orders, consolidation of the petitions for review in the above-captioned cases is appropriate and will avoid duplication of effort.

In addition, while Petitioners believe that the orders on review are final and ripe for appeal, further proceedings before the Commission may render prosecution of these petitions for review unnecessary. On December 23, 2010, NERC will make a related compliance filing in Docket No. RR09-6. If the Commission’s orders regarding this compliance filing are acceptable to NERC and APPA, *et al.*, they may elect to dismiss the instant petitions for review. The Court, therefore, should hold these petitions for review in abeyance pending Commission action on NERC’s upcoming compliance filing. Petitioners will file reports with the Court describing the status of the proceedings before the Commission every 60 days.

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<sup>1</sup> NERC and APPA, *et al.* will be jointly referred to in this motion as “Petitioners.”

<sup>2</sup> *North American Elec. Reliability Corp.*, 130 FERC ¶ 61,203, *order on reh’g*, 132 FERC 61, 218 (2010).

**CONCLUSION**

For the foregoing reasons, the Court should consolidate the above-captioned petitions for review and hold them in abeyance pending Commission action on NERC's upcoming compliance filing.

Respectfully submitted,

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December 8, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document by first class mail, postage prepaid, upon all parties listed below and by hand delivery upon the Solicitor of the Federal Energy Regulatory Commission.

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Dated at Washington, D.C. this 8<sup>th</sup> day of December, 2010.

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