IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, et al., Plaintiffs, v. SAMUEL W. BODMAN, AS SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY, and UNITED STATES DEPARTMENT OF ENERGY, Defendants.	Consolidated Civil Actions No. 05 Civ. 7807 (JES) and No. 05 Civ. 7808 (JES)
NATURAL RESOURCES DEFENSE COUNCIL, INC., et al., Plaintiffs, v. SAMUEL W. BODMAN, AS SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY, and UNITED STATES DEPARTMENT OF ENERGY, Defendants.	

CONSENT DECREE

WHEREAS:

1. These actions were commenced on September 7, 2005, and consolidated by order entered on December 6, 2005;

2. The "Plaintiffs" are the States of California, Connecticut, Illinois, Iowa, Maine, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Rhode Island, Vermont and Wisconsin, the Pennsylvania Department of Environmental Protection, the California Energy Commission, the City of New York, the Natural Resources Defense Council, Inc., the Massachusetts Union of Public Housing Tenants and the Texas Ratepayers' Organization to Save Energy;

3. The "Defendants" are the United States Department of Energy and the Secretary of Energy, Samuel W. Bodman, sued in his official capacity;

4. By order entered December 16, 2005, the Association of Home Appliance Manufacturers ("AHAM") was permitted to intervene in these consolidated actions as a Defendant-Intervenor;

5. By order entered December 27, 2005, the Gas Appliance Manufacturers' Association ("GAMA") and the Air-Conditioning and Refrigeration Institute ("ARI") were permitted to intervene in these consolidated actions as Plaintiffs-Intervenors;

6. The Plaintiffs allege that the Defendants have failed to comply with deadlines and other requirements contained in the Energy Policy and Conservation Act ("EPCA"), Subchapter III, Parts A & A-1, 42 U.S.C. §§ 6291-6317, for publishing final rules concerning energy efficiency standards for 22 categories of products;

7. The rules covered by the Plaintiffs' complaints (the "Complaints") are referred to

herein as the "Energy Efficiency Rules;"

8. Without conceding any wrongdoing, the Defendants do not dispute that, as of the date these consolidated actions were commenced, the Defendants had not:

a. published a second final rule for room air conditioners;

b. published a second final rule for central air conditioners;

c. published a second final rule for water heaters;

d. published a first or second final rule for pool heaters;

e. published a first or second final rule for direct heating equipment;

f. published a first final rule for furnaces and boilers;

g. published at least one required rule for small furnaces;

h. published a first or second final rule for mobile home furnaces;

i. published a second final rule for dish washers;

j. published a second final rule for clothes dryers;

k. published a second final rule for fluorescent lamp ballasts;

l. published a first final rule for gas kitchen products or a second final rule for gas and electric kitchen products;

m. published a first or second final rule for general service fluorescent lamps;

n. published a first or second final rule for incandescent reflector lamps;

o. initiated a rulemaking or published a final rule on the applicability of efficiency standards to general service fluorescent and general service incandescent lamps;

p. adopted ASHRAE's standard or issued a more stringent standard for packaged terminal air conditioners and heat pumps;

q. adopted ASHRAE's standard or issued a more stringent standard for packaged boilers;

r. published any standard for instantaneous water heaters of less than 10 gallons in volume;

s. published a first or second final rule for electric motors;

t. published a determination regarding establishment of efficiency standards for high intensity discharge lamps;

u. published final testing procedures or efficiency standards for electric distribution transformers; or

v. published a determination regarding establishment of efficiency standards for small electric motors.

9. The Defendants also maintain that for the products covered by the Plaintiffs' 17th and 18th Causes of Action they are not currently obligated to prescribe amended energy efficiency standards;

10. Since the commencement of these consolidated actions:

a. On January 31, 2006, DOE submitted a report to Congress pursuant to Section 141 of the Energy Policy Act of 2005, 42 U.S.C. § 15834;

b. On March 13, 2006, in a notice of document availability and request for comments published in the Federal Register, 71 Fed. Reg. 12634, DOE stated that (i) it was inclined to leave in place the existing energy efficiency standard for small commercial packaged boilers, (ii) it had recently concluded that it lacked authority to issue higher standards for large commercial packaged boilers or tankless gas-fired instantaneous water heaters, and (iii) it expects to issue a final rule detailing its final actions for these products, after considering comments submitted in response to the March 13, 2006 notice;

c. On April 27, 2006, in a final rule published in the Federal Register, 71 Fed. Reg. 24972, DOE prescribed test procedures for measuring the energy efficiency of electric distribution transformers, the product covered by the Plaintiffs' 21st Cause of Action;

d. On July 10, 2006, in a determination published in the Federal Register, 71 Fed. Reg. 38799, DOE announced that it had determined that energy conservation standards for certain single-phase, capacitor-start, induction-run, small electric motors are technologically feasible and economically justified, and would result in significant energy savings;

e. On August 4, 2006, DOE published a proposed rule in the Federal Register, 71 Fed. Reg. 44356, in which DOE proposed energy conservation standards for electric distribution transformers;

f. On August 9, 2006, DOE submitted a report to Congress pursuant to Section 141 of the Energy Policy Act of 2005, 42 U.S.C. § 15834; and

g. On October 6, 2006, DOE published a proposed rule in the Federal Register, 71 Fed. Reg. 59204, in which DOE proposed energy efficiency standards for residential furnaces and boilers.

11. The Defendants have stated their intent to come into compliance with all of their obligations to publish final rules concerning energy efficiency standards;

12. On March 8, 2006, the Plaintiffs moved for summary judgment and the Defendants cross-moved to dismiss and/or for summary judgment. Briefing was completed on the cross-motions on April 10, 2006 and oral argument was held on May 15, 2006. GAMA, ARI and AHAM did not participate in the briefing of the cross-motions and have not taken any position with respect to those motions;

13. EPCA's citizen suit provision, 42 U.S.C. § 6305, provides in pertinent part that "[t]he courts shall advance on the docket, and expedite the disposition of" this type of action;

14. EPCA seeks, among other goals, "to conserve energy supplies" and "to provide for improved energy efficiency . . . of major appliances," 42 U.S.C. § 6201(4) & (5);

15. EPCA further provides that when DOE prescribes amended energy efficiency standards those standards "shall be designed to achieve the maximum improvement in energy

efficiency . . . which the Secretary determines is technologically feasible and economically justified," 42 U.S.C. § 6295(o)(2)(A);

16. Creating economically justified and technologically feasible minimum efficiency standards that must be met by product manufacturers reduces electricity, home heating oil and natural gas use, and reduces air pollution, carbon dioxide emissions and other environmental problems associated with electricity generation and fossil fuel consumption in buildings, while providing consumers with substantially the same level of service from their products;

17. Energy efficiency standards also have important consumer benefits;

18. Section 141 of the Energy Policy Act of 2005, 42 U.S.C. § 15834, provides in full:

> Sec. 141. REPORT ON FAILURE TO COMPLY WITH DEADLINES FOR NEW OR REVISED ENERGY CONSERVATION STANDARDS.
>
> (a) INITIAL REPORT.--The Secretary shall submit a report to Congress regarding each new or revised energy conservation or water use standard which the Secretary has failed to issue in conformance with the deadlines established in the Energy Policy and Conservation Act. Such report shall state the reasons why the Secretary has failed to comply with the deadline for issuances of the new or revised standard and set forth the Secretary's plan for expeditiously prescribing such new or revised standard. The Secretary's initial report shall be submitted not later than 6 months following enactment of this Act and subsequent reports shall be submitted whenever the Secretary determines that additional deadlines for issuance of new or revised standards have been missed.
>
> (b) IMPLEMENTATION REPORT.--Every 6 months following the submission of a report under subsection (a) until the adoption of a new or revised standard described in such report, the Secretary shall submit to the Congress an implementation report describing the Secretary's progress in implementing the Secretary's plan or the issuance of the new or revised standard.

19. The parties agree that it is in the best interests of the public, the parties and judicial economy to resolve these consolidated actions without further litigation and further agree

that the actions can be resolved by a binding schedule governing the completion of the Energy Efficiency Rules, as set forth in this Consent Decree;

20. The parties have agreed, and the Court finds, that the terms of this Consent Decree provide a just, fair and equitable resolution of the claims in the Complaints.

NOW THEREFORE it is hereby ORDERED, ADJUDGED AND DECREED that:

I. Jurisdiction over the Consolidated Actions and the Defendants

1. Pursuant to 42 U.S.C. §§ 6305(a) and 6316, 28 U.S.C. §§ 1331, 1346(a), 1361, 2201 and 2202, and 5 U.S.C. § 702, this Court has jurisdiction over the subject matter of all Causes of Action in the Complaints.

2. This Court has jurisdiction over the Defendants.

3. Venue is proper in the Southern District of New York.

4. Plaintiffs have standing to bring these consolidated actions.

II. Definitions

For the purposes of this Consent Decree, the following terms shall be defined as follows:

1. "ASHRAE" shall mean the American Society of Heating, Refrigerating and Air Conditioning Engineers.

2. "ASHRAE Standard 90.1" shall mean "ASHRAE/IES Standard 90.1, as in effect on October 24, 1992," as that phrase is used in 42 U.S.C. § 6313(a)(6)(A)(i).

3. "DOE" shall refer to the United States Department of Energy and the Secretary of Energy. This Consent Decree does not impose any obligations on Samuel W. Bodman in his personal capacity.

4. "Deadline" or "deadlines" shall mean any of the dates listed or described in Section III below.

5. "Determination" shall mean, for high intensity discharge lamps, the determination referred to in 42 U.S.C. § 6317(a)(1).

6. "Final action" shall mean a final decision by DOE.

7. "Final rule" shall have the same meaning as in 42 U.S.C. § 6295(p)(4), except that in the case of a determination a final rule shall mean publication in the Federal Register of DOE's final action with respect to that determination. "Proposed rule" and "advance notice of proposed rulemaking" shall have the same meaning as in 42 U.S.C. § 6295(p).

8. "First amended energy efficiency standard" shall refer, for any particular product, to the first revised energy efficiency standard contemplated by 42 U.S.C. §§ 6295, 6313 or 6317, for that product.

9. "Publish," when used with regard to an advance notice of proposed rulemaking, a proposed rule or a final rule, shall mean submitting a signed, written rule to the Federal Register for publication of that rule in accordance with 1 C.F.R. Parts 17 and 18. DOE shall not request deferred publication, as contemplated by 1 C.F.R. § 17.7(a)(2), of any rule covered by this Consent Decree. In addition, after DOE has submitted a rule to the Federal Register, no party shall take any action (other than what is necessary to correct any typographical or other errors in form) to delay its publication.

10. "Second amended energy efficiency standard" shall refer, for any particular product, to the second revised energy efficiency standard contemplated by 42 U.S.C. §§ 6295, 6313 or 6317, for that product.

III. Completion of the Energy Efficiency Rules

1. For each product covered by the Complaints, DOE shall publish a final rule by the deadlines set forth in Table 1 below:

Cause of Action	*Product Category*	*Type of Rule to be Completed*	*Deadline to Publish Final Rule*
1	Room air conditioners	Second amended energy efficiency standard	June 30, 2011
2	Central air conditioners and heat pumps	Second amended energy efficiency standard	June 30, 2011
3	Water heaters	Second amended energy efficiency standard	March 31, 2010
4	Pool heaters	First amended energy efficiency standard	March 31, 2010
5	Direct heating equipment	First amended energy efficiency standard	March 31, 2010
6-8	Furnaces and boilers (including mobile home furnaces and small furnaces)	First amended energy efficiency standard for all products	September 30, 2007
9	Dishwashers	Second amended energy efficiency standard	March 31, 2009
10	Clothes dryers	Second amended energy efficiency standard	June 30, 2011
11	Fluorescent lamp ballasts	Second amended energy efficiency standard	June 30, 2011

Cause of Action	*Product Category*	*Type of Rule to be Completed*	*Deadline to Publish Final Rule*
12	Ranges and ovens	First amended energy efficiency standard for gas products / Second amended energy efficiency standard for electric products	March 31, 2009
13	Fluorescent lamps	First amended energy efficiency standard	June 30, 2009
14	Incandescent reflector lamps	First amended energy efficiency standard	June 30, 2009
15	Additional Fluorescent and Incandescent Lamps	Initial energy efficiency standard	June 30, 2009
16	Packaged terminal air-conditioners and heat pumps	Final action with respect to the rulemaking duty that the Plaintiffs claim was triggered by the 1999 amendment to ASHRAE Standard 90.1	September 30, 2008
17	Packaged boilers	Final action with respect to the actions described for these products in 71 Fed. Reg. 12634, 12637-68 & Table 1.4 (March 13, 2006)	February 28, 2007

Cause of Action	*Product Category*	*Type of Rule to be Completed*	*Deadline to Publish Final Rule*
18	Instantaneous water heaters	Final action with respect to the actions described for these products in 71 Fed. Reg. 12634, 12637-68 & Table 1.4 (March 13, 2006)	February 28, 2007
19	Motors (1 to 200 hp)	First amended energy efficiency standard	June 30, 2011
20	High intensity discharge lamps	Determination(s)	June 30, 2010
21	Electric distribution transformers	Energy efficiency standard	September 30, 2007
22	Small motors	Test Procedure	June 30, 2009
		Energy efficiency standard	February 28, 2010

2. When required by EPCA, prior to publishing each of the final rules described in paragraph 1 above, DOE shall publish an Advance Notice of Proposed Rulemaking ("ANOPR") and a Notice of Proposed Rulemaking ("NOPR"). The parties recognize that EPCA requires certain minimum time periods between publication of an ANOPR and a NOPR, and between a NOPR and a final rule, and also that providing for more time than the minimum required time period between these rulemaking milestones is often desirable. The parties further recognize that publishing ANOPRs and NOPRs in a timely way is necessary to meet the deadlines for final rules set forth in this Consent Decree. Thus, DOE's intention is to publish the ANOPR for each product at least 18 months prior to the deadline for publication of the final rule for that product, and to publish the NOPR at least seven-and-a-half months in advance of the deadline for the final

rule. In the event DOE has not published a NOPR within six months of the deadline for publication of the final rule, Plaintiffs may, after first meeting and conferring with DOE, seek appropriate relief from the Court, including but not limited to asking the Court to set a deadline for completion of the NOPR. Any failure by Plaintiffs to seek relief from the Court shall not constitute a waiver of Plaintiffs' right to enforce any aspect of this Consent Decree and shall not excuse DOE from complying with any of its obligations under this Consent Decree. Nothing in this paragraph shall limit the relief available to any party pursuant to Section VI of this Consent Decree.

3. Although the Plaintiffs allege that DOE has missed more than one statutory deadline for certain products, this Consent Decree sets just one final rule deadline per product covered by the Plaintiffs' Complaints (with the exception of small motors, for which it sets two final rule deadlines). However, in the event that DOE misses any of the deadlines set forth in Paragraph 1 above, or fails to complete any subsequent rulemakings within the time periods contemplated by EPCA, the Plaintiffs retain their right to seek appropriate relief, including, but not limited, to the establishment of additional deadlines, either by motion to modify this Consent Decree or by commencing new litigation pursuant to EPCA's citizen suit provision. DOE expressly reserves its right to oppose any such application for relief.

4. For commercial packaged terminal air conditioners, commercial packaged boilers and instantaneous water heaters, which are covered by the Plaintiffs' 16th, 17th and 18th Causes of Action, the following procedure shall apply to any future amendments to ASHRAE Standard 90.1 for those products:

a. If ASHRAE Standard 90.1 is amended with respect to any of these products, DOE shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards no later than 6 months after adoption of the amendment by ASHRAE.

b. DOE shall either (1) publish a final rule establishing the amended ASHRAE Standard 90.1 no later than 18 months after adoption of the amended standard by ASHRAE, or (2) publish a final rule establishing a more stringent standard no later than 30 months after the adoption of the amended standard by ASHRAE.

5. Nothing in this Consent Decree shall prevent DOE from publishing final rules prior to the deadlines set forth above, or from initiating and conducting rulemakings faster than the schedule contemplated above.

6. Nothing in this Consent Decree shall prevent DOE from conducting further rulemakings for any product, including, but not limited to, as contemplated by 42 U.S.C. §§ 6295(m) or (n). Likewise, nothing in this Consent Decree shall prevent any party from petitioning for an amended standard for any product pursuant to 42 U.S.C. § 6295(n).

7. Nothing in this Consent Decree relieves DOE of the obligation to prescribe energy efficiency standards that comply with EPCA's requirements, including but not limited to the criteria for prescribing new or amended standards set forth in 42 U.S.C. § 6295(o).

IV. Reporting

Beginning six months after entry of this Consent Decree and every six months thereafter until this Consent Decree is terminated, DOE shall provide the Court, the Plaintiffs and the Intervenors with a report concerning the actions it has taken pursuant to the Consent Decree or in

furtherance of complying with the obligations imposed by this Consent Decree. For each product listed above, each report shall also state whether DOE is on schedule to meet the next applicable deadline for that product and also DOE's anticipated schedule for publishing an ANOPR and NOPR. Nothing in this paragraph, nor in any report prepared pursuant to it, relieves DOE of the duty to comply with each deadline imposed by this Consent Decree.

V. Modification

1. This Consent Decree may be modified by (a) written stipulation of the parties, or (b) the Court, pursuant to a motion by any party, for good cause shown; provided, however, that this Consent Decree may not be modified to add new deadlines for products that are not subject to this lawsuit or to accelerate the rulemakings faster than the deadlines set forth above in Paragraph III.1 of this Consent Decree, except by written stipulation.

2. If the modification is by written stipulation of the parties, the modification will take effect upon the approval and entry of the stipulation by the Court.

3. Prior to bringing any motion to modify this Consent Decree, the party seeking the modification shall first seek the other parties' consent to the proposed modification. In all cases, whenever a party requests consent to a modification, the parties shall negotiate in good faith and attempt to reach agreement before any motion is filed. If the modification is sought by DOE and seeks to extend a deadline, DOE shall, prior to bringing the motion, alert the Plaintiffs and the Intervenors as to the reasons it seeks an extension and as to the new deadline that it is seeking. The parties shall meet and confer concerning DOE's request for an extension and shall attempt to reach agreement on (i) whether an extension is appropriate, and (ii) what the new deadline should be. If the parties are able to reach agreement, the deadline can be extended by written stipulation.

If the parties are unable to reach agreement, DOE may seek an extension by motion, pursuant to the procedures outlined in Paragraph 4 below.

4. If the modification is sought by motion and concerns a deadline, the following procedures shall apply:

a. Absent good cause shown, the motion shall be filed and served at least 60 days before the applicable deadline. In the event the 60-day deadline is missed, the motion shall state the reasons why.

b. The motion shall be accompanied by a request for expedited consideration. All parties to this Consent Decree shall join in any such request.

c. If the motion is brought by DOE and seeks to extend a Court-ordered deadline, the motion shall set forth the actions DOE has taken to meet that deadline, the reasons DOE seeks an extension and the new deadline requested by DOE.

5. Nothing in this Consent Decree shall preclude DOE from seeking modification of this Consent Decree based upon any change in any applicable law.

VI. Continuing Jurisdiction and Termination

The Court shall retain jurisdiction over these consolidated actions to interpret, enforce, implement and effectuate this Consent Decree, and to adjudicate any application for attorneys' fees, costs and disbursements arising out of or in connection with this litigation. During the term of this Consent Decree, any party hereto may apply to the Court for relief necessary to interpret, enforce, implement or effectuate the Consent Decree. Upon the completion of DOE's obligations under Paragraph III.1 of this Consent Decree, the parties shall provide a status report to the Court and the Consent Decree shall be terminated.

VII. No Waiver of Rights Concerning Final Actions

1. Nothing in this Consent Decree shall be construed as a waiver by any party of any claim or defense arising out of or in connection with any final rule published pursuant to this Consent Decree or of any claim or defense arising out of or in connection with any final action taken by DOE with respect to any of the Energy Efficiency Rules.

2. The Plaintiffs expressly reserve their right to participate in each of the rulemakings listed in Section III above and to challenge, in the appropriate judicial forum, the procedure followed or the outcome reached in any of those rulemakings.

3. Nothing in this Consent Decree alters EPCA's provision of jurisdiction to review final rules and final actions pursuant to 42 U.S.C. § 6306.

VIII. No Change in Other Legal Requirements and Obligations

1. Nothing in this Consent Decree relieves DOE of the obligation to act in a manner consistent with applicable law, including, but not limited to, EPCA, the Administrative Procedure Act, the Department of Energy Organization Act, the Energy Policy Act of 2005, the Anti-Deficiency Act and any other applicable appropriations statutes. In the event DOE believes that compliance with any applicable law shall lead to a breach of its obligations under this Consent Decree, DOE shall request modification of the Consent Decree in accordance with the provisions of Section V above.

2. Nothing in this Consent Decree shall be construed to restrict or modify any discretion DOE may have concerning (a) the substance of any amended energy efficiency standards to be prescribed pursuant to this Consent Decree, (b) the factors to be considered in setting any energy efficiency standards, (c) the pursuit of rulemakings for products not covered

by the Plaintiffs' Complaints, or (d) any other matter not addressed by this Consent Decree.

3. Nothing in this Consent Decree requires or permits DOE to adopt an amended standard for any product in a manner inconsistent with EPCA's anti-backsliding provisions, as set forth in 42 U.S.C. §§ 6295(o) and 6313(a)(6)(B)(ii).

4. The Plaintiffs expressly reserve their rights to: (a) participate in any rulemakings that DOE may conduct for products that are not addressed in this Consent Decree; (b) petition DOE to conduct additional rulemakings pursuant to 42 U.S.C. § 6295(n) for any product or products; and (c) bring actions against DOE arising from any failure by DOE to comply with any statutory obligations not addressed by this Consent Decree. This Consent Decree resolves the claims stated in the Complaints and does not resolve any other claims that any parties may or may not have against DOE, including but not limited to any claims relating to rulemakings for products not covered by the Complaints.

IX. Costs of Litigation

DOE shall pay reasonable attorneys' fees and costs incurred through the date of entry of this Consent Decree in connection with these consolidated actions by the three plaintiffs in *Natural Resources Defense Council, Inc., et al. v. Bodman, et al.*, No. 05-cv-7808 (S.D.N.Y.) (the "Private Plaintiffs"). The Private Plaintiffs and DOE shall negotiate in good faith and attempt to reach agreement concerning the amount of that payment. In the event the Private Plaintiffs and DOE cannot reach agreement within 90 days after the entry of this Consent Decree, the Private Plaintiffs and DOE, by no later than 120 days after entry of this Consent Decree, shall submit their disagreement to the Court for resolution. DOE and the plaintiffs in *New York, et al. v. Bodman, et al.*, No. 05-cv-7807 (S.D.N.Y.) shall each bear their own costs and fees incurred in

connection with these consolidated actions.

X. Entire Agreement

This Consent Decree constitutes the final, complete and entire agreement among the parties with respect to the resolution of all claims in these consolidated actions. Any prior representations, agreements or understandings among the parties with respect to the subject matter of this Consent Decree are superseded by this Consent Decree.

XI. Addresses for Reports and Notices

Any reports or notices required to be served under this Consent Decree shall be in writing and sent by electronic mail, to the following:

For DOE:

1. John P. Cronan, Esq.
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   Counsel for Defendants

For the Plaintiffs:

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   Counsel for Plaintiff Natural Resources Defense Council, Inc.

2. Charles Harak, Esq.
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For the Intervenors:

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3. Charles A. Samuels, Esq.
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   Counsel for AHAM

XII. Execution by the Parties

The undersigned representatives of each party certify that they are authorized by the party to consent to the Court's entry of this Consent Decree. This Consent Decree may be executed in counterparts.

SO ORDERED, THIS _____ DAY OF _____, 2006.

_____
JOHN E. SPRIZZO
United States District Judge

For the plaintiffs:

NATURAL RESOURCES
DEFENSE COUNCIL, INC.

By: _____ Dated: October 31, 2006
KATHERINE KENNEDY (KK9043)
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Counsel for Plaintiff NRDC

ELIOT SPITZER
ATTORNEY GENERAL
STATE OF NEW YORK

By: _____ Dated: November 1, 2006
JACOB HOLLINGER (JH2908)
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Counsel for Plaintiff State of New York

THE PEOPLE OF THE STATE OF
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BILL LOCKYER, ATTORNEY GENERAL

By: _____ Dated: November 1, 2006
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CALIFORNIA ENERGY COMMISSION

By: Jonathan Blees (JN) Dated: November 1, 2006

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RICHARD BLUMENTHAL
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By: Jose Suarez (JN) Dated: November 1, 2006

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LISA MADIGAN,
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STATE OF ILLINOIS

MATTHEW DUNN,
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By: Ann Alexander (/A) Dated: November 1, 2006
ANN ALEXANDER (AA 5296)
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THOMAS J. MILLER
ATTORNEY GENERAL
STATE OF IOWA

TAM B. ORMISTON
DEPUTY ATTORNEY GENERAL

By: David Sheridan (/A) Dated: November 1, 2006
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Counsel for Plaintiff State of Iowa

G. STEVEN ROWE
ATTORNEY GENERAL
STATE OF MAINE

By: Gerald D. Reid (AN) Dated: November 1, 2006

GERALD D. REID
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admission pending)
Assistant Attorney General
Department of the Attorney General
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Counsel for Plaintiff State of Maine

THOMAS F. REILLY
ATTORNEY GENERAL
COMMONWEALTH OF MASSACHUSETTS

By: Frederick D. Augenstern (AN) Dated: November 1, 2006

I. ANDREW GOLDBERG (IG 9569)
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Counsel for Plaintiff State of Massachussets

KELLY A. AYOTTE
ATTORNEY GENERAL
STATE OF NEW HAMPSHIRE

By: Maureen D. Smith (AH) Dated: November 1, 2006

MAUREEN D. SMITH
(Motion for *Pro Hac Vice*
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Counsel for Plaintiff State of New Hampshire

STUART RABNER
ATTORNEY GENERAL
STATE OF NEW JERSEY

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