

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 10-1061**

**September Term 2009**

**FERC-RM08-7-000**

**Filed On:** July 28, 2010

NRG Power Marketing, LLC and Louisiana  
Generating LLC,

Petitioners

v.

Federal Energy Regulatory Commission,

Respondent

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North American Electric Reliability  
Corporation,  
Intervenor

**BEFORE:** Rogers, Tatel, and Kavanaugh, Circuit Judges

**ORDER**

Upon consideration of the motion to dismiss, or in the alternative, to hold in abeyance, the opposition thereto, and the reply; and the motion to suspend the requirement to file the certified index to the record, it is

**ORDERED** that the motion to dismiss be granted. The Federal Energy Regulatory Commission's orders challenged in this case are not ripe for judicial review. See Toca Producers v. FERC, 411 F.3d 262, 265–66 (D.C. Cir. 2005); Friends of Keeseville, Inc. v. FERC, 859 F.2d 230, 235–37 (D.C. Cir. 1988). It is

**FURTHER ORDERED** that the motion to suspend the requirement to file the certified index to the record be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution

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of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

**By:**

/s/

MaryAnne Lister  
Deputy Clerk