

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 03-1398

Alternate Power source, Inc.
Petitioner

September Term, 2004

Filed On: November 23, 2004 [861622]

v.

Federal Energy Regulatory Commission
Respondent

Western Massachusetts Electric Company,
Intervenor

On Petition for Review of Orders of the
Federal Energy Regulatory Commission

Before: EDWARDS AND HENDERSON, *Circuit Judges* and WILLIAMS, *Senior Circuit Judge*

J U D G M E N T

The petition for review of orders of the Federal Energy Regulatory Commission was considered on the briefs and the appendix filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED and ADJUDGED by the Court that the petition for review is denied. Petitioner has identified no reversible error in the orders under review regarding the filed rate doctrine, § 24 of the NEPOOL OATT, and Petitioner's request for a hearing. All other objections are dismissed for lack of jurisdiction because Petitioner did not properly preserve them in its request for rehearing.

Pursuant to DC Circuit Rule 36, this disposition will not be published.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 of any timely petition for rehearing or rehearing *en banc*. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

FOR THE COURT:
Mark J. Langer, Clerk

BY:

Deputy Clerk