

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-1018

September Term, 2023

FERC-ER21-1111-002
FERC-ER21-1111-003
FERC-ER21-1111-005
FERC-ER21-1115-000
FERC-ER21-1115-003

Filed On: September 19, 2023

Advanced Energy United, Inc., et al.,

Petitioners

v.

Federal Energy Regulatory Commission,

Respondent

Alabama Power Company, et al.,
Intervenors

BEFORE: Wilkins and Rao, Circuit Judges, and Tatel, Senior Circuit Judge

ORDER

Upon consideration of the Federal Energy Regulatory Commission's unopposed motion for clarification of the July 14, 2023 opinion in this case, it is

ORDERED that the motion be granted. It is

FURTHER ORDERED that the opinion issued July 14, 2023, be amended as follows:

(1) Slip. op., Page 22:

Delete: "The plain text of Section 205 gave the Commission 60 days to act after Intervenors submitted the final SEEM Proposal filing on August 11, 2021. Accordingly, the final date for FERC to act on the SEEM Proposal was October 10, 2021."

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Insert in lieu thereof: “Under FERC’s construction of section 205(d), the last day the Commission could have issued an order on the SEEM Proposal was October 11, 2021, the day before the proposed effective date.”

(2) Slip. op., Page 22:

Delete: “of [the October 10, 2021] order.”

Insert in lieu thereof: “of [the October 11, 2021] order.”

(3) Slip. op., Page 22:

Delete: “Thirty days from October 10, 2021, was Tuesday, November 9, 2021.”

Insert in lieu thereof: “Thirty days from October 11, 2021, was Wednesday, November 10, 2021.”

(4) Slip op., page 23:

Delete: “October 10, 2021—originally fell on a Sunday, and the following day—”

The Clerk is directed to issue the amended opinion.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk