

F.E.R.C.
CP16-17-003
CP16-17-000

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 7th day of December, two thousand seventeen.

Present:

José A. Cabranes,
Debra A. Livingston,
Susan L. Carney,
Circuit Judges.

New York State Department of Environmental Conservation,

Petitioner,

Sarah E. Burns, Amanda King, Melody Brunn, Brunn Living Trust, Pramilla Malick, and Protect Orange County,

Intervenors,

v.

17-3503
17-3770

Federal Energy Regulatory Commission,

Respondent,

Millennium Pipeline Company, L.L.C.,

*Intervenor.**

The proceedings docketed under 17-3503 and 13-3770 are consolidated for the purposes of this order and appeal.

* The Clerk of Court is directed to amend the docket for the proceeding docketed under 17-3770 to conform with the caption of this order.

In the proceeding docketed under 17-3770, Petitioner requests a stay, pending decision on its petition for review, of all construction-related activities associated with the administrative proceedings that are the subject of this proceeding. Millennium Pipeline Company, L.L.C. (“Millennium”) moves to intervene in support of the Federal Energy Regulatory Commission. Sarah E. Burns, Amanda King, Melody Brunn, Brunn Living Trust, Pramilla Malick, and Protect Orange County (“Movants”) move to intervene in support of the New York State Department of Environmental Conservation.

Upon due consideration, it is hereby ORDERED that Millennium’s motion to intervene is GRANTED. It is also ORDERED that Movants’ motion to intervene is GRANTED, without prejudice to reconsideration in due course as part of the merits proceeding upon application by any party.

It is further ORDERED that Petitioners’ stay motion is DENIED. *See U.S. Sec. & Exch. Comm’n v. Citigroup Glob. Mkts. Inc.*, 673 F.3d 158, 162 (2d Cir. 2012).

Finally, it is ORDERED that, in the proceeding docketed under 17-3503, Millennium’s motion to dismiss Petitioner’s petition for a writ of prohibition is GRANTED as moot, and the stay currently in place is hereby DISSOLVED.

The CLERK is directed to EXPEDITE this petition for review, to be heard by this panel as early as Wednesday, January 24, 2018. Petitioner is directed to file a scheduling notification concerning its petition for review within seven days of the date of entry of this order.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court


The signature of Catherine O'Hagan Wolfe is written in black ink. It is a cursive signature that reads "Catherine O'Hagan Wolfe". The signature is positioned over a circular seal of the United States Second Circuit Court of Appeals. The seal is red and white, with the words "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom. There are two small stars on either side of the center text.