



Department of Energy
Washington, DC 20585

Order No. 202-03-3

Richard Blumenthal, Attorney General of the State of Connecticut, and Arthur J. Rocque, Jr., Commissioner of the Connecticut Department of Environmental Protection ("movants"), submitted to the Department of Energy (DOE) on August 29, 2003, a request for "rehearing or stay" of DOE Order No. 202-03-2 issued on August 28, 2003. The request for rehearing was submitted pursuant to section 313 of the Federal Power Act, 16 U.S.C. 8251, and the request for a stay was submitted pursuant to 5 U.S.C. 705. Other persons subsequently submitted documents to DOE concerning rehearing of Order No. 202-03-2.

Request for Rehearing. In order to afford additional time for consideration of both the matters raised and any additional relevant facts, rehearing of Order 202-03-2 is granted for the limited purpose of further consideration. To assist DOE as it further considers this matter, DOE invites the submission of any additional comments, information or analysis on the operation of and/or effect of Order 202-03-2 as such operation and/or effect may be relevant to a decision on the request for rehearing. Such information must be submitted to DOE no later than 5:00 p.m. EST, October 27, 2003, either in PDF format to cross-sound@hq.doe.gov, or by facsimile to 202-586-6936. DOE will post a link to each submission at www.ma.mbe.doe.gov/execsec/.

Request for Stay. Under section 313(c) of the Federal Power Act, the filing of an application for rehearing does not stay the effectiveness of an order issued under the Act, unless the Secretary specifically so orders. Here, movants seek "an immediate administrative stay" of Order No. 202-03-2 "pending judicial resolution."

Movants offer little or no explanation or legal argument why they believe issuance of a stay is appropriate as a matter of fact or law. Movants and other persons supporting movants' request for a stay are invited to submit briefs to DOE, in support of the request, no later than 5:00 p.m. EDT, October 16, 2003. Persons opposed to granting movants' request may submit response briefs to DOE no later than 5:00 p.m. EST, October 27, 2003. Movants and other persons supporting the request for a stay who filed briefs with DOE by October 16, 2003 may submit reply briefs to DOE no later than 5:00 p.m. EST, November 3, 2003. All briefs must be submitted either in PDF format or by facsimile as set forth above, and will be made available to the public at www.ma.mbe.doe.gov/execsec/.

This order shall be effective upon its issuance.

Issued in Washington, D.C. this 26 day of September, 2003.

Spencer Abraham
Secretary of Energy

