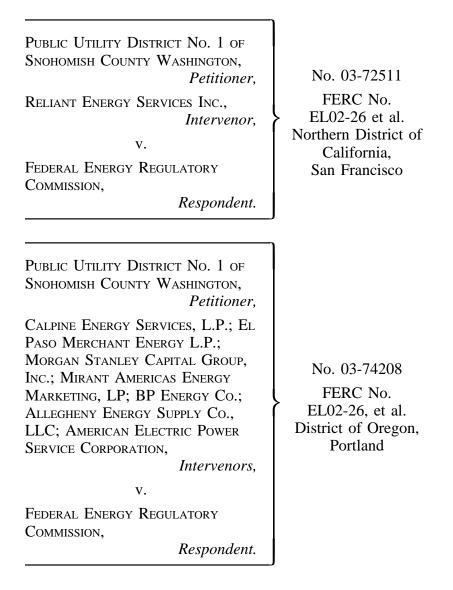
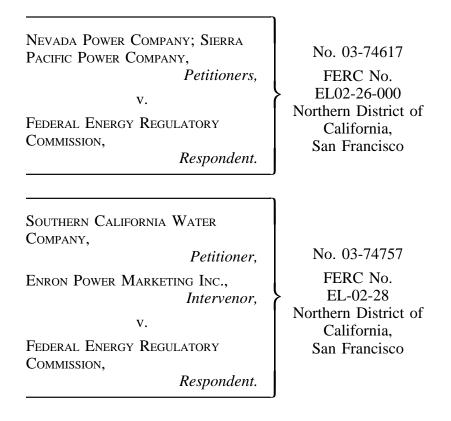
FOR PUBLICATION

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT



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Attorney General, State of Nevada, <i>Petitioner</i> ,	No. 04-70712
BP ENERGY COMPANY; MIRANT	FERC No.
Americas Energy Marketing,	EL02-28-004
L.P.,	Northern District of
Intervenors,	California,
V.	San Francisco
Federal Energy Regulatory	ORDER
Commission,	
Respondent.	

Filed November 3, 2008

Before: Harry Pregerson, and Marsha S. Berzon, and Richard R. Clifton, Circuit Judges.

ORDER

In light of the Supreme Court's ruling in *Morgan Stanley Capital Group Inc. v. Public Utility District No. 1 of Snohomish County*, 128 S. Ct. 2733 (2008), we VACATE our prior opinion and REMAND to the Federal Energy Regulatory Commission for further proceedings consistent with the Supreme Court's opinion. The mandate shall issue forthwith.

VACATED and REMANDED.

15017

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