

EN BANC

CA06-595

October 4, 2006

CHARLOTTE SCOTT, et al.

APPELLANT

v.

AN APPEAL FROM THE ARKANSAS
PUBLIC SERVICE COMMISSION

ARKANSAS PUBLIC SERVICE
COMMISSION

APPELLEE

APPELLEE'S MOTION TO DISMISS PASSED
UNTIL SUBMISSION; APPELLANTS' MOTION
TO RESPOND IN BRIEF GRANTED;
APPELLANTS' MOTION TO CONSOLIDATE
DENIED

PER CURIAM

On May, 26, 2006, appellants, Charlotte Scott, Sean Layman, Terry V. Johnson, and Dr. Theodore Skokos, on their own behalf and on the behalf of all others similarly situated, filed a notice of appeal from Order No. 11 of the Arkansas Public Service Commission in Docket No. 05-006-u. The Arkansas Public Service Commission (Commission) responded with a motion to dismiss on June 16, 2006. The Commission also filed a motion to incorporate and supplement the record in *Mike Beebe, Attorney General v. Arkansas Public Service Commission*, CA06-379, and this motion was granted on July 26, 2006.

Subsequently, the appellants filed a motion to stay the proceedings pending the filing of their appeals in two other related cases, to consolidate this appeal with the two other related appeals, and to allow them to respond to the Commission's pending motion for

dismissal in their brief on the merits of the appeal. The Commission and Arkansas Oklahoma Gas Corporation (AOG), petitioner in Docket No. 05-006-u, have filed responses denying that appellants' motions should be granted.

Appellants have since filed appeals in the two other related cases: *Scott, et al. v. Arkansas Oklahoma Gas Corp.*, CA06-716, an appeal from an order of the Sebastian County Circuit Court; and *Arkansas Oklahoma Gas Corp. v. Scott*, CA06-846, an appeal from Docket No. 06-021-C of the Arkansas Public Service Commission. We now address the motions pending in this appeal. The Commission's motion to dismiss the appeal is passed until submission of the appeal on the merits. Appellants' motion to respond to the Commission's dismissal motion in their brief is granted. The clerk's office shall set a briefing schedule for this appeal. Appellants' motion to consolidate this appeal with CA06-716 and CA06-846 is denied.