

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:09-cv-02974-DME-BNB

WILDEARTH GUARDIANS, a New Mexico non-profit corporation,

Plaintiff,

v.

LAMAR UTILITIES BOARD doing business as LAMAR LIGHT AND POWER, and
ARKANSAS RIVER POWER AUTHORITY,

Defendants.

ORDER

The Court, on its own motion, directs the parties to file supplemental briefs addressing whether, and to what extent, this case is moot, in light of the revised construction permit the Colorado Department of Public Health and Environment's Air Pollution Control Division issued Defendants, on July 25, 2012, and in light of the recent Tenth Circuit decision in Wildearth Guardians v. Public Service Co. of Colorado, No. 11-1400, 2012 WL 3243458 (10th Cir. Aug. 10, 2012). The supplemental briefs may not be more than five pages in length, and should be filed simultaneously ten days from the date of this order.

Dated this 5th day of September, 2012.

BY THE COURT:

s/ David M. Ebel

U. S. CIRCUIT COURT JUDGE