

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 11-cv-00859-WJM-BNB

ENERGY AND ENVIRONMENT LEGAL INSTITUTE, and
ROD LUECK,

Plaintiffs,

v.

JOSHUA EPEL,
JAMES TARPEY, and
PAMELA PATTON, in their official capacities as Commissioners of the Colorado Public
Utilities Commission,

Defendants,

and

ENVIRONMENT COLORADO,
CONSERVATION COLORADO EDUCATION FUND,
SIERRA CLUB,
THE WILDERNESS SOCIETY,
SOLAR ENERGY INDUSTRIES ASSOCIATION, and
INTERWEST ENERGY ALLIANCE.

Intervenor-Defendants.

FINAL JUDGMENT

Pursuant to and in accordance with the Order Granting in Part and Denying in Part
Defendants' Early Motion for Summary Judgment on Plaintiffs' Lack of Standing, entered
by the Honorable William J. Martínez, United States District Judge, on May 1, 2014,

IT IS ORDERED that Defendants' Early Motion for Summary Judgment on
Plaintiffs' Lack of Standing (ECF No. 188) is GRANTED IN PART and DENIED IN
PART.

IT IS FURTHER ORDERED that Plaintiffs' claims challenging the Distributed Generation Provision (Claims 3 and 4) and the 2:1 Provision (Claims 5 and 6) are DISMISSED WITHOUT PREJUDICE based on the Court's finding that Plaintiffs lack standing to assert these claims.

Pursuant to and in accordance with Fed. R. Civ. P. 58(a), all Orders entered during the pendency of this case, and the Order Denying Plaintiffs' Early Motion for Summary Judgment and Granting Defendants & Intervenor-Defendants' Early Motion for Summary Judgment, entered by the Honorable William J. Martínez, United States District Judge, on May 9, 2014,

IT IS FURTHER ORDERED that Defendants and Intervenor-Defendants' Early Motion for Summary Judgment on Claims 1 and 2 (ECF No. 186) is GRANTED.

IT IS FURTHER ORDERED that Final Judgment is entered in favor of Defendants on all claims and the action and Second Amended Complaint are dismissed with prejudice.

IT IS FURTHER ORDERED that Defendants are awarded costs upon the filing of a Bill of Costs with the Clerk of Court within fourteen days after entry of Final Judgment.

Dated at Denver, Colorado this 12th day of May 2014.

BY THE COURT:
JEFFREY P. COLWELL, CLERK

By: Deborah A. Hansen
Deborah A. Hansen, Deputy Clerk