

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

CONSOLIDATION COAL COMPANY, )  
)  
Plaintiff, )

v. )

UNION ELECTRIC COMPANY; )  
AMERICAN ELECTRIC )  
CORPORATION; TOWN OF )  
BLACKSTONE, VIRGINIA; BONNER )  
ELECTRIC, INC.; CHEVRON MINING, )  
INC., as successor-in-interest to Pittsburg )  
& Midway Coal Mining Co.; OWEN )  
ELECTRIC STEEL COMPANY OF )  
SOUTH CAROLINA, and/or SMI-OWEN )  
STEEL COMPANY, INC. and/or SMI )  
STEEL, doing business as CMC Steel )  
South Carolina and/or Commercial Metals )  
Company; COHEN AND GREEN )  
SALVAGE COMPANY, INC.; COOPER )  
INDUSTRIES, INC., as successor-in- )  
interest for Abex Friction Products )  
Division of Abex, Inc; COTTER )  
ELECTRIC COMPANY; CITY OF )  
DOVER, DELAWARE; ENDICOTT )  
CLAY PRODUCTS COMPANY; )  
HAGERSTOWN LIGHT )  
DEPARTMENT; HUNTSVILLE )  
UTILITIES; JET ELECTRIC MOTOR )  
CO., INC.; LAFARGE MID-ATLANTIC, )  
LLC , and/or LAFARGE MID- )  
ATLANTIC, INC., as successor-in-interest )  
to or Redland Genstar, Inc. and Genstar )  
Stone Product, Inc.; LEWIS ELECTRIC )  
SUPPLY CO., INC.; CITY OF )  
MASCOUTAH, ILLINOIS; M-P )  
ELECTRICAL CONTRACTORS, INC.; )  
NEW SOUTHERN OF ROCKY MOUNT, )  
INC.; )

JUDGMENT

No. 5:08-CV-463-FL

NORTH CAROLINA DEPARTMENT OF )  
AGRICULTURE AND CONSUMER )  
SERVICES; P.C. CAMPANA, INC.; )  
PHOENIX SOLUTIONS COMPANY, as )  
successor in interest to Plasma Energy )  
Company; SURRY-YADKIN ELECTRIC )  
MEMBERSHIP CORPORATION; )  
TENNESSEE ASSOCIATED ELECTRIC, )  
INC. OR TENNESSEE ASSOCIATED )  
ELECTRIC, also known as Tennessee )  
Associated Electric Holdings, Inc.; )  
VENTECH ENGINEERS, INC., and/or )  
VENTECH PROCESS EQUIPMENT, )  
INC. and/or VENTECH EQUIPMENT )  
INC. and/or THE VENTECH )  
COMPANIES; VEOLIA )  
ENVIRONMENTAL SERVICES )  
WASTE-TO-ENERGY f/k/a )  
MONTENAY POWER CORPORATION; )  
W.R. SCHFIELD CONSTRUCTION CO.; )  
WHEELABRATOR TECHNOLOGIES, )  
INC; KELLY GENERATOR & )  
EQUIPMENT, INC. and/or KELLY )  
ELECTRICAL CONSTRUCTION, INC. )  
f/k/a KELLY & BISHOP ELECTRICAL )  
CONSTRUCTION, INC. and/or JOHN E. )  
KELLY & SONS ELECTRICAL )  
CONSTRUCTION INC.; OWEN )  
ELECTRIC STEEL COMPANY OF )  
SOUTH CAROLINA; 3M COMPANY; )  
ALCAN PRIMARY PRODUCTS )  
CORPORATION; ALCOA, INC.; )  
AMERICAN SKIING COMPANY; )  
APOGEE COAL COMPANY, LLC; )  
APPALACHIAN POWER COMPANY; )  
ARKEMA, INC.; ATLANTIC CITY )  
ELECTRIC COMPANY; BALTIMORE )  
GAS & ELECTRIC COMPANY; BASF )  
CORPORATION; BAYER CROP )  
SCIENCE, INC.; BEDFORD RURAL )  
ELECTRIC COOPERATIVE, INC.; )  
BLUE RIDGE ELECTRIC )  
COOPERATIVE, INC.; BROAD RIVER )

ELECTRIC COOPERATIVE, INC.; )  
BRUCE-MERRILEES ELECTRIC )  
COMPANY; BUIST ELECTRIC, INC.; )  
CAPE HATTERAS ELECTRIC )  
MEMBERSHIP CORPORATION; )  
CARGILL INCORPORATED; )  
CARLISLE SYNTEC INCORPORATED; )  
CAROLINA POWER & LIGHT CO., )  
INC. d/b/a PROGRESS ENERGY )  
CAROLINAS, INC.; CARR & DUFF, )  
INC.; CATERPILLAR, INC.; CBS )  
CORPORATION; CELANESE )  
CORPORATION; CENTRAL )  
REGIONAL HOSPITAL; CHEMICAL )  
PRODUCTS CORPORATION; CHERRY )  
HOSPITAL; CHRISTUS HEALTH )  
NORTHERN LOUISIANA; THE )  
CENTRAL INTELLIGENCE AGENCY; )  
CLEVELAND ELECTRIC COMPANY; )  
COGENTRIX ENERGY, LLC; )  
CONOCOPHILLIPS COMPANY; )  
CONSUMERS ENERGY COMPANY; )  
COOPER TIRE & RUBBER COMPANY; )  
CSX RESIDUAL COMPANY; DANNY )  
CORP.; DEAN'S LIGHT BOX, INC.; )  
DELMARVA POWER & LIGHT )  
COMPANY; DIXON LUMBER )  
COMPANY, INCORPORATED; )  
DOMTAR PAPER COMPANY, LLC; )  
DOREY ELECTRIC COMPANY; DUKE )  
ENERGY CAROLINAS, LLC; )  
DUQUESNE LIGHT COMPANY; EAST )  
KENTUCKY POWER COOPERATIVE, )  
INC.; ELECTRIC CONTROL )  
EQUIPMENT COMPANY; ELECTRIC )  
EQUIPMENT CORPORATION OF )  
VIRGINIA; ENVIRONMENTAL )  
PROTECTION SERVICES, INC.; )  
ERACHEM COMILOG, INC.; FLORIDA )  
POWER & LIGHT COMPANY; )  
FOREMOST ELECTRIC & )  
TRANSMISSION, INC.; FRONTIER )  
COMMUNICATIONS CORPORATION; )  
FURMAN UNIVERSITY; G&S MOTOR )  
EQUIPMENT COMPANY, INC.;

GENERAL ELECTRIC COMPANY; )  
GENERAL EXTRUSIONS )  
INCORPORATED; GEORGIA POWER )  
COMPANY; GKN DRIVELINE NORTH )  
AMERICAN, INC.; GLADIEUX )  
TRADING & MARKETING COMPANY, )  
L.P.; GLENWOOD REGIONAL )  
MEDICAL CENTER; GREEN CIRCLE )  
GROWERS, INC.; GREENWOOD )  
MILLS, INC.; GUERNSEY- )  
MISKINGUM ELECTRIC )  
COOPERATIVE, INC.; HAINES & )  
KIBBLEHOUSE, INC.; HOLLADAY )  
PROPERTY SERVICES MIDWEST, )  
INC.; HUDSON LIGHT AND POWER )  
DEPARTMENT; IMERYS )  
CARBONATES, LLC; INTEGRATED )  
ELECTRICAL SERVICES, INC.; )  
INTERNATIONAL PAPER COMPANY; )  
INTERNATIONAL POWER )  
MACHINERY COMPANY; INTERTAPE )  
POLYMER GROUP, INC.; JESSOP )  
STEEL COMPANY n/k/a JESSOP )  
STEEL, LLC; KINGSPORT POWER )  
COMPANY; KOBE COPPER )  
PRODUCTS, INC.; KOCH INDUSTRIES, )  
INC.; KRAFT FOODS GLOBAL, INC.; )  
THE CITY OF LAKELAND, FLORIDA; )  
LOCKWOOD'S ELECTRIC MOTOR )  
SERVICE; TOWN OF LOUISBURG, )  
NORTH CAROLINA; LWB )  
REFRATORIES COMPANY; MARTIN )  
MARIETTA MATERIALS, INC.; )  
MIDAMERICAN ENERGY COMPANY; )  
MONONGAHELA POWER COMPANY; )  
NIAGRA MOHAWK POWER )  
CORPORATION d/b/a NATIONAL )  
GRID; NL INDUSTRIES, INC.; )  
NORFOLK SOUTHERN RAILWAY )  
COMPANY; NORTH CAROLINA )  
STATE UNIVERSITY, is a constituent of )  
the University of North Carolina; NORTH )  
GEORGIA ELECTRIC MEMBERSHIP )  
CORPORATION; )

NUCOR CORPORATION; O'BERRY )  
NEURO-MEDICAL CENTER; )  
OCCIDENTAL CHEMICAL )  
CORPORATION; PCS PHOSPHATE, )  
INC.; PACTIV CORPORATION; )  
PALMETTO ELECTRIC )  
COOPERATIVE, INC.; PEACE )  
COLLEGE OF RALEIGH, INC.; )  
PHARMACIA CORPORATION; )  
POTOMAC ELECTRIC POWER )  
COMPANY; PPL ELECTRIC UTILITIES )  
CORPORATION; ROYAL STREET )  
JUNK COMPANY, INC.; SANTEE )  
ELECTRIC COOPERATIVE, INC.; )  
SARA LEE CORPORATION d/b/a )  
HILLSHIRE FARMS; SONOCO )  
PRODUCTS COMPANY; SOUTH )  
CENTRAL POWER COMPANY; )  
SOUTHLAND ELECTRICAL SUPPLY, )  
INC.; ST. JOSEPH MEDICAL CENTER, )  
INC.; SUMTER ELECTRIC )  
COOPERATIVE, INC. d/b/a SECO )  
ENERGY; T AND R ELECTRIC )  
SUPPLY COMPANY, INC.; )  
TENNESSEE ELECTRO-MINERALS )  
INC.; TENNESSEE VALLEY )  
AUTHORITY; TRAP ROCK )  
INDUSTRIES, INC.; TREDEGAR FILM )  
PRODUCTS CORPORATION; TRI- )  
STATE ARMATURE & ELECTRICAL )  
WORKS, INC.; UNIMIN )  
CORPORATION; UNION CARBIDE )  
CORPORATION; UNITED STATES )  
DEFENSE LOGISTICS AGENCY; )  
UNITED STATES DEPARTMENT OF )  
THE AIR FORCE; UNITED STATES )  
DEPARTMENT OF THE ARMY; )  
UNITED STATES DEPARTMENT OF )  
THE NAVY; UNITED TECHNOLOGIES )  
CORPORATION, PRATT & WHITNEY )  
DIVISION; UNIVERSITY OF NORTH )  
CAROLINA AT CHAPEL HILL, a )  
constituent institution of the University of )  
North Carolina; VIRGINIA ELECTRIC )  
AND POWER COMPANY; )

VULCAN CONSTRUCTION )  
 MATERIALS, L.P.; WARREN )  
 ELECTRIC COOPERATIVE, INC.; )  
 WARTBURG COLLEGE; )  
 WASHINGTON SUBURBAN )  
 SANITARY COMMISSION; )  
 WEYERHAEUSER COMPANY; WEST )  
 PENN POWER COMPANY; POWER )  
 MACHINERY COMPANY; VEOLIA )  
 ENVIRONMENTAL SERVICES )  
 WASTE-TO-ENERGY f/k/a )  
 MONTENAY POWER CORPORATION; )  
 SALES TRANSACTION DEFENDANTS )  
 LIAISON; VILLANOVA UNIVERSITY )  
 IN THE STATE OF PENNSYLVANIA; )  
 and, HUNTINGTON INGALLS )  
 INCORPORATED, )  
 Defendants. )

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of defendant Georgia Power Company’s Motion for Summary Judgment, plaintiffs’ Cross-Motions for Summary Judgment, and the Motion for Entry of Judgment under Rule 54(b) as to Georgia Power Company filed by defendants Consolidation Coal Company and PCS Phosphate Company, Inc.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court’s orders entered February 1, 2013 and April 30, 2013, for the reasons set forth more specifically therein, that defendant Georgia Power Company’s Motion for Summary Judgment is GRANTED, plaintiffs’ cross-motions for summary judgment are DENIED, and the Motion for Entry of Judgment under Rule 54(b) as to Georgia Power Company filed by claimants Consolidation Coal Company and PCS Phosphate Company, Inc. is GRANTED. All claims against defendant Georgia Power Company in the current litigation have been disposed.

**This Judgment Filed and Entered on May 1, 2013, and Copies To:**

All Counsel of Record (via CM/ECF electronic notification)

May 1, 2013

JULIE A. RICHARDS, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk