

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

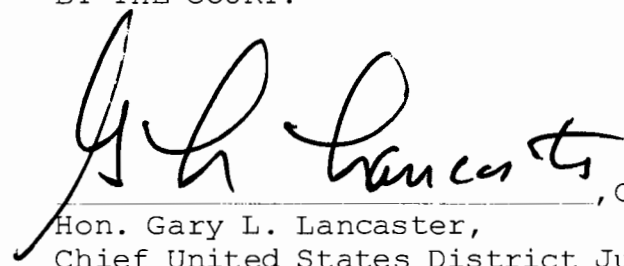
COMMONWEALTH OF PENNSYLVANIA,)
Department of Environmental)
Protection, STATE OF CONNECTICUT,)
STATE OF MARYLAND, STATE OF NEW)
JERSEY, and STATE OF NEW YORK)
Plaintiffs,)
v.)
ALLEGHENY ENERGY, INC.,)
ALLEGHENY ENERGY SERVICE)
CORPORATION, ALLEGHENY)
ENERGY SUPPLY COMPANY, LLC,)
MONONGAHEHLA POWER COMPANY,)
THE POTOMAC EDISON COMPANY,)
and WEST PENN POWER COMPANY,)
Defendants.)

Civil Action No. 05-885

ORDER

AND NOW, this 5th day of October, 2010, upon consideration of defendants' Motion for Judgment as a Matter of Law at the Close of all the Evidence [document #450], IT IS HEREBY ORDERED that the motion is DENIED WITHOUT PREJUDICE.

BY THE COURT:


_____, C.J.
Hon. Gary L. Lancaster,
Chief United States District Judge

cc: All Counsel of Record