

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:95-cv-00952-PLF**

NIAGARA MOHAWK POWER v. DOE  
Assigned to: Judge Paul L. Friedman  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/19/1995  
Date Terminated: 11/15/2000  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**NIAGARA MOHAWK POWER  
CORPORATION**

represented by **William J. Mertens**  
3 Bethesda Metro Center  
Suite 700  
Bethesda, MD 20814  
(202) 669-4402  
Fax: (240) 465-0463  
Email: [wjmertens@mertenslaw.com](mailto:wjmertens@mertenslaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**DEPARTMENT OF ENERGY**

represented by **Claire M. Whitaker**  
U.S. ATTORNEY'S OFFICE  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 514-7137  
Fax: (202) 514-8780  
Email: [claire.whitaker@usdoj.gov](mailto:claire.whitaker@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Intervenor Defendant**

**INDEPENDENT POWER  
PRODUCERS OF NEW YORK, INC.**

represented by **Curtis P. Lu**  
AMERICA ONLINE, INC.  
22000 AOL Way  
Dulles, VA 22302  
(703) 265-2545  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**William Harrison Wellford**  
LATHAM & WATKINS  
555 11th Street, NW  
Suite 1300  
Washington, DC 20004-1304  
(202) 637-2280  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Intervenor Defendant**

**STERLING POWER PARTNERS,  
L.P.**

represented by **William Harrison Wellford**  
(See above for address)  
**LEAD ATTORNEY**

*ATTORNEY TO BE NOTICED***Intervenor Defendant****AG-ENERGY, L.P.**represented by **William Harrison Wellford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Intervenor Defendant****POWER CITY PARTNERS, L.P.**represented by **William Harrison Wellford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Curtis P. Lu**(See above for address)  
*ATTORNEY TO BE NOTICED***Intervenor Defendant****SENECA POWER PARTNERS, L.P.**represented by **William Harrison Wellford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Intervenor Defendant****P & N PARTNERS, L.P.**represented by **William Harrison Wellford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/19/1995	1	COMPLAINT filed by plaintiff NIAGARA MOHAWK POWER; exhibits (4). (bm) (Entered: 05/23/1995)
05/19/1995		SUMMONS (3) issued to federal party(s) defendant DOE , and non-parties: U.S. Attorney and U.S. Attorney General. (bm) (Entered: 05/23/1995)
05/19/1995	2	RULE 109 Certificate of disclosure of corporate affiliations and financial interests by plaintiff NIAGARA MOHAWK POWER (bm) (Entered: 05/23/1995)
05/23/1995		MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff NIAGARA MOHAWK POWER . (bm) (Entered: 05/23/1995)
06/21/1995	3	MOTION filed by federal defendant DOE to extend time to 7/12/95 to answer complaint [1-1] (ks) (Entered: 06/22/1995)
06/22/1995	4	ORDER by Judge Paul L. Friedman : granting motion to extend time to 7/12/95 to answer complaint [1-1] [3-1] by DOE (N) (bm) (Entered: 06/22/1995)
07/12/1995	5	ANSWER TO COMPLAINT [1-1] by federal defendant DOE . (ks) (Entered: 07/13/1995)
07/12/1995	6	MOTION filed for INDEP/POWER PRODUCER to intervene as a defendant ; EXHIBIT (ANSWER) (COUNSEL: W. Harrison Wellford, 1001 Pennsylvania Ave., NW, Suite 1300, Washington, D.C. 20004, (202) 637-2280) (ks) (Entered: 07/13/1995)
07/24/1995	7	MOTION filed for STERLING POWER PART., AG-ENERGY, L.P., POWER CITY PARTNERS, SENECA POWER PARTNER, P & N PARTNERS, L.P. to intervene as defendants ; EXHIBIT (ANSWER) (COUNSEL: W. Harrison Wellford at LATHAM & WATKINS, 1001 Pennsylvania Avenue, NW, Suite 1300, Washington, D.C. 20004, (202) 637-2200) (ks) (Entered: 07/25/1995)

08/15/1995	8	MOTION filed by plaintiff NIAGARA MOHAWK POWER for Robert V. Zener to appear pro hac vice; Affidavit (1); ( SWIDLER & BERLIN, CHARTERED 3000 K Street, NW, Suite 300, Washington, D.C. 20007, , (202) 424-7500) (ks) (Entered: 08/16/1995)
08/16/1995	9	ORDER by Judge Paul L. Friedman : granting motion for Robert V. Zener to appear pro hac vice; Affidavit (1); ( SWIDLER & BERLIN, CHARTERED 3000 K Street, NW, Suite 300, Washington, D.C. 20007, , (202) 424-7500) [8-1] by NIAGARA MOHAWK POWER (N) (dot) (Entered: 08/16/1995)
08/16/1995	10	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff NIAGARA MOHAWK POWER, federal defendant DOE . (ks) (Entered: 08/17/1995)
08/16/1995	11	REPORT by plaintiff NIAGARA MOHAWK POWER pursuant to Rule 26(f) and Local Rule 206 (ks) (Entered: 08/17/1995)
08/18/1995		STATUS HEARING before Judge Paul L. Friedman : dispositive motions due 10/13/95 ; response to dispositive motions due 10/27/95 ; reply to dispositive motions due 11/13/95 ; motion hearing set for 9:30 11/17/95 ; Reporter: S. Zizzo (lin) (Entered: 08/18/1995)
08/18/1995	12	ORDER by Judge Paul L. Friedman : granting motion for STERLING POWER PART., AG-ENERGY, L.P., POWER CITY PARTNERS, SENECA POWER PARTNER, P & N PARTNERS, L.P. to intervene as defendants [7-1], granting motion for INDEP/POWER PRODUCER to intervene as a defendant [6-1] (N) (lin) (Entered: 08/18/1995)
08/18/1995	13	ORDER by Judge Paul L. Friedman : granting motion for STERLING POWER PART., AG-ENERGY, L.P., POWER CITY PARTNERS, SENECA POWER PARTNER, P & N PARTNERS, L.P. to intervene as defendants [7-1] (N) (ks) (Entered: 08/21/1995)
08/18/1995	14	ORDER by Judge Paul L. Friedman : granting motion for INDEP/POWER PRODUCER to intervene as a defendant [6-1] (N) (ks) (Entered: 08/21/1995)
08/18/1995	15	ANSWER TO COMPLAINT [1-1] by intervenor-defendant STERLING POWER PART., AG-ENERGY, L.P., POWER CITY PARTNERS, SENECA POWER PARTNER, and P & N PARTNERS, L.P. . (ks) (Entered: 08/21/1995)
08/18/1995	16	ANSWER TO COMPLAINT [1-1] by intervenor-defendant INDEP/POWER PRODUCER . (ks) (Entered: 08/21/1995)
08/21/1995	12	SCHEDULING ORDER by Judge Paul L. Friedman Case assigned to the Standard track (track two). confirming dates set at status conference on 8/18/95 (ks) Modified on 08/22/1995 (Entered: 08/21/1995)
08/29/1995	18	MEMORANDUM by plaintiff NIAGARA MOHAWK POWER in advance of discovery conference of 8/30/95; Exhibits (4) (ks) (Entered: 08/30/1995)
08/31/1995	19	ORDER by Judge Paul L. Friedman: summarizing the teleconference held regarding discovery issues. (N) (bm) (Entered: 09/01/1995)
08/31/1995	20	LETTER dated 8/28/95 to Judge Friedman from plaintiff's counsel William J. Mertens; attachment. (bm) (Entered: 09/01/1995)
08/31/1995	21	LETTER dated 8/29/95 to Judge Friedman from plaintiff's counsel William J. Mertens; attachments (5). (bm) (Entered: 09/01/1995)
09/01/1995	22	TRANSCRIPT filed of Meet and Confer status conference for date(s) of 8/18/95. Reporter: Santa Zizzo (ks) (Entered: 09/05/1995)
09/18/1995	23	NOTICE by federal defendant DOE to the Court that on 9/18/95, it provided plaintiff with a list of the Nonutility Power Producers in plaintiff's service area for the years 1989 through 1994 (ks) (Entered: 09/19/1995)
09/29/1995	24	NOTICE OF FILING by federal defendant DOE of Letter from the Department of Energy; Attachment (1) (ks) (Entered: 10/02/1995)

10/13/1995	25	MOTION filed by federal defendant DOE to extend time to 10/17/95 to file its dispositive motion (ks) (Entered: 10/17/1995)
10/17/1995	26	MOTION filed by federal defendant DOE to extend time to 10/18/95 to file its dispositive motion (ks) (Entered: 10/18/1995)
10/17/1995	27	MOTION filed by intervenor–defendants STERLING POWER PART., AG–ENERGY, L.P., POWER CITY PARTNERS, SENECA POWER PARTNER, P &N PARTNERS, L.P. for summary judgment ; Exhibits (11) (ks) (Entered: 10/18/1995)
10/18/1995	28	ORDER by Judge Paul L. Friedman : granting motion to extend time to 10/17/95 to file its dispositive motion [25–1] by defendant; intervenors shall have until 10/17/95 to file their dispositive motions. (N) (bm) (Entered: 10/18/1995)
10/18/1995	29	MOTION filed by federal defendant DOE for summary judgment Attachments (3); Exhibits (4) (bulky) (ks) (Entered: 10/19/1995)
10/18/1995	31	NOTICE OF FILING by federal defendant DOE of response to plaintiff's FOIA request provided in conjunction with defendant's motion for summary judgment filed separately this date; (Nine (9) Volumes – Bulky) (ks) (Entered: 10/19/1995)
10/19/1995	30	ORDER by Judge Paul L. Friedman : granting motion to extend time to 10/18/95 to file its dispositive motion [26–1] by DOE (N) (bm) (Entered: 10/19/1995)
10/23/1995	32	ORDER by Judge Paul L. Friedman: rejecting the letter of defendant–intervenors Independent Power Producers of New York (IPPNY) and it shall not be filed. (N) (bm) (Entered: 10/23/1995)
10/24/1995		STATUS CONFERENCE before Judge Paul L. Friedman: DOE to respond to plaintiff's request for production of document by 10/27/95; plaintiff's motion under Rule 56(f) due 10/27/95; DOE and Intervenors response to motion due 11/6/95; plaintiff will reply to motion by 11/13/95 Reporter: Zephyra Hatcher (bm) (Entered: 10/24/1995)
10/25/1995	33	ORDER by Judge Paul L. Friedman : plaintiff's motion pursuant to FRCP Rule 56(f) due 10/27/95 ; response to motion due 11/6/95 ; reply to motion due 11/13/95 ; motion hearing set for 9:30 11/17/95 ; setting forth instructions to counsel (N) (ks) (Entered: 10/25/1995)
10/25/1995	34	MOTION filed by intervenor–defendant INDEP/POWER PRODUCER for leave to file a memorandum in support of defendant's motion for summary judgment ; EXHIBIT (MEMORANDUM) (ks) (Entered: 10/26/1995)
10/27/1995	35	ORDER by Judge Paul L. Friedman : granting motion for leave to file a memorandum in support of defendant's motion for summary judgment [34–1] by INDEP/POWER PRODUCER; accepting IPPNY's memorandum submitted on 10/24/95 (N) (bm) (Entered: 10/27/1995)
10/27/1995	36	ANSWER by federal defendant DOE to plaintiff's first and third sets of interrogatories (ks) (Entered: 10/30/1995)
10/27/1995	37	RESPONSE by federal defendant DOE to request for production of documents; Attachments (ks) (Entered: 10/30/1995)
10/27/1995	38	MOTION filed by plaintiff NIAGARA MOHAWK POWER for discovery under Rule 56(f) ; Declarations (2); Attachments (ks) (Entered: 10/30/1995)
10/27/1995	42	MEMORANDUM by intervenor–defendant INDEP/POWER PRODUCER in support of their motion for summary judgment (ks) (Entered: 11/07/1995)
11/06/1995	39	MEMORANDUM by federal defendant DOE in opposition to motion for discovery under Rule 56(f) [38–1] by NIAGARA MOHAWK POWER; Attachments (3) (ks) (Entered: 11/07/1995)
11/06/1995	40	MEMORANDUM by intervenors STERLING POWER PART., AG–ENERGY, L.P., POWER CITY PARTNERS, SENECA POWER PARTNER, P &N PARTNERS, L.P. in opposition to motion for discovery under Rule 56(f) [38–1] by NIAGARA MOHAWK POWER (ks) (Entered: 11/07/1995)

11/06/1995	41	NOTICE OF FILING by intervenor-defendants of Exhibit 7 to their motion for summary judgment; Exhibit (1) (ks) (Entered: 11/07/1995)
11/13/1995	43	REPLY by plaintiff NIAGARA MOHAWK POWER to response to motion for discovery under Rule 56(f) [38-1] by NIAGARA MOHAWK POWER (ks) (Entered: 11/14/1995)
11/16/1995		MOTION HEARING before Judge Paul L. Friedman taken under advisement by NIAGARA MOHAWK POWER motion for discovery under Rule 56(f) [38-1]; defendant to file a supplemental declaration by 11/22/95 Reporter: Zephyra Hatcher (bm) (Entered: 11/17/1995)
11/22/1995	44	NOTICE OF FILING by federal defendant DOE of supplemental Declaration of Haward Walton; Attachments (4) (ks) (Entered: 11/24/1995)
12/15/1995	45	MEMORANDUM OPINION AND ORDER by Judge Paul L. Friedman : denying motion for discovery under Rule 56(f) [38-1] by NIAGARA MOHAWK POWER; response to dispositive motions due 1/23/96; reply to dispositive motions due 2/2/96 ; and motion hearing set for 2:00 2/16/96 (N) (bm) (Entered: 12/15/1995)
01/23/1996	46	MOTION filed by plaintiff NIAGARA MOHAWK POWER to extend time to 1/26/96 to file its opposition to defendant's motion for summary judgment (ks) (Entered: 01/24/1996)
01/29/1996	47	ERRATA by plaintiff NIAGARA MOHAWK POWER to their opposition to defendant's motion for summary judgment; Attachment (1) (ks) (Entered: 01/30/1996)
01/29/1996	48	MEMORANDUM by plaintiff NIAGARA MOHAWK POWER in opposition to motion for summary judgment [29-1] by DOE, and motion for summary judgment [27-1] by P &N PARTNERS, L.P., SENECA POWER PARTNER, POWER CITY PARTNERS, AG-ENERGY, L.P., STERLING POWER PART; Declaration (1); Exhibits (8) (BULKY) (ks) (Entered: 01/30/1996)
02/02/1996	49	MOTION (consent) filed by intervenor-defendants STERLING POWER PART., AG-ENERGY, L.P., POWER CITY PARTNERS, SENECA POWER PARTNER, P &N PARTNERS, L.P. to extend time to 2/13/96 to file their reply to plaintiff's opposition to the summary judgment motion (ks) (Entered: 02/05/1996)
02/07/1996	50	ORDER by Judge Paul L. Friedman : granting motion to extend time to 2/13/96 to file their reply to plaintiff's opposition to the summary judgment motion [49-1] by P &N PARTNERS, L.P., SENECA POWER PARTNER, POWER CITY PARTNERS, AG-ENERGY, L.P., STERLING POWER PART.; motion hearing reset for 2:00 2/21/96 (N) (bm) (Entered: 02/07/1996)
02/13/1996	51	MOTION (unopposed) filed by federal defendant DOE to extend time to 2/13/96 to file a reply to plaintiff's opposition to federal defendant's and intervenors' motion for summary judgment. (dot) (Entered: 02/14/1996)
02/13/1996	52	REPLY by federal defendant DOE to response to motion for summary judgment [29-1] by DOE; attachments (3) (blj) (Entered: 02/14/1996)
02/13/1996	53	REPLY by intervenor-defendants AG-ENERGY, L.P., POWER CITY PARTNERS, SENECA POWER PARTNER, P &N PARTNERS, L.P. in support of motion for summary judgment [27-1] by P &N PARTNERS, L.P., SENECA POWER PARTNER, POWER CITY PARTNERS, AG-ENERGY, L.P., STERLING POWER PART.; declaration (1) (copy); attachments (2) (blj) (Entered: 02/14/1996)
02/14/1996	54	ORDER by Judge Paul L. Friedman : granting motion to extend time to 2/13/96 to file a reply to plaintiff's opposition to federal defendant's motion for summary judgment. [51-1] by DOE (N) (bm) (Entered: 02/14/1996)
02/20/1996	55	MOTION filed by plaintiff NIAGARA MOHAWK POWER for leave to file supplemental submission in opposition to motions for summary judgment ; Declaration (1); exhibit (1) (blj) (Entered: 02/21/1996)
02/20/1996	56	MOTION filed by plaintiff NIAGARA MOHAWK POWER to place under seal documents submitted by plaintiff as exhibits to its opposition (blj) (Entered: 02/21/1996)

		02/21/1996)
02/21/1996	57	RESPONSE by plaintiff NIAGARA MOHAWK POWER in opposition to motion to place under seal documents submitted by plaintiff as exhibits to its opposition [56-1] by NIAGARA MOHAWK POWER; Declaration (1) (ks) (Entered: 02/22/1996)
02/22/1996		MOTION HEARING before Judge Paul L. Friedman granted motion for summary judgment [29-1] by DOE, granted motion for summary judgment [27-1] by P &N PARTNERS, L.P., SENECA POWER PARTNER, POWER CITY PARTNERS, AG-ENERGY, L.P., STERLING POWER PART. for reasons stated on the record; Facility Intervenor shall respond to motion to place documents under seal due 2/27/96; plaintiff's reply to motion due 3/1/96 Reporter: Santa Zizzo (bm) (Entered: 02/22/1996)
02/23/1996	58	ORDER by Judge Paul L. Friedman : granting motion for summary judgment [29-1] by DOE, granting motion for summary judgment [27-1] by P &N PARTNERS, L.P., SENECA POWER PARTNER, POWER CITY PARTNERS, AG-ENERGY, L.P., STERLING POWER PART. dismissing this case (N) (bm) (Entered: 02/23/1996)
02/27/1996	59	ORDER by Judge Paul L. Friedman : granting motion for leave to file supplemental submission in opposition to motions for summary judgment [55-1] by NIAGARA MOHAWK POWER; allowing plaintiff to supplement the opposition to defendants' motion for summary judgment with the 1/19/95, Brief on Exceptions of Sithe Energies, Inc., in the public Service Commission of the State of New York, in case 94-E-034, Proceeding on motion of the Commission as to the Rates, Charges, Rules nad Regulations of Consolidated Edison Company of New York, Inc., and the accompanying declaration of counsel. (N) (bm) (Entered: 02/27/1996)
02/27/1996	60	MEMORANDUM by intervenor-defendants STERLING POWER PART., AG-ENERGY, L.P., POWER CITY PARTNERS, SENECA POWER PARTNER, P &N PARTNERS, L.P. in support of motion to place under protective seal documents submitted by plaintiff as exhibits to its opposition to motions for summary judgment; Attachments (ks) (Entered: 02/28/1996)
03/01/1996	61	REPLY by plaintiff NIAGARA MOHAWK POWER to response to motion to place under protective seal documentst; Exhibits (2) (ks) (Entered: 03/04/1996)
03/19/1996	62	NOTICE OF APPEAL by plaintiff NIAGARA MOHAWK POWER from order [58-2] , entered on: 2/23/96; \$5.00 filing fee and \$100.00 docketing fee paid to U.S. Treasury; Copies mailed to Claire Whitaker and William Wellford (ks) (Entered: 03/20/1996)
03/20/1996		TRANSMITTED PRELIMINARY RECORD on appeal [62-1] by NIAGARA MOHAWK POWER to U.S. Court of Appeals (ks) (Entered: 03/20/1996)
04/02/1996		USCA # 96-5082 assigned for appeal [62-1] by NIAGARA MOHAWK POWER (ks) (Entered: 04/03/1996)
04/11/1996	63	TRANSCRIPT filed of motions hearing for date(s) of 4/22/96. Reporter: Santa Zizzo (ks) (Entered: 04/12/1996)
06/06/1996	64	ORDER by Judge Paul L. Friedman : granting motion to place under seal documents submitted by plaintiff as exhibits to its opposition [56-1] by INDEP/POWER PRODUCER; all copies of New York Tax Form CT-189 and attachments submitted by Niagara Mohawk as Exhibit H to its opposition are placed under protective seal. (N) (bm) (Entered: 06/06/1996)
08/02/1996	65	NOTICE OF INTERLOCUTORY APPEAL by plaintiff NIAGARA MOHAWK POWER from order [64-1] , entered on: 6/6/96; \$5.00 filing fee and \$100.00 docketing fee paid to U.S. Treasury; Copies mailed to counsel of record. (ks) (Entered: 08/05/1996)
08/05/1996		TRANSMITTED PRELIMINARY RECORD on appeal [65-1] by NIAGARA MOHAWK POWER to U.S. Court of Appeals (ks) (Entered: 08/05/1996)

08/07/1996		USCA # 96-5246 assigned for appeal [65-1] by NIAGARA MOHAWK POWER (ks) (Entered: 08/08/1996)
05/05/1999	66	CERTIFIED COPY of judgment filed in USCA dated 3/9/99, on appeal [65-1], appeal [62-1] , vacating decision of USDC and remanding case for further proceedings . OPINION USCA # 96-5082 &96-5246 (cjp) Modified on 05/06/1999 (Entered: 05/06/1999)
05/10/1999		SCHEDULING NOTICE: status conference set for 9:15 5/24/99 before Judge Paul L. Friedman Courtroom 17. (bm) (Entered: 05/10/1999)
05/18/1999	67	ATTORNEY APPEARANCE for intervenor-defendant POWER CITY PARTNERS by Curtis Pey-Lin Lu (bjsp) (Entered: 05/19/1999)
05/20/1999	68	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiffs, federal defendants and intervenor-defendants. (bjsp) (Entered: 05/21/1999)
05/24/1999		STATUS CONFERENCE before Judge Paul L. Friedman: dispositive motions due 7/30/99; response to dispositive motions and Rule 56(f) motion due 8/20/99; reply to dispositive motions and response to Rule 56(f) motion due 9/3/99; reply to Rule 56(f) motion due 9/10/99 Reporter: Santa Zizzo (bm) (Entered: 05/24/1999)
05/25/1999	69	SCHEDULING ORDER by Judge Paul L. Friedman confirming dates set at the meet and confer status conference held 5/24/99; setting forth instructions to counsel. (N) (bm) (Entered: 05/25/1999)
07/26/1999	70	MOTION (unopposed) filed by federal defendant DOE to extend time to 8/20/99 to file its dispositive motion after remand. (tw) (Entered: 07/27/1999)
07/27/1999	71	ORDER by Judge Gladys Kessler: granting motion to extend time to 8/20/99 to file its dispositive motion after remand [70-1] by DOE; dispositive motion due by 8/20/99 (N) (bm) (Entered: 07/27/1999)
08/20/1999	73	MOTION (unopposed) filed by federal defendant DOE to extend time to 9/3/99 to file its dispositive motion after remand. (tw) (Entered: 08/25/1999)
08/25/1999	72	ORDER by Judge Paul L. Friedman : referring case to the Office of the Circuit Executive's Alternative Dispute Resolution Program for mediation; Mediation to be concluded by 8/26/99 ; denying without prejudice defendant's motion for an extension of time to file its initial dispositive motion; counsel for all parties to this case shall file a joint status report due 9/3/99 (N) (bm) (Entered: 08/25/1999)
09/03/1999	74	STATUS REPORT by federal defendant DOE (tw) Modified on 09/13/1999 (Entered: 09/13/1999)
11/16/1999	75	ORDER by Judge Paul L. Friedman : joint status report due: 11/30/99 ; setting forth instructions regarding settlement (N) (bm) (Entered: 11/16/1999)
12/02/1999	76	MOTION filed by plaintiff NIAGARA MOHAWK POWER Nunc Pro Tunc to extend time within which to file joint status report and request to continue mediation ; EXHIBIT (Joint status report and request to continue mediation) (tw) (Entered: 12/03/1999)
12/06/1999	77	ORDER by Judge Paul L. Friedman : granting motion Nunc Pro Tunc to extend time to 12/2/99 within which to file joint status report [76-1] by NIAGARA MOHAWK POWER (N) (bm) (Entered: 12/06/1999)
12/06/1999	78	STATUS REPORT by intervenor-defendant INDEP/POWER PRODUCER; (Nunc Pro Tunc to 12/2/99; see document #77) (tw) (Entered: 12/11/1999)
12/14/1999	79	ORDER by Judge Paul L. Friedman : joint Status Report due: 1/7/00 ; setting forth instructions to counsel regarding mediation. (N) (bm) (Entered: 12/14/1999)
01/07/2000	80	STATUS REPORT (JOINT) by intervenor-defendant INDEP/POWER PRODUCER on behalf of the parties. (tth) (Entered: 01/11/2000)
01/07/2000	81	REQUEST by intervenor-defendant INDEP/POWER PRODUCER on behalf of the parties to continue mediation (tth) (Entered: 01/11/2000)

01/28/2000	82	STATUS REPORT by intervenor–defendant INDEP/POWER PRODUCER on behalf of all parties (jf) (Entered: 02/02/2000)
01/28/2000	83	MOTION filed by intervenor–defendant INDEP/POWER PRODUCER to continue mediation (jf) (Entered: 02/02/2000)
02/23/2000	84	SETTLEMENT AGREEMENT filed by plaintiff, federal defendant, intervenor–defendant and consent order staying case pending completion of administrative proceedings before the U.S. Department of Energy (DOE); attachment (1); approved and so ordered (fiat) J. Friedman (N) (bm) (Entered: 02/23/2000)
08/14/2000	85	MOTION filed by plaintiff NIAGARA MOHAWK POWER to lift stay and reinstate case ; exhibits (2) (tb) (Entered: 08/15/2000)
10/02/2000	86	ORDER by Judge Paul L. Friedman : granting motion to lift stay and reinstate case [85–1] by NIAGARA MOHAWK POWER; vacating the stay of this case entered on 2/23/00; directing the Clerk to restore the case to the Court's active docket. (N) (bm) (Entered: 10/02/2000)
10/02/2000		Case Reopened (bm) (Entered: 10/02/2000)
11/07/2000	<u>87</u>	ORDER by Judge Paul L. Friedman: status conference set for 9:00 11/14/00 (N) (bm) (Entered: 11/07/2000)
11/15/2000	<u>88</u>	STIPULATION OF DISMISSAL of case by plaintiff NIAGARA MOHAWK POWER, federal defendant DOE, intervenor–defendant INDEP/POWER PRODUCER with prejudice, each party to bear its own fees and costs; approved (fiat) J. Friedman (bm) (Entered: 11/15/2000)