

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

FEDERAL ENERGY REGULATORY COMMISSION,	)	
	)	
	)	
Petitioner,	)	Civil Action No. 3:15-cv-00452 (MHL)
v.	)	
	)	
POWHATAN ENERGY FUND, LLC,	)	
HOULIAN "ALAN" CHEN,	)	
HEEP FUND, INC., and	)	
CU FUND, INC.	)	
	)	
Respondents.	)	
	)	

**PETITIONER FEDERAL ENERGY REGULATORY COMMISSION'S  
RESPONSE TO RESPONDENTS' THIRD NOTICE OF SUPPLEMENTAL  
AUTHORITY**

FEDERAL ENERGY  
REGULATORY COMMISSION

Larry R. Parkinson  
Director  
Office of Enforcement

Lee Ann Watson  
Deputy Director  
Office of Enforcement

Geo. F. Hobday, Jr.  
Acting Director  
Division of Investigations

Courtney Spivey Urschel  
Deputy Director  
Division of Investigations

*(Not counsel of record)*  
Dated: February 3, 2017

Samuel G. Backfield (Virginia Bar No. 46626)  
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In their Third Joint Notice of Supplemental Authority, ECF No. 78, Respondents directed the Court to recent opinions in *FERC v. Richard Silkman, et al.*, Civ. No. 1:16-cv-00205, 2017 WL 374697 (D. Maine Jan. 26, 2017) and *FERC v. City Power Marketing*, Civ. No. 1:15-cv-01428, 2017 WL 398322 (D.D.C. Jan. 30, 2017). Respondents informed the Court, “The *Silkman* Court concluded that, under § 823b(d)(3), the Court ‘will treat this matter as an ordinary civil action subject to the Federal Rules of Civil Procedure.’” Third Joint Notice at 1, citing *Silkman*, Slip. Op. at 2, 51. In full, the partially quoted sentence states, “After considering the compelling arguments and authorities both parties bring to bear on this issue, the Court has resisted the temptation to make a grand pronouncement about the scope of de novo review under § 823b(d)(3) and instead concludes, based on the specific circumstances of this case, that it will treat this matter as an ordinary civil action subject the Federal Rules of Civil Procedure.” *Silkman* Slip Op. at 2.

Dated: February 3, 2017

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\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 3, 2017, I filed the foregoing Response with the Clerk's Office, using the CM/ECF system, which will send a notification of such filing to counsel of record in this matter.

\_\_\_\_\_/s/\_\_\_\_\_  
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