

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

FEDERAL ENERGY REGULATORY COMMISSION,)
)
Plaintiff,)
)
v.) Case No.: 3:15-CV-00452-MHL
)
POWHATAN ENERGY FUND, LLC, et al.,)
)
Defendants.)
)

MOTION FOR LEAVE TO FILE SUPPLEMENTAL MATERIAL

Pursuant to Local Civil Rule 7, defendants Houlian Chen, HEEP Fund, Inc., CU Fund, Inc., and Powhatan Energy Fund, LLC (“defendants”), by and through undersigned counsel, hereby move this Court for leave to file supplemental material to assist the Court’s determination of the procedures required by Federal Power Act (“FPA”) § 31(d)(3) when the Federal Energy Regulatory Commission (“FERC”) files an action in federal district court pursuant to that provision. 16 U.S.C. § 823b(d)(3). The supplemental material the defendants seek to submit is a brief FERC filed with the United States Court of Appeals for the Fifth Circuit in an unrelated case. In that brief, FERC advocates an interpretation of FPA § 31(d)(3) that directly contradicts its current position.

A brief containing a concise statement of the facts and supporting reasons for this motion, and a form of order, are being submitted herewith.

WHEREFORE, the defendants respectfully request that the Court grant this motion and permit the filing of the above-referenced supplemental material.

Respectfully submitted,

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March 23, 2016

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PROPOSED ORDER

AND NOW, this ____ day of _____, 2016, upon consideration of the motion for leave to file supplemental materials of defendants Houlian Chen, HEEP Fund, Inc., CU Fund, Inc., and Powhatan Energy Fund, LLC, and any response thereto by plaintiff Federal Energy Regulatory Commission, it is hereby ORDERED that the motion is granted.

Honorable M. Hannah Lauck
United States District Court Judge