

**UNITED STATES COURT OF APPEALS
For the District of Columbia Circuit**

No. 01-1408

September Term, 2002

Filed On: July 28, 2003

Alabama Rivers Alliance, et al.
Petitioners

v.

Federal Energy Regulatory Commission
Respondent

Alabama Power Company
Intervenor

BEFORE: Henderson, Tatel, and Garland, Circuit Judges

ORDER

Upon consideration of petitioners' motion for attorney fees, the opposition thereto, and the reply, it is

ORDERED that the motion be denied. Although in error, the Commission's position was substantially justified. See 28 U.S.C. § 2412(d)(1)(A).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

By: Michael C. McGrail
Deputy Clerk