

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 06-1400

September Term, 2007

FILED ON: JANUARY 25, 2008 [1094627]

AES BEAVER VALLEY, LLC,  
PETITIONER

v.

FEDERAL ENERGY REGULATORY COMMISSION,  
RESPONDENT

DUQUESNE LIGHT COMPANY,  
INTERVENOR

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On Petition for Review of an Order of the  
Federal Energy Regulatory Commission

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Before: HENDERSON, RANDOLPH and GARLAND, *Circuit Judges*.

**J U D G M E N T**

This petition for review was considered on the record from the Federal Energy Regulatory Commission and on the briefs of the parties. It is

**ORDERED AND ADJUDGED** that the petition for review be denied.

For the reasons stated in the Commission's decision and its brief, the decision was not "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). The decisions on which the petitioner relies are inapposite.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or rehearing en banc. *See* Fed. R. App.

P. 41(b); D.C. Cir. R. 41.

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY:

Deputy Clerk