

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-1485

September Term, 2012

DOE-76FR67037

Filed On: May 1, 2013

American Public Gas Association,

Petitioner

v.

United States Department of Energy,

Respondent

Air Conditioning Contractors of America, et al.,
Intervenors

BEFORE: Henderson, Griffith, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the joint motion to vacate in part and remand for further rulemaking, the oppositions thereto, and the reply; the motion to substitute as petitioner, the oppositions thereto, and the replies; the motion to stay, the responses in support, the oppositions, the reply, the notice of agency action, and the emergency motion for stay and withdrawal of the motion for stay filed March 19, 2013, it is

ORDERED that the joint motion to vacate in part and remand for further rulemaking and the motion to substitute as petitioner be referred to the merits panel to which this case is assigned. The parties are directed address in their briefs, in addition to the merits of the case, the issues presented by the motion to vacate in part and remand and the motion to substitute as petitioner, rather than incorporate those arguments by reference. It is

FURTHER ORDERED that the unopposed emergency motion for stay be granted. The May 1, 2013 compliance deadline for energy conservation standards for non-weatherized gas furnaces, *Energy Conservation Program: Energy Conservation Standards for Residential Central Air Conditioners and Heat Pumps*, 76 Fed. Reg. 37408 (June 27, 2011); 76 Fed. Reg. 67037 (Oct. 31, 2011), is hereby stayed for six months following the issuance of any opinion by this court in this case upholding those standards. It is

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FURTHER ORDERED, on the court's own motion, that the parties submit, within 30 days of the date of this order, a proposed format for the briefing of this case. The parties are strongly urged to submit a joint proposal and are reminded that the court looks with extreme disfavor on repetitious submissions and will, where appropriate, require a joint brief of aligned parties with total words not to exceed the standard allotment for a single brief. Whether the parties are aligned or have disparate interests, they must provide *detailed* justifications for any request to file separate briefs or to exceed in the aggregate the standard word allotment. Requests to exceed the standard word allotment must specify the word allotment necessary for each issue.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Timothy A. Ralls
Deputy Clerk/LD