

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-1485**September Term, 2013****DOE-76FR67037****Filed On: April 24, 2014**

American Public Gas Association,
Petitioner

v.

United States Department of Energy,
Respondent

Air Conditioning Contractors of America, et al.,
Intervenors

BEFORE: Griffith, Kavanaugh, and Millett, Circuit Judges

ORDER

Upon consideration of the joint motion to vacate in part and remand for further rulemaking filed on January 11, 2013, the oppositions thereto, and the replies; the motion to substitute as petitioner, the oppositions thereto, and the reply; the unopposed motion to govern future proceedings; and the joint unopposed motion to vacate in part and remand for further rulemaking filed on March 11, 2014, it is

ORDERED that the joint unopposed motion to vacate in part and remand for further rulemaking, filed March 11, 2014, be granted. The direct final rule, 76 Fed. Reg. 37408 (June 27, 2011), and notice of effective date, 76 Fed. Reg. 67037 (Oct. 31, 2011), as they relate to energy conservation standards for non-weatherized gas furnaces, including but not limited to the Department of Energy's determination that such furnaces constitute a single class of products for purposes of 42 U.S.C. §§ 6295(q)(1)(B), 6295(o)(4), are hereby vacated and remanded to the Department of Energy for notice and comment rulemaking in accordance with the Energy Policy and Conservation Act. It is

FURTHER ORDERED that all remaining motions be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to issue forthwith to respondent a certified copy of this order in lieu of formal mandate.

Per Curiam