

06-1457 MORGAN STANLEY CAPITAL GROUP V. PUBLIC UTILITY DIST. 1

DECISION BELOW: 471 F3d 1053

LOWER COURT CASE NUMBER: 03-72511, 03-74757, 04-70712, 03-74617, 03-74208

QUESTION PRESENTED:

Whether the Ninth Circuit erred by failing to abide by this Court's decisions in *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956), and *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956), which preclude the Federal Energy Regulatory Commission from retroactively undoing valid, bilaterally negotiated, arms-length wholesale energy contracts that have, at most, minimal impact on retail rates.

CONSOLIDATED WITH 06-1462 FOR ONE HOUR ORAL ARGUMENT. THE MOTION OF GOLDEN STATE WATER COMPANY FOR DISQUALIFICATION OF COUNSEL IN NO. 06-1457 IS DENIED. EXPEDITED BRIEFING SCHEDULE CHIEF JUSTICE ROBERTS AND JUSTICE BREYER TOOK NO PART CERT. GRANTED 9/25/2007