

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

Catskill Mountainkeeper, Inc., <i>et al.</i> ,	)	
	)	
Petitioners,	)	
	)	
v.	)	No. 26-1387
	)	
Federal Energy Regulatory	)	
Commission,	)	
	)	
Respondent.	)	

New York State Department of	)	
Environmental Conservation,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 26-1422
	)	
Federal Energy Regulatory	)	
Commission,	)	
	)	
Respondent.	)	

Stop the Pipeline,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 26-1437
	)	
Federal Energy Regulatory	)	
Commission,	)	
	)	
Respondent.	)	

**RESPONSE OF RESPONDENT FEDERAL ENERGY
REGULATORY COMMISSION TO MOTIONS FOR
CONSOLIDATION AND ABEYANCE**

The Federal Energy Regulatory Commission responds in opposition to the requests by Petitioners to consolidate these cases and to hold them in abeyance. *See* No. 26-1387, Catskill Mountainkeeper Motion, Dkt. Entry No. 13 (June 10, 2025); No. 26-1422, New York State Department of Environmental Conservation Motion, Dkt. Entry No. 10 (June 9, 2026); No. 26-1437, Stop the Pipeline Motion, Dkt. Entry No. 13 (June 11, 2026).

Each of these cases should be dismissed for lack of jurisdiction, for the reasons explained in the Commission's separate and concurrent motion to dismiss. Should the Court agree with any of the arguments presented in favor of dismissal—absence of statutory aggrievement, lack of Article III standing, no final agency action—there is no reason to consider Petitioners' motions. If, however, the Court declines to dismiss, the Commission agrees with Petitioners that the cases, to the extent they remain alive, should be consolidated and held in abeyance—including deferral of filing the certified index to the record—while agency proceedings continue in the normal course.

Respectfully submitted,

Robert H. Solomon
Solicitor

/s/ Scott Ray Ediger
Scott Ray Ediger
Attorney

Federal Energy Regulatory
Commission
Washington, DC 20426
(202) 502-8334
scott.ediger@ferc.gov

*Counsel for Respondent
Federal Energy Regulatory
Commission*

June 15, 2026

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 144 words.

I further certify that this motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in Century Schoolbook 14-point font using Microsoft Word.

/s/ Scott Ray Ediger
Scott Ray Ediger
Attorney

Federal Energy Regulatory
Commission
Washington, DC 20426
(202) 502-8334
scott.ediger@ferc.gov

*Counsel for Respondent
Federal Energy Regulatory
Commission*

June 15, 2026

CERTIFICATE OF SERVICE

I hereby certify that, on June 15, 2026, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Scott Ray Ediger
Scott Ray Ediger
Attorney

Federal Energy Regulatory
Commission
Washington, DC 20426
(202) 502-8334
scott.ediger@ferc.gov

*Counsel for Respondent
Federal Energy Regulatory
Commission*

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