

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-1011**September Term, 2021****FERC-ER22-355-000****Filed On:** February 4, 2022

In re: NTE Connecticut, LLC,

Petitioner

ISO New England Inc.,
Intervenor**BEFORE:** Wilkins*, Rao, and Jackson, Circuit Judges**ORDER**

Upon consideration of the emergency petition for writ of mandamus, the response thereto, and the reply, it is

ORDERED that the petition for writ of mandamus be granted and that the January 3, 2022 order of the Federal Energy Regulatory Commission ("FERC") be stayed until 30 days after FERC resolves the pending petition for agency rehearing. The All Writs Act provides that federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). A stay may be granted under the All Writs Act if the statutorily prescribed remedy is "clearly inadequate," *In re GTE Serv. Corp.*, 762 F.2d 1024, 1027 (D.C. Cir. 1985), and the petitioner meets the "well established requirements that [this court] routinely appl[ies] to motions for stay pending appeal," *Reynolds Metals Co. v. FERC*, 777 F.2d 760, 762 (D.C. Cir. 1985). Petitioner in this case has satisfied these stringent requirements. See *Nken v. Holder*, 556 U.S. 418, 434 (2009); *D.C. Circuit Handbook of Practice and Internal Procedure* 33 (2021). An opinion will follow in due course.

Per Curiam**FOR THE COURT:**
Mark J. Langer, ClerkBY: /s/
Amy Yacisin
Deputy Clerk

*Judge Wilkins would deny the petition for writ of mandamus.