

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2008-5037, -5041

NORTHERN STATES POWER COMPANY,

Plaintiff-Cross Appellant,

v.

UNITED STATES,

Defendant-Appellant.

Appeal from the United States Court of Federal Claims  
98-CV-484, Senior Judge John P. Wiese.

ON MOTION

Before GAJARSA, Circuit Judge.

## ORDER

Northern States Power Company submits a status report in response to this court's April 28, 2008 order and moves to lift the stay of proceedings. The United States responds, submits a status report, and moves to continue the stay of proceedings until this court's final disposition in Nebraska Public Power District v. United States, No. 2007-5083. Northern States replies.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Northern States' motion to lift the stay is denied. The United States' motion to continue the stay is granted.

(2) These appeals shall remain stayed pending this court's final disposition in Nebraska Public Power. The United States is directed to inform the court within 30

days of the final disposition of Nebraska Public Power concerning how it believes these appeals should proceed. Northern States may also respond within that time.

FOR THE COURT

SEP 30 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Alexander D. Tomaszczuk, Esq.  
Andrew P. Averbach, Esq.

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**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

SEP 30 2009

JAN HORBALY  
CLERK