

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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ORDER

January 3, 2018

Before

FRANK H. EASTERBROOK, Circuit Judge
DIANE S. SYKES, Circuit Judge
MICHAEL J. REAGAN, District Judge\*

VILLAGE OF OLD MILL CREEK, et al.,
Plaintiffs-Appellants,

No. 17-2433 v.

ANTHONY STAR, in his official capacity as Director of the
Illinois Power Agency,
Defendant-Appellee,

and

EXELON GENERATION COMPANY, LLC,
Intervening Defendant-Appellee.

] Appeal from the United
] States District Court for
] the Northern District of
] Illinois, Eastern Division.

] No. 1:17-cv-01163

] Manish S. Shah, Judge.

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ELECTRIC POWER SUPPLY ASSOCIATION, et al.,
Plaintiffs-Appellants,

No. 17-2445 v.

ANTHONY STAR, in his official capacity as Director of the
Illinois Power Agency, et al,
Defendants-Appellees,

and

EXELON GENERATION COMPANY, LLC,
Intervening Defendant-Appellee.

] Appeal from the United
] States District Court for
] the Northern District of
] Illinois, Eastern Division.

] No. 1:17-cv-01164

] Manish S. Shah, Judge.

\* Of the Southern District of Illinois, sitting by designation.

Appeal nos. 17-2433 and 17-2445

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The court directs the parties to file supplemental memoranda addressing:

1. Whether this court should defer to the Federal Energy Regulatory Commission's primary jurisdiction?
2. Whether *Ex Parte Young*, 209 U.S. 123 (1908), is available as the basis of equitable relief in this case?
3. Whether the principle of *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), as applied to everybody other than a participant in the wholesale market, prevents their suits?

The memoranda are due by January 17, 2018.

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