

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 14-2156

State of North Dakota; Industrial Commission of North Dakota; Lignite Energy Council; Basin Electric Power Cooperative; The North American Coal Corporation; Great Northern Properties Limited Partnership; Missouri Basin Municipal Power Agency, doing business as Missouri River Energy Services; Minnkota Power Cooperative, Inc.

Plaintiffs - Appellees

v.

Beverly Heydinger, Commissioner and Chair, Minnesota Public Utilities Commission; David C. Boyd, Commissioner, Minnesota Public Utilities Commission; Nancy Lange, Commissioner and Vice Chair, Minnesota Public Utilities Commission; Dan M. Lipschultz, Commissioner, Minnesota Public Utilities Commission; Betsy Wergin, Commissioner, Minnesota Public Utilities Commission; Mike Rothman, Commissioner, Minnesota Department of Commerce, each in his or her official capacity

Defendants - Appellants

American Wind Energy Association; Solar Energy Industries Association; Environmental Defense Fund; Environmental Law and Policy Center; Natural Resources Defense Council; Sierra Club; Fresh Energy; Issac Walton League of America - Midwest Office; Minnesota Center for Environmental Advocacy; Steven Gaw; Steven Weissman

Amici on Behalf of Appellant(s)

American Coalition for Clean Coal Electricity; National Mining Association; Chamber of Commerce of the United States; Minnesota Chamber of Commerce; National Association of Manufacturers; American Fuel & Petrochemical Manufacturers; Montana Coal Council; Mountain States Legal Foundation; American Public Power Association; Missouri Joint Municipal Electric Utility Commission; National Rural Electric Cooperative Association; Pacific Legal Foundation; National Federation of Independent Business Small Business Legal Center

Amici on Behalf of Appellee(s)

No: 14-2251

State of North Dakota; Industrial Commission of North Dakota; Lignite Energy Council; Basin Electric Power Cooperative; The North American Coal Corporation; Great Northern Properties Limited Partnership; Missouri Basin Municipal Power Agency, doing business as Missouri River

Energy Services; Minnkota Power Cooperative, Inc.

Plaintiffs - Appellants

v.

Beverly Heydinger, Commissioner and Chair, Minnesota Public Utilities Commission; David C. Boyd, Commissioner, Minnesota Public Utilities Commission; Nancy Lange, Commissioner and Vice Chair, Minnesota Public Utilities Commission; Dan M. Lipschultz, Commissioner, Minnesota Public Utilities Commission; Betsy Wergin, Commissioner, Minnesota Public Utilities Commission; Mike Rothman, Commissioner, Minnesota Department of Commerce, each in his or her official capacity

Defendants - Appellees

American Coalition for Clean Coal Electricity; National Mining Association; Chamber of Commerce of the United States; Minnesota Chamber of Commerce; National Association of Manufacturers; American Fuel & Petrochemical Manufacturers; Mountain States Legal Foundation; American Public Power Association; Missouri Joint Municipal Electric Utility Commission; National Rural Electric Cooperative Association; Pacific Legal Foundation; National Federation of Independent Business Small Business Legal Center

Amici on Behalf of Appellant(s)

Solar Energy Industries Association; Environmental Defense Fund; Environmental Law and Policy Center; Natural Resources Defense Council; Sierra Club; Fresh Energy; Issac Walton League of America - Midwest Office; Minnesota Center for Environmental Advocacy; Steven Gaw; Steven Weissman; American Wind Energy Association

Amici on Behalf of Appellee(s)

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:11-cv-03232-SRN)

JUDGMENT

Before LOKEN, MURPHY and COLLOTON, Circuit Judges.

This cross-appeal from the United States District Court was submitted on the record of the district court, briefs of the parties and was argued by counsel.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court. The cross-appeal is dismissed as moot.

June 15, 2016

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans