



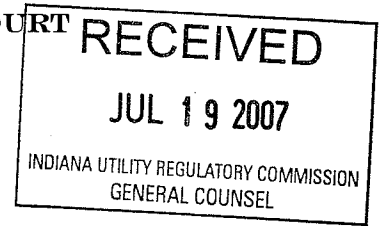
# CLERK

SUPREME COURT, COURT OF APPEALS, AND TAX COURT

## STATE OF INDIANA

217 STATE HOUSE, INDIANAPOLIS, IN 46204

317-232-1930 • FAX 317-232-8365



Kevin S. Smith  
Clerk

UTILITY REGULATORY COMMISSION  
101 W. WASHINGTON ST.  
SUITE 1500 EAST  
INDIANAPOLIS, IN 46204-3407

Cause Number  
93A02-0611-EX-01034  
Lower Court Number:  
42767

CITIZENS INDUSTRIAL GROUP -V- BOARD OF DIRECTORS, ET AL.

You are hereby notified that the COURT OF APPEALS  
ISSUED THE ENCLOSED ORDER:

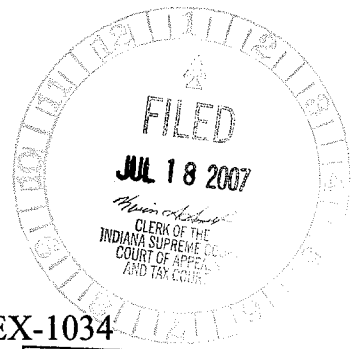
has on this day 7/18/07

WITNESS my name and the seal of said Court,

this 18<sup>TH</sup> day of JULY, 2007

Clerk, Supreme Court, Court of Appeals and Tax Court

IN THE  
COURT OF APPEALS OF INDIANA

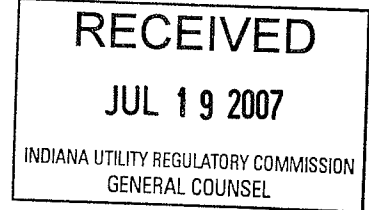


CITIZENS INDUSTRIAL GROUP, et al., )  
Appellants, )

vs. )

INDIANA OFFICE UTILITY CONSUMER )  
COUNSELOR, et al., )  
Appellees. )

CAUSE NO. 93A02-0611-EX-1034



ORDER

The Appellants have filed their Fourth Joint Report of Appellants on Status of Commission Proceedings.

By previous order of this Court, this appeal was consolidated with Cause No. 93A02-0611-EX-1031, EX-1031 was closed, and the consolidated appeal was stayed pending reconsideration by the IURC. *See Citizens Indust. Group v. Heartland Gas Pipeline, LLC* 856 N.E.2d 734, 738 (Ind. Ct. App. 2006) (procedure for reconsideration after final agency decision requires appellant to “first file its notice of appeal as required by Appellate Rule 9(A)(3), and then utilize Appellate Rule 37 by filing a motion for temporary stay of the appeal until the administrative agency has ruled on the petition [for reconsideration]”).

In the instant Status Report, Appellants report that post-hearing briefing to the IURC is expected to close on July 23, 2007. Thus, the settlement agreement remains pending before the IURC. Appellants report that this appeal will be dismissed by stipulation if the IURC approves the Settlement Agreement. Accordingly, Appellants request that the stay continue based upon the continued filing of periodic status reports.

Having reviewed the matter, the Court FINDS AND ORDERS AS FOLLOWS:

- 1) Appellants’ Fourth Joint Report of Appellants on Status of Commission Proceedings is ACCEPTED.
- 2) No later than August 23, 2007, Appellants are ordered to file the fifth status report indicating whether the Settlement Agreement in this matter has been approved.
- 3) Accordingly, pursuant to this Court’s order dated January 2, 2007, the stay of the briefing schedule in this matter is continued.

ORDERED this 19<sup>th</sup> day of July, 2007.

Chief Judge