

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

<b>Athens Utilities Board and Gibson</b>	)	
<b>Electric Membership Corporation,</b>	)	
	)	
<b>Petitioners</b>	)	
	)	
<b>v.</b>	)	<b>Case No. _____</b>
	)	
<b>Federal Energy Regulatory</b>	)	
<b>Commission,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**PETITION FOR REVIEW**

Pursuant to Section 313(b) of the Federal Power Act (“FPA”), 16 U.S.C. § 825l(b), Rule 15 of the Federal Rules of Appellate Procedure, and Circuit Rule 15, Athens Utilities Board and Gibson Electric Membership Corporation (“Petitioners”) hereby petition the Court for review of the following orders issued by the Federal Energy Regulatory Commission (“Commission”):

1. *Athens Utilities Board, et al. v. Tennessee Valley Authority*, Order on Petition, 177 FERC ¶ 61,021 (2021) (“October 21 Order”); and
2. *Athens Utilities Board, et al. v. Tennessee Valley Authority*, Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration, 177 FERC ¶ 62,162 (2021) (“December 23 Notice”).

Copies of the October 21 Order and December 23 Notice are attached hereto as Exhibit A and Exhibit B, respectively.

On October 21, 2021, the Commission issued the October 21 Order, which denied Petitioners' January 11, 2021 Complaint and Petition for Order under Federal Power Act Sections 210 and 211A Against Tennessee Valley Authority, without reasoned explanation. Petitioners timely sought rehearing of the October 21 Order on November 22, 2021, pursuant to 16 U.S.C. § 825l(a). The Commission thereafter issued the December 23 Notice on December 23, 2021, which did not address the substance of Petitioners' request for rehearing or establish additional processes. Pursuant to 16 U.S.C. § 825l(a) and this Court's decision in *Allegheny Defense Project, et al., v. FERC*, 964 F.3d 1 (D.C. Cir. 2020), Petitioners' request for rehearing was therefore deemed denied on December 23, 2021. With this Petition for Review, Petitioners timely seek review of the October 21 Order and December 23 Notice.

In accordance with Circuit Rule 26.1, Petitioners submit their Corporate Disclosure Statements contemporaneously with this Petition for Review.

Respectfully submitted,

/s/ William D. DeGrandis

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*Counsel for Athens Utilities Board and  
Gibson Electric Membership Corporation*

Dated: February 18, 2022

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<b>Federal Energy Regulatory</b>	)	
<b>Commission,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, Athens Utilities Board declares that it is a not-for-profit municipal utility owned by the city of Athens, Tennessee, which provides electric, gas, water, and wastewater services to the cities of Athens, Englewood and Niota, Tennessee, as well as surrounding rural areas. Athens Utilities Board has no parent corporation, no corporation owns any portion of Athens Utilities Board, and Athens Utilities Board is not a subsidiary or affiliate of any publicly owned corporation.

Gibson Electric Membership Corporation (“Gibson EMC”) declares that it is a not-for-profit distribution cooperative that provides electric power to Crockett,

Dyer, Gibson, Haywood, Lake, Lauderdale, Obion, and Madison counties in West Tennessee, and Carlisle, Fulton, Graves, and Hickman counties in West Kentucky. Gibson EMC has no parent corporation, no corporation owns any portion of Gibson EMC, and Gibson EMC is not a subsidiary or affiliate of any publicly owned corporation.

Respectfully submitted,

/s/ William D. DeGrandis

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## CERTIFICATE OF SERVICE

Pursuant to Rule 15(c) of the Federal Rules of Appellate Procedure and Circuit Rule 15, I hereby certify that I have this 18<sup>th</sup> day of February, 2022, served copies of the foregoing Petition for Review and Corporate Disclosure Statement via email upon the Secretary of the Federal Energy Regulatory Commission (“Commission”), the Solicitor of the Commission:

Robert H. Solomon, Solicitor  
Federal Energy Regulatory Commission  
Email: Robert.solomon@ferc.gov

and by email on all parties on the Commission’s service list in the underlying proceeding in Docket Nos. EL21-40-000 and TX21-1-000. (Service lists are attached as Exhibit C).

/s/ William D. DeGrandis  
William D. DeGrandis