

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

	)	
BOB KEENAN, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.: 15-cv-1440 (RCL)
	)	
NORMAN BAY, Chairman, Federal	)	
Energy Regulatory Commission, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**ERRATA TO MOTION FOR EXTENSION OF TIME TO RESPOND TO  
MOTION FOR PRELIMINARY INJUNCTION**

Defendants submit this Errata to clarify a statement made in paragraph 1 of their Motion for Extension. *See* ECF No. 22. Specifically, the September 1, 2015, FERC order did not transfer the Kerr Project to the Confederated Salish and Kootenai Tribes (CSKT). Instead, the 1985 FERC order transferred ownership to the CSKT on payment of the conveyance price. That order was not challenged on rehearing or judicial review. Accordingly, the September 1, 2015, order merely approved the co-licensee application allowing Energy Keepers, Inc. (“EKI”), a wholly owned tribal corporation created by CSKT to operate the Project, to be a co-licensee. Payment of the conveyance price occurred on September 3, 2015, and deeds conveying the Project to CSKT and EKI were provided by Northwestern Energy on September 4, 2015. Accordingly, Paragraph 1 of defendants’ motion is revised as follows:

“1. On September 2, 2015, plaintiffs – two Montana citizens and a business – filed a motion for a temporary restraining order and preliminary injunction to prevent the imminent transfer of a large hydroelectric project (the Kerr Project) to the Confederated Salish and Kootenai Tribes (CSKT), a federally recognized Indian Tribe. The transfer was to be conducted pursuant to a license granted by FERC in 1985 (32 FERC § 61,070 (1985)), which granted CSKT the right to purchase the Project on September 5, 2015, after paying a sum to be determined later. That sum was fixed by 2014 arbitration at \$18.3 million, and CSKT paid the agreed sum on September 3, 2015, thereby triggering the transfer. On September 1, 2015, FERC issued an order that approved a co-licensee application allowing Energy Keepers, Inc. (EKI), a wholly owned tribal corporation created by CSKT to operate the Project, to be a co-licensee. (152 FERC § 62,140.) The formal transfer was set to occur at midnight MST on September 5, 2015.”

This clarifying Errata does not alter the merits of defendants’ request for a 7-day extension.

Respectfully submitted,

VINCENT H. COHEN, JR., D.C. Bar No. 471489  
Acting United States Attorney

DANIEL F. VAN HORN, D.C. Bar No. 924092  
Chief, Civil Division

By: /s/ Damon Taaffe  
DAMON TAAFFE, D.C. Bar No. 483874  
Assistant United States Attorney  
555 Fourth Street, N.W.  
Washington, D.C. 20530  
(202) 252-2544  
damon.taaffe@usdoj.gov