

United States Court of Appeals For the First Circuit

No. 09-2403

UNITED STATES OF AMERICA,

Appellee,

v.

SOUTHERN UNION COMPANY,

Defendant, Appellant.

ERRATA SHEET

The opinion of this Court issued on December 22, 2010, is amended as follows.

On page 26, the following new paragraph is inserted after line 14:

Southern Union also claims that because in 1992 and 2001 the EPA declined federal enforcement of CESQG regulations in California and the District of Columbia, respectively, federal enforcement of Rhode Island's CESQG regulations is so irrational as to violate due process. As we have noted, the EPA has proposed federal enforcement in California, and all enforcement decisions since 1999, save for the aberration of the District of Columbia, have been consistent with the Rhode Island enforcement decision. Southern Union has failed to show meaningful inconsistency, much less irrational inconsistency. Our conclusion above that the EPA has over time engaged in a rational shift toward a policy of federal enforcement disposes of this due process argument as well.