

Slip Op. 09-99

UNITED STATES COURT OF INTERNATIONAL TRADE

AD HOC UTILITIES GROUP,

Plaintiff,

v.

UNITED STATES,

Defendant,

- and -

USEC INCORPORATED, and UNITED STATES
ENRICHMENT CORPORATION,

Defendant-Intervenors.

Before: Pogue, Judge

Court No. 06-00300

Memorandum and Order

[Plaintiff's motion for rehearing denied.]

September 15, 2009

Pillsbury Winthrop Shaw Pittman LLP (Nancy A. Fischer, Joshua D. Fitzhugh, Christine J. Sohar, Kemba T. Eneas and Stephan E. Becker) for Plaintiff Ad Hoc Utilities Group.

James M. Lyons, General Counsel, Neal J. Reynolds, Assistant General Counsel, Office of the General Council, U.S. International Trade Commission (Peter L. Sultan) for Defendant United States.

Steptoe & Johnson LLP (Eric C. Emerson, Sheldon E. Hochberg, Richard O. Cunningham, Thomas J. Trendl and Alexandra E.P. Baj) for Defendant-Intervenors USEC Inc. and United States Enrichment Corp.

Pogue, Judge: Plaintiff Ad Hoc Utilites Group ("AHUG"), a group of American utility companies that purchases and uses

uranium, has sought review of the International Trade Commission's ("ITC") decision in Uranium From Russia, 71 Fed. Reg. 44,707 (ITC Aug. 6, 2006) (concluding that termination of the suspended investigation on uranium from Russia would be likely to lead to continuation or recurrence of material injury to an industry in the United States) and accompanying Uranium from Russia, USITC Pub. 3872, Inv. No. 731-TA-539-C (Second Review) (Aug. 2006), available at 2006 ITC LEXIS 537.

The Court, on June 16, 2009, in accordance with Ad Hoc Utils. Group v. United States, Slip Op. 09-56, 2009 Ct. Intl. Trade LEXIS 60 (CIT June 15, 2009), dismissed this action, pursuant to USCIT Rule 12(b)(1), for lack of subject matter jurisdiction under 28 U.S.C. § 2631(c). See Ad Hoc Utils. Group v. United States, Slip Op. 09-57, 2009 Ct. Intl. Trade LEXIS 61 (CIT June 16, 2009). In its decision ordering dismissal, the Court noted that the issues of law and fact before the court are no different than those presented in Ad Hoc Utilities Group v. United States, Cause No. 06-229 ("AHUG") (AHUG's challenge to Commerce's final determination that termination of the suspended investigation on uranium from Russia would likely result in continued dumping of enriched uranium), where the court also dismissed AHUG's action for lack of statutory standing and has further denied AHUG's subsequent motion for reconsideration. The parties in AHUG and the case at bar are identical, and there is no significant argument raised by Plaintiff

