

FEDERAL ENERGY REGULATORY COMMISSION *v.*
SHELL OIL CO. ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
FIFTH CIRCUIT

No. 77-1652. Argued January 15, 1979—Decided February 22, 1979*

566 F. 2d 536, affirmed by an equally divided Court.

Howard E. Shapiro argued the cause for petitioner in No. 77-1652 and respondent in No. 77-1654. With him on the briefs were *Solicitor General McCree*, *Deputy Solicitor General Barnett*, *Richard A. Allen*, and *M. Frazier King, Jr.* *Charles E. Hill* argued the cause and filed briefs for petitioner in No. 77-1654.

Thomas G. Johnson argued the cause for respondents in No. 77-1652. With him on the brief were *David G. Stevenson*, *David M. Whitney*, *W. O. Strong III*, *Richard F. Generelly*, *Alan Berlin*, *B. James McGraw*, *Edwin S. Nail*, *Justin R. Wolf*, *Thomas H. Burton*, *Robert C. Murray*, *David C. Henri*, *Arthur S. Berner*, *Richard G. Harris*, *William A. Sackmann*, *Tom P. Hamill*, *Robert D. Haworth*, *John L. Williford*, *Paul W. Hicks*, *Richard F. Remmers*, *James D. Olsen*, *W. B. Wagner, Jr.*, *Pat F. Timmons*, *John A. Ramsey*, *Paul J. Broyles*, *Karen*, *A. Berndt*, *George C. Bond*, and *Kenneth L. Riedman, Jr.* *Stephen M. Hackerman*, *Charles M. Darling IV*, *John M. Young*, and *Michael B. Silva* filed a brief for *Tenneco Oil Co. et al.*, respondents in No. 77-1652. *Edwin W. Edwards*, Governor of Louisiana, *William J. Guste, Jr.*, Attorney General, *James R. Patton, Jr.*, *David B. Robinson*, and *Harry E.*

*Together with No. 77-1654, *Consumer Energy Council of America v. Federal Energy Regulatory Commission*, also on certiorari to the same court.

Barsh, Jr., filed a brief for the State of Louisiana, respondent in No. 77-1652.†

PER CURIAM.

The judgment is affirmed by an equally divided Court.

MR. JUSTICE STEWART took no part in the consideration or decision of these cases.

†Briefs of *amici curiae* urging reversal were filed by *Robert J. Hobbs* for the Action Alliance of Senior Citizens of Greater Philadelphia; by *Frederick Moring* for the Associated Gas Distributors; and by *Charles F. Wheatley, Jr.*, for the United States Conference of Mayors et al.

Avrum M. Gross, Attorney General, *Robert M. Maynard*, Assistant Attorney General, and *Robert H. Loeffler* filed a brief for the State of Alaska as *amicus curiae* urging affirmance.