

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

Civil Action No. 09-CV-01576-WDM-KLM

WILDEARTH GUARDIANS,

Plaintiff,

v.

PUBLIC SERVICE COMPANY OF COLORADO, d/b/a/ XCEL ENERGY,

Defendant.

NOTICE OF APPEAL

Notice is hereby given that WILDEARTH GUARDIANS, plaintiffs in the above named case, hereby appeal to the United States Court of Appeals for the Tenth Circuit from the final order (ECF No. 97) and judgment (ECF No. 98) dismissing Plaintiff's claims with prejudice, entered in this action on August 3, 2011.

DATE: August 31, 2011

Respectfully Submitted,

/s/Michael Ray Harris

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CERTIFICATE OF SERVICE

I certify that on this the 31st day of August, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

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