

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

IN THE

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NOV - 9 2015

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FILED NOV 9 2015
CLERK

STATE OF WEST VIRGINIA,
STATE OF ALABAMA,
STATE OF ARIZONA CORPORATION
COMMISSION,
STATE OF ARKANSAS,
STATE OF FLORIDA,
STATE OF GEORGIA,
STATE OF INDIANA,
STATE OF KANSAS,
COMMONWEALTH OF KENTUCKY,
STATE OF LOUISIANA,
STATE OF LOUISIANA DEPARTMENT
OF ENVIRONMENTAL QUALITY,
ATTORNEY GENERAL BILL SCHUETTE,
People of Michigan,
STATE OF MISSOURI,
STATE OF MONTANA,
STATE OF NEBRASKA,
THE NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY,
STATE OF OHIO,
STATE OF OKLAHOMA,
STATE OF SOUTH CAROLINA,
STATE OF SOUTH DAKOTA,
STATE OF TEXAS,
STATE OF UTAH,
STATE OF WISCONSIN, and
STATE OF WYOMING,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,
and REGINA A. MCCARTHY, Administrator,
United States Environmental Protection Agency,

Respondents.

PETITION FOR REVIEW

Case No. _____
15-1399

The States of West Virginia, Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Louisiana, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Wisconsin, Wyoming, and the Commonwealth of Kentucky, the People of Michigan, the Arizona Corporation Commission, the Louisiana Department of Environmental Quality, and the North Carolina Department of Environmental Quality hereby petition this Court, pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure, Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), and 5 U.S.C. § 702, for review of the final rule of the U.S. Environmental Protection Agency published in the Federal Register at 80 Fed. Reg. 64,510 (Oct. 23, 2015), titled “Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units.” This Court has jurisdiction, and is a proper venue for this action, under 42 U.S.C. § 7607(b)(1).

Petitioners will show that the final rule is in excess of the agency’s statutory authority and otherwise is arbitrary, capricious, an abuse of discretion and not in accordance with law. Accordingly, Petitioners ask the Court to hold unlawful and set aside the rule, and to order other such relief as may be appropriate. *See* 42 U.S.C. § 7607(d).

Dated: November 3, 2015

Respectfully submitted,



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I hereby certify that I will cause to be served a true copy of the Petition for Review via U.S. mail on November 3, 2015, upon the following:

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