

OCT 30 2015

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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FILED	OCT 30 2015
CLERK	

ENERGY & ENVIRONMENT  
LEGAL INSTITUTE )

Petitioner, )

v. )

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY )

Respondent. )

Case No. 15-1398

**PETITION FOR REVIEW**

Pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure and Section 307(b)(1) of the Clean Air Act, 42 U.S.C. §7607(b)(1) ("CAA") and 5 U.S.C. § 702, the Energy & Environment Legal Institute respectfully petitions this Court for review of a final rule issued by the United States Environmental Protection Agency ("EPA") published in the Federal Register at 80 Fed. Reg. 64661 (October 23, 2015), entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units: Final Rule." This Court has jurisdiction, and is the proper venue for this action, pursuant to 42 U.S.C. § 7607(b)(1).

Petitioner will show that the final rule, as issued by the EPA, is arbitrary and capricious, is an abuse of the agency's discretion and not in accordance with the law, was promulgated by decision-makers with an "unalterably closed mind," failed to include material in the Administrative record, reflects the lack of an intelligible principle by which to regulation, failed to consider comments during the administrative process, exceeds the EPA's statutory authority, and goes beyond the bounds established by the United States Constitution.

Date: October 30, 2015

Respectfully Submitted,

ENERGY AND ENVIRONMENT  
LEGAL INSTITUTE

By Counsel:

*Chaim Mandelbaum*

Chaim Mandelbaum  
Free Market Environmental Law  
Clinic

Litigation Manager

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*Counsel for Petitioner*

**UNITED STATES COURT OF APPEALS  
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**PETITIONER'S PROVISIONAL CERTIFICATE AS TO PARTIES,  
RULINGS, AND RELATED CASES**

Pursuant to Circuit Rules 15(c)(3) and 28(a)(1), Petitioner states as follows:

**(A) Parties and Amici:**

The parties in this case are the Energy and Environment Legal Institute (Petitioner) and the United States Environmental Protection Agency (Respondent).

**(B) Rulings Under Review:**

Under review in this case is final action of the United States Environmental Protection Agency published in the Federal Register at 80 Fed. Reg. 64661 (October 23, 2015), entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units: Final Rule"

**(C) Related Cases:**

None.

Date: October 30, 2015

Respectfully Submitted,

ENERGY AND ENVIRONMENT  
LEGAL INSTITUTE

By Counsel:

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**CORPORATE DISCLOSURE STATEMENT**

Pursuant to federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, counsel for the Energy & Environment Legal Institute (EELI) certifies that EELI is a non-profit, non-governmental corporate entity organized under the laws of the Commonwealth of Virginia. EELI does not have a parent corporation. No publicly held corporation owns ten percent or more of EELI's stock.

Respectfully submitted on this 29th day of October, 2015, by:

ENERGY AND ENVIRONMENT  
LEGAL INSTITUTE

By Counsel:

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*Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

I hereby certify that I will cause to be served a true copy of the, Petition for Review, Corporate Disclosure Statement, and Petitioner's Provisional Certificate as to Parties, Rulings, and Related Cases via Certified U.S. mail on the 2nd day of November, 2015, upon the following:

Hon. Regina McCarthy  
Office of the Administrator (1101A)  
United States Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

Hon. Loretta E. Lynch  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530-0001

Correspondence Control Unit  
Office of General Counsel (2311)  
United States Environmental Protection Agency  
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