

DEC 18 2015

United States Court of Appeals
District of Columbia Circuit

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

LOUISIANA PUBLIC)
SERVICE COMMISSION,)

Petitioner,)

v.)

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

Respondents.)

PETITION FOR REVIEW

Case No. 15-1464

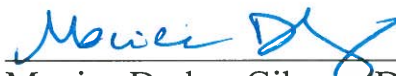
The Louisiana Public Service Commission hereby petitions this Court, pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure, Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), and 5 U.S.C. § 702, for review of the final rule of the United States Environmental Protection Agency published in the Federal Register at 80 Fed. Reg. 64,662 on October 23, 2015, and titled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units.” This Court has jurisdiction of this matter, and is the appropriate venue, pursuant to 42 U.S.C. § 7607(b)(1).

The Petitioner will show that the final rule exceeds EPA’s authority under the Clean Air Act, exceeds the federal government’s authority under the U.S.

Constitution, usurps Petitioner's authority granted by the Louisiana Constitution, and is otherwise arbitrary, capricious, an abuse of discretion, and not in accordance with law. Accordingly, Petitioner asks this Court to hold unlawful and set aside the final rule and to order such other relief as this Court deems appropriate. 42 U.S.C. § 7607(d)(9).

Dated: December 17, 2015

Respectfully submitted,



Monica Derbes Gibson (D.C. Bar No. 1011871)

Lesley Foxhall Pietras (D.C. Bar No. 471843)

LISKOW & LEWIS, P.L.C.

701 Poydras Street

Suite 5000

New Orleans, Louisiana 70139

Tel.: 504-556-4010

Fax: 504-556-4108

Email: mdgibson@liskow.com

lfpietras@liskow.com

***Counsel for Petitioner Louisiana Public
Service Commission***


CERTIFICATE OF SERVICE

I hereby certify that I will cause to be served a true copy of the Petition for Review via U.S. mail on the 17th day of December, 2015, upon the following:

Hon. Regina A. McCarthy
Administrator (MC 1101A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

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

Correspondence Control Unit
Office of General Counsel (MC 2311)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460



Monica Derbes Gibson
*Counsel for the Louisiana Public
Service Commission*