

ORAL ARGUMENT NOT YET SCHEDULED

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF MISSISSIPPI,
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY, and
MISSISSIPPI PUBLIC SERVICE COMMISSION
Petitioners,
v.
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, and
REGINA A. MCCARTHY,
Administrator, United States Environmental Protection Agency
Respondents.

Case No. 15-1409

consolidated with
Case Nos. 15-1363, et al.

AMENDED PETITION FOR REVIEW

The State of Mississippi, the Mississippi Department of Environmental Quality, and the Mississippi Public Service Commission (Petitioners) hereby petition this Court, pursuant to section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), Rule 15 of the Federal Rules of Appellate Procedure, Circuit Rule 15, and 5 U.S.C. § 702, for review of the final rule of the United States Environmental

Protection Agency (EPA), published in the Federal Register at 80 Fed. Reg. 64,662 (Oct. 23, 2015), titled “Carbon Pollution Emission Guidelines for Existing 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, goes beyond the bounds set by the United States Constitution, and otherwise is arbitrary, capricious, an abuse of discretion and not in accordance with law. Accordingly, Petitioners ask the Court to hold unlawful, vacate, enjoin, and set aside the rule, and to order such other relief as may be appropriate. *See* 5 U.S.C. § 706 and 42 U.S.C. § 7607(d).

Petitioners affirmatively state that they do not seek any extension of currently existing scheduling deadlines in the consolidated case of *State of West Virginia v. EPA*, Case No. 15-1363.

Dated: December 22, 2015

Respectfully submitted,

JIM HOOD

Attorney General of the State of Mississippi

/s/ Harold E. Pizzetta, III

BY: HAROLD E. PIZZETTA, MSB No. 99867

U. S. Court of Appeals -D.C. Circuit No. 51936

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2015, a copy of the foregoing Amended Petition for Review of the United States Environmental Protection Agency's final rule, "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," was sent by U.S. first class mail to:

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