

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 19-1140**

**September Term, 2020**

**EPA-84FR32520**

**Filed On: September 25, 2020**

American Lung Association and American  
Public Health Association,

Petitioners

v.

Environmental Protection Agency and  
Andrew Wheeler, Administrator,

Respondents

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AEP Generating Company, et al.,  
Intervenors  
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Consolidated with 19-1165, 19-1166,  
19-1173, 19-1175, 19-1176, 19-1177,  
19-1179, 19-1185, 19-1186, 19-1187,  
19-1188

**BEFORE:** Millett, Pillard, and Walker, Circuit Judges

## **ORDER**

Upon consideration of the proposed oral argument formats, it is

**ORDERED** that the following format apply in these consolidated cases, which are scheduled for oral argument before this panel at 9:30 a.m. on Thursday, October 8, 2020:

<u>Issue</u>	<u>Party</u>	<u>Time Allotted</u>
I. Repeal of the Clean Power Plan	Petitioners (up to two counsel)	30 minutes, divided among themselves as they mutually deem appropriate

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	EPA and Respondent-Intervenors (up to two counsel)	30 minutes, divided among themselves as they mutually deem appropriate
	Rebuttal (as reserved)	
II. EPA's authority to promulgate a replacement rule	Coal and Robinson Petitioners (up to two counsel)	15 minutes, divided among themselves as they mutually deem appropriate
	EPA and Respondent-Intervenors (up to two counsel)	15 minutes, divided among themselves as they mutually deem appropriate
	Rebuttal (as reserved)	
III. Legality of ACE Rule	Petitioners (up to two counsel)	20 minutes, divided among themselves as they mutually deem appropriate
	EPA and Respondent-Intervenors (up to two counsel)	20 minutes, divided among themselves as they mutually deem appropriate
	Rebuttal (as reserved)	
IV. Biogenic issues	Biogenic Petitioner	12 minutes
	EPA and Public Health and Environmental Respondent-Intervenors (up to two counsel)	12 minutes, divided among themselves as they mutually deem appropriate
	Rebuttal (as reserved)	

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Argument will be conducted in the order listed. Form 72 should be completed and submitted by October 1, 2020.

**Per Curiam****FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Scott H. Atchue

Deputy Clerk