

instructing the agency to conclude any appropriate rulemaking to repeal or revise the Rule “as soon as practicable.” 82 Fed. Reg. 16,093, 16,095. In accordance with that Executive Order, the EPA Administrator on March 28, 2017, announced EPA’s review of the Clean Power Plan, 82 Fed. Reg. 16,329, 16,329 (Apr. 4, 2017), and EPA filed a motion on March 28, 2017, to hold these cases in abeyance pending completion of EPA’s review and any resulting forthcoming rulemaking. Doc. No. 1668274.

3. By order dated April 28, 2017, this Court held the cases in abeyance for 60 days and directed EPA to file status reports at 30-day intervals from the date of the order. Doc. No. 1673071. The Court has subsequently issued six additional orders likewise holding the case in abeyance for 60-day intervals and directing EPA to file status reports at 30-day intervals. *See* August 8, 2017 Order (Doc. No. 1687838); November 9, 2017 Order (Doc. No. 1703889); March 1, 2018 Order (Doc. No. 1720228); June 26, 2018 Order (Doc. No. 1737735); December 21, 2018 Order (Doc. No. 1765562); April 5, 2019 Order (Doc. No. 1781428).

4. On June 19, 2019, EPA Administrator Andrew Wheeler signed a final rule entitled “Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations” (the Affordable Clean Energy Rule or the ACE Rule). Among other things, the ACE Rule repeals the Clean Power Plan.

5. The ACE Rule was published in the Federal Register on July 8, 2019. 84 Fed. Reg. 32,520 (July 8, 2019). Shortly thereafter, nearly all Petitioners and Petitioner-Intervenors filed motions to dismiss the petitions for review as moot. *See* Doc. Nos. 1797267, 1799127. EPA supports dismissal of the petitions for review as moot. *See* Doc. No. 1797703. EPA suggests continuing to hold these petitions for review in abeyance pending resolution of the motions to dismiss.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report have been served through the Court's CM/ECF system on all registered counsel this September 3, 2019.

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