

(ECF#1833292), and Petitioner timely submitted a reply on March 19, 2020 (ECF#1834360).¹ However, an order denying relief (ECF#1834177) was entered the day prior, on March 18, 2020, without benefit of considering the reply, and without any discussion of the Court's rationale. Petitioner respectfully seeks reconsideration and modification of the March 18 order on the basis of the filings already before the Court.

In sum, these cases involve EPA's refusal to count renewable electricity biofuel in annual volume rulemakings under the Clean Air Act. EPA's actions have financially devastated biofuel producers, as detailed in the standing declaration submitted by Petitioner in No. 19-1023 (ECF#1809534), and EPA's position is thwarting Congress' intent to economically incentivize domestic renewable fuel production. The two cases (No. 19-1023 and No. 20-1046) are biofuel volume rulemakings for successive years 2019 and 2020, which involve identical legal issues on substantially identical administrative records and the same parties.² The issue has been fully briefed in No. 19-1023 which is awaiting oral argument.

¹ The clerk of court issued a *per curiam* denial of Petitioner's motion on March 18, 2020 (ECF#1834177) without the benefit of Petitioner's reply, the due date for which was March 19, 2020, pursuant to Fed. R. App. P. 27(a)(4).

² After the filing of Petitioner's motion, two additional petitions challenging EPA's 2020 annual rule were filed as Nos. 20-1066 and 20-1073, and by orders dated March 19, 2020 (ECF#1834226) and March 23, 2020 (ECF#1834814) were consolidated with Petitioner's challenge. It would be a simple matter to sever

As a coalition of aggrieved biofuel producers, Petitioner simply cannot afford to brief the same legal issues a second time in successive proceedings, and there is no good reason to foist that needless expense upon the parties. Petitioner has requested that the Court consolidate or coordinate the two cases for judicial economy, an approach to case management which will expedite decision in the 2020 case so that Petitioner can obtain meaningful relief as a practical matter.

At the very least, Petitioner respectfully entreats the Court to consider the industry's dire economic situation and, if consolidation or coordination is denied, place the 2020 case in abeyance pending the Court's decision in the 2019 case.

Dated: March 24, 2020

Respectfully submitted,

/s/ David M. Williamson

David M. Williamson

Williamson Law + Policy, PLLC

1850 M Street NW, Suite 840

Washington, D.C. 20036

Tel: (202) 256-6155

Fax: (703) 519-0076

maxwilliamson@williamsonlawpolicy.com

Counsel for Petitioner RFS Power Coalition

Petitioner's challenge (which deals solely with the unique issue of electricity fuel) for purposes of the relief sought.

CERTIFICATE OF COMPLIANCE

1. Pursuant to Fed. R. App. P. 27(d)(2), I hereby certify that the foregoing filing complies with the type-volume limitations. According to the word processing system used in this office, this document, exclusive of the caption, signature block, and any certificates of counsel, contains 593 words.

2. Pursuant to Fed. R. App. P. 32(a)(5)-(6), I hereby certify that the foregoing filing complies with the typeface requirements and the type-style requirements because it has been prepared in a proportionally spaced typeface in 14-point Times New Roman.

Dated: March 24, 2020

/s/ David M. Williamson

David M. Williamson

CERTIFICATE OF SERVICE

I hereby certify that, on this 24th day of March 2020, I caused the foregoing filing to be served on counsel of record in this case by means of the Court's CM/ECF system.

/s/ David M. Williamson

David M. Williamson