

OCT 23 2015

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT  
FILED  
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CLERK

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

STATE OF WEST VIRGINIA,  
STATE OF TEXAS,  
STATE OF ALABAMA,  
STATE OF ARIZONA CORPORATION  
COMMISSION,  
STATE OF ARKANSAS,  
STATE OF COLORADO,  
STATE OF FLORIDA,  
STATE OF GEORGIA,  
STATE OF INDIANA,  
STATE OF KANSAS,  
COMMONWEALTH OF KENTUCKY,  
STATE OF LOUISIANA,  
STATE OF LOUISIANA DEPARTMENT  
OF ENVIRONMENTAL QUALITY  
ATTORNEY GENERAL BILL SCHUETTE,  
People of Michigan,  
STATE OF MISSOURI,  
STATE OF MONTANA,  
STATE OF NEBRASKA,  
STATE OF NEW JERSEY,  
STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENTAL  
QUALITY,  
STATE OF OHIO,  
STATE OF SOUTH CAROLINA,  
STATE OF SOUTH DAKOTA,  
STATE OF UTAH,  
STATE OF WISCONSIN, and  
STATE OF WYOMING,

Petitioners,

v.

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

**PETITION FOR REVIEW**

Case No. 15-1363

ORIGINAL

Respondents.

The States of West Virginia, Texas, Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, Ohio, South Carolina, South Dakota, Utah, Wisconsin, Wyoming, and the Commonwealth of Kentucky, the Arizona Corporation Commission, the State of Louisiana Department of Environmental Quality, and the State of North Carolina Department of Environmental Quality hereby petition 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 (October 23, 2015) and 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 and set aside the rule, and to order other such relief as may be appropriate. *See* 42 U.S.C. § 7607(d).

Dated: October 23, 2015

Respectfully submitted,



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**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 23rd day of October, 2015, upon the following:

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