

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

INDIANA UTILITY GROUP )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES ENVIRONMENTAL )  
 PROTECTION AGENCY, and REGINA A. )  
 MCCARTHY, Administrator, United States )  
 )  
 Environmental Protection Agency, )  
 )  
 Respondents. )  
 )

Case No. 15-1453

**PETITION FOR REVIEW**

The Indiana Utility Group hereby petitions 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. §7601(b)(1).

Petitioner will show that the final rule is not supported by the agency’s statutory authority, goes beyond the U.S. Constitution, and is arbitrary, capricious,

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and an abuse of discretion and not in accordance with law. Accordingly, Petitioner asks 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: December 11, 2015.

Respectfully submitted,



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***Counsel for Petitioner Indiana Utility Group***

**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 11<sup>th</sup> day of December, 2015, upon the following:

Hon. Regina McCarthy  
Office of the Administrator (1101A)  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Hon. Loretta E. Lynch  
Attorney General for the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Correspondence Control Unit  
Office of General Counsel (2311)  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Hon. John C. Cruden  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
Robert F. Kennedy Building  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

  
\_\_\_\_\_  
David M. Flannery  
*Counsel for Petitioner*  
*Indiana Utility Group*

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**RULE 26.1 DISCLOSURE STATEMENT OF PETITIONER  
INDIANA UTILITY GROUP**

Pursuant to FRAP 26.1 and Local Rule 26.1, the INDIANA UTILITY GROUP (“IUG”), a petitioner files the following statement:

INDIANA UTILITY GROUP is a continuing association of individual electric generating companies operated for the purpose of promoting the general interests of the membership of electric generators. IUG has no outstanding shares or debt securities in the hand of the public and has no parent company. No publicly held company has a 10% or greater ownership interest in IUG.

Respectfully submitted,



David M. Flannery

Counsel for Indiana Energy  
Association

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*Counsel for the Indiana Utility Group*

Dated: December 11, 2015