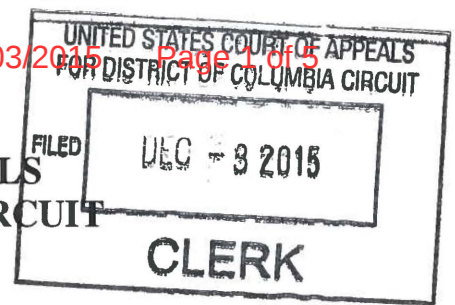


UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT



PEABODY ENERGY CORP.,
Petitioner,

v.

UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY, and
REGINA A. MCCARTHY,
Administrator,

Respondents.

15-1438

Case No. 15-_____

PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 15, 5 U.S.C. § 702, and Section 307(b)(1) of the Clean Air Act (42 U.S.C. § 7607(b)(1)), Peabody Energy Corp. petitions this Court for review of the final rule “Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units,” promulgated by the Environmental Protection Agency on August 3, 2015, and published in the Federal Register at 80 Fed. Reg. 64,510 on October 23, 2015. This Court has jurisdiction and is a proper venue for this action under Section 307(b)(1) of the Clean Air Act (42 U.S.C. § 7607(b)(1)).

Petitioner will show that the final rule is in excess of the agency's statutory authority, violates 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).

Other petitions relating to the same Rule have been consolidated with No. 15-1381.

Date: December 2, 2015

Respectfully submitted,

/s/ Tristan L. Duncan

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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Peabody Energy Corporation (“Peabody”) provides the following disclosure:

Peabody is a publicly-traded company on the New York Stock Exchange (“NYSE”) under the symbol “BTU.” Peabody has no parent corporation and no publicly held corporation owns more than 10% of Peabody’s outstanding shares.

Dated: December 2, 2015

/s/ Tristan L. Duncan

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2015, I served by U.S. Mail this
PETITION FOR REVIEW and CORPORATE DISCLOSURE
STATEMENT to the following recipients:

The Honorable Regina McCarthy
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The Honorable Loretta Lynch
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U.S. Department of Justice
950 Pennsylvania Avenue, NW
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/s/ Tristan L. Duncan
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