

ORAL ARGUMENT NOT YET SCHEDULED

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

STATE OF NORTH DAKOTA,)	
)	
Petitioner,)	
)	
v.)	No. 17-1014 (and
)	consolidated cases)
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY, ET AL.,)	
)	
Respondents.)	

**EPA’S RESPONSE IN SUPPORT OF
PETITIONERS’ MOTION TO DISMISS**

EPA supports the Petitioners’ motion to dismiss the petitions challenging EPA’s denial of administrative reconsideration of the Clean Power Plan. On July 8, 2019, EPA published in the Federal Register a final rule repealing the Clean Power Plan.¹ These cases should, therefore, be dismissed as moot for the same reasons that the Court should dismiss the petitions challenging the Clean Power Plan. *See* EPA’s Response in Support of Petitioners’ Motion to Dismiss, *West Virginia v. EPA*, Dkt. 15-1363, Doc. No. 1797703 (D.C. Cir. July 17, 2019).

¹ “Repeal of the Clean Power Plan: Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations,” 84 Fed. Reg. 32,520 (July 8, 2019).

Respectfully submitted,

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Dated: July 24, 2019

/s/ Benjamin Carlisle
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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 27(d), I hereby certify that the foregoing complies with the type-volume limitation because it contains 117 words, according to the count of Microsoft Word.

CERTIFICATE OF SERVICE

I hereby certify, pursuant to Fed. R. App. P. 25(c), that the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a notification to the attorneys of record in this matter, who are registered with the Court's CM/ECF system.

/s/ Benjamin Carlisle
Benjamin R. Carlisle