USCA Case #15-1363

ORAL ARGUMENT HELD SEPTEMBER 27, 2016

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

STATE OF WEST VIRGINIA, ET AL.,)
Petitioners,)
V.	No. 15-1363 (and consolidated cases)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, ET AL.,)
Respondents.))

EPA'S RESPONSE IN SUPPORT OF PETITIONER LOCAL GOVERNMENT COALITION FOR RENEWABLE ENERGY'S MOTION TO DISMISS

EPA supports Petitioner Local Government Coalition for Renewable Energy's motion to dismiss its petition for review. On July 8, 2019, EPA published in the Federal Register a final rule repealing the Clean Power Plan.¹ This case should, therefore, be dismissed as moot for the same reasons that the Court should dismiss all of the petitions challenging the Clean Power Plan. See EPA's Response in Support of

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).

Petitioners' Motion to Dismiss, West Virginia v. EPA, Dkt. 15-1363, Doc. No.

1797703 (D.C. Cir. July 17, 2019).

Respectfully submitted,

JONATHAN D. BRIGHTBILL Principal Deputy Assistant Attorney General

Filed: 07/31/2019

Dated: July 31, 2019

/s/ Benjamin Carlisle
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Filed: 07/31/2019

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 115 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.

<u>/s/ Benjamin Carlisle</u> Benjamin R. Carlisle