

No. _____

**In the United States Court of Appeals
for the District of Columbia Circuit**

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
and MICHAEL REGAN, in his official capacity as Administrator of
the United States Environmental Protection Agency,

Respondents.

PETITION FOR REVIEW

Pursuant to 42 U.S.C. § 7607(b)(1), 5 U.S.C. §§ 701–06, Federal Rule of Appellate Procedure 15, and D.C. Circuit Rule 15, the National Rural Electric Cooperative Association petitions for review of the United States Environmental Protection Agency’s and Administrator Michael S. Regan’s rulemaking entitled *New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable*

Clean Energy Rule, 89 Fed. Reg. 39798 (May 9, 2024). This rulemaking establishes new source performance standards for new gas-fired electric generating units. *See* 42 U.S.C. § 7411(b). The rulemaking also promulgates emissions guidelines for existing coal-fired electric generating units. *See* 42 U.S.C. § 7411(d).

A copy of the challenged rulemaking is attached to this petition. This petition is timely filed, as it is filed within sixty days of the challenged action's publication in the Federal Register. *See* 42 U.S.C. § 7607(b)(1).

Dated: May 9, 2024

/s/ Scott A. Keller

Mithun Mansinghani
LEHOTSKY KELLER COHN LLP
619 W. Main St.
Oklahoma City, OK 73102

Joshua P. Morrow
LEHOTSKY KELLER COHN LLP
408 W. 11th St., 5th Floor
Austin, TX 78701

Scott A. Keller
Steven P. Lehotsky
Michael B. Schon
LEHOTSKY KELLER COHN LLP
200 Massachusetts Ave. NW, Suite 700
Washington, DC 20001
(512) 693-8350

Counsel for the National Rural Electric Cooperative Association

No. _____

**In the United States Court of Appeals
for the District of Columbia Circuit**

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
and MICHAEL REGAN, in his official capacity as Administrator of
the United States Environmental Protection Agency,

Respondents.

RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, Petitioner submits the following statement:

The National Rural Electric Cooperative Association (“NRECA”) is the national association for nearly 900 not-for-profit rural electric cooperatives and public power districts that provide electric service to roughly one in eight Americans, covering 56% of the Nation’s landscape. Rural electric cooperatives serve millions of businesses, homes, schools, farms, irrigation systems, and other establishments in 2,500 of the nation’s over 3,100

counties, including 92% of the Nation's persistent poverty counties. America's electric cooperatives are owned by the people they serve, and they comprise a unique sector of the electric industry. Electric cooperatives are focused on providing affordable, reliable, and safe electric power in an environmentally responsible manner. NRECA is not a publicly held corporation, and NRECA has no parent corporation. No publicly held company has 10% or greater ownership interest in NRECA.

Dated: May 9, 2024

/s/ Scott A. Keller

Mithun Mansinghani
LEHOTSKY KELLER COHN LLP
619 W. Main St.
Oklahoma City, OK 73102

Joshua P. Morrow
LEHOTSKY KELLER COHN LLP
408 W. 11th St., 5th Floor
Austin, TX 78701

Scott A. Keller
Steven P. Lehotsky
Michael B. Schon
LEHOTSKY KELLER COHN LLP
200 Massachusetts Ave. NW, Suite 700
Washington, DC 20001
(512) 693-8350

Counsel for the National Rural Electric Cooperative Association

Certificate of Service

I certify that on May 9, 2024, this Petition for Review and Rule 26.1 Disclosure Statement were delivered by email and by certified mail, return receipt requested, to:

Hon. Michael S. Regan, Administrator
Office of the Administrator (1101A)
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Hon. Merrick B. Garland
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Correspondence Control Unit
Office of General Counsel (2310A)
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

/s/ Scott A. Keller

Scott A. Keller