

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

**MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY**
PETITIONER

v.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, and
REGINA A. MCCARTHY, Administrator,
United States Environmental Protection
Agency,**

RESPONDENTS

NO. _____

PETITION FOR REVIEW

The State of Mississippi 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. § 7607(b)(1).

Petitioner will show that the final rule is in excess of the agency’s statutory authority, goes beyond the bounds set by the United States Constitution, and otherwise is arbitrary, capricious, 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 such other relief as may be appropriate. See 42 U.S.C. § 7607(d).

Dated: November 4, 2015

Respectfully submitted,



*Attorney for the Petitioner, Mississippi
Department of Environmental Quality*

Counsel for Petitioner:

Donna J. Hodges
Senior Counsel
Mississippi Department of Environmental Quality
P.O. Box 2261
Jackson, Mississippi 39225-2261
Telephone (601) 961-5369
Facsimile (601) 961-5349
Email: donna_hodges@deq.state.ms.us

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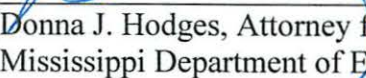
RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Fed. R. App. P. 26.1 and D.C. Circuit Local Rule 26.1, Petitioner makes the following statement:

The Mississippi Department of Environmental Quality is a state-government entity. Accordingly, it has no disclosures to make under the above-referenced rules.

Dated: November 4, 2015.

Respectfully submitted,



Donna J. Hodges, Attorney for Petitioner
Mississippi Department of Environmental
Quality

Counsel for Petitioner:

Donna J. Hodges
Senior Counsel
Mississippi Department of Environmental Quality

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Jackson, Mississippi 39225-2261
Telephone (601) 961-5369
Facsimile (601) 961-5349
Email: donna_hodges@deq.state.ms.us


CERTIFICATE OF SERVICE

I certify that on November 4, 2015, I caused a copy of the foregoing Petition for Review and Rule 26.1 Corporate Disclosure Statement to be hand-served by courier on the following:

U.S. Environmental Protection Agency
Office of the Administrator
1200 Pennsylvania Avenue, N.W. #3000S
Washington, D.C. 20460
(202) 564-4700

Avi S. Garbow
General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. #3000S
Washington, D.C. 20460
(202) 564-8040

The Honorable Loretta S. Lynch
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2063



Donna J. Hodges