

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 19-1140**

**September Term, 2019**

**EPA-84FR32520**

**Filed On: November 18, 2019** [1816311]

American Lung Association and American  
Public Health Association,

Petitioners

v.

Environmental Protection Agency and  
Andrew Wheeler, Administrator,

Respondents

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AEP Generating Company, et al.,  
Intervenors  
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Consolidated with 19-1165, 19-1166,  
19-1173, 19-1175, 19-1176, 19-1177,  
19-1179, 19-1185, 19-1186, 19-1187,  
19-1188, 19-1189

## **ORDER**

Upon consideration of the motions for leave to intervene filed by: United Mine Workers of America, AFL-CIO, Indiana Utility Group, Indiana Energy Association, International Brotherhood of Electrical Workers, AFL-CIO, State of Missouri, State of Alabama, State of Georgia, Mississippi Public Service Commission, State of Ohio, State of Kentucky, State of Louisiana, State of Utah, State of Oklahoma, State of Arkansas, State of Alaska, State of South Dakota, State of Montana, State of West Virginia, State of Kansas, State of Wyoming, State of Texas, State of Indiana, State of South Carolina, State of Nebraska, Phil Bryant, Georgia Power Company, Newmont Nevada Energy Investment, LLC, Nevada Gold Mines LLC, State of North Dakota, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL-CIO, Powersouth Energy Cooperative, Clean Air Council, Natural Resources Defense Council, American Lung Association, State of Washington, District of Columbia, State of New Jersey, State of Maine, Minnesota Center for Environmental Advocacy, Appalachian Mountain Club, Center for Biological Diversity, City of Philadelphia, Environmental Defense Fund, Sierra Club, State of Hawaii, State of

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Illinois, State of Maryland, City and County of Denver Colorado, State of Colorado, Chesapeake Bay Foundation, Inc., State of Nevada, State of New York, State of Michigan, State of Connecticut, State of Vermont, State of Rhode Island, State of North Carolina, State of California, State of New Mexico, State of Minnesota, City of Chicago, State of Delaware, State of Oregon, Commonwealth of Virginia, City of New York, Commonwealth of Pennsylvania, Commonwealth of Massachusetts, City of Los Angeles, Conservation Law Foundation, American Public Health Association, Clean Wisconsin, Environmental Law and Policy Center, City of Boulder, City of South Miami. State of Nevada, Basin Electric Power Cooperative, it is

**ORDERED** that the motions be granted.

Circuit Rules 28(d) and 32(e)(2) govern the filing of briefs by intervenors. A schedule for the filing of briefs will be established by future order. That order will automatically provide briefing only for intervenors on the side of respondents. Any intervenor(s) intending to participate in support of petitioners must so notify the court, in writing, within 14 days of the date of this order. Such notification must include a statement of the issues to be raised by the intervenor(s). This notification will allow tailoring of the briefing schedule to provide time for a brief as intervenor on the side of petitioners. Failure to submit notification could result in an intervenor being denied leave to file a brief.

Intervenors supporting the same party are reminded that they **must** file a joint brief or certify to the court why a separate brief is necessary. Intervenors' attention is particularly directed to D.C. Circuit Handbook of Practice and Internal Procedures 38 (2018), which describes "unacceptable" grounds for filing separate briefs. Failure to comply with this order may result in the imposition of sanctions. See D.C. Cir. Rule 39.

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/  
Laura M. Chipley  
Deputy Clerk