

ORAL ARGUMENT SCHEDULED FOR JUNE 2, 2016
No. 15-1363 (and consolidated cases)

In the

United States Court of Appeals

for the

District of Columbia Circuit

STATE OF WEST VIRGINIA, *et al.*,

Petitioners,

v.

ENVIRONMENTAL PROTECTION AGENCY AND REGINA A. MCCARTHY,
ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Respondents.

AMERICAN WIND ENERGY ASSOCIATION, *et al.*,

Intervenors.

*On Petitions for Review of a Final Rule of the
United States Environmental Protection Agency*

**MOTION FOR LEAVE TO PARTICIPATE AS *AMICUS CURIAE*
BY THE 60PLUS ASSOCIATION, THE HISPANIC LEADERSHIP FUND, AND
THE NATIONAL BLACK CHAMBER OF COMMERCE**

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RULE 26.1 STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1(a), *amici* National Black Chamber of Commerce (NBCC), Hispanic Leadership Fund (HLF), and 60Plus Association each states that it is not a publicly-held corporation, does not issue stock, and does not have a parent corporation.

Pursuant to Circuit Rule 26.1(b):

Amicus NBCC states that its general nature and purpose is to seek the economic empowerment of African-American communities through entrepreneurship. It advocates for all 2.4 million African-American-owned businesses in the United States and the communities they serve.

Amicus HLF states that its general nature and purpose is to seek to strengthen working families by promoting common-sense public policy solutions that foster liberty, opportunity, and prosperity, with a particular interest in issues affecting the Hispanic community.

Amicus 60Plus Association states that its general nature and purpose is to promote solutions to seniors' issues that are grounded in free markets, less government, and fewer taxes.

**MOTION FOR LEAVE TO PARTICIPATE AS *AMICUS CURIAE*
BY NATIONAL BLACK CHAMBER OF COMMERCE, HISPANIC
LEADERSHIP FUND AND 60PLUS ASSOCIATION**

Pursuant to Rule 29(b) of the Circuit Rules of the U.S. Court of Appeals for the District of Columbia Circuit, National Black Chamber of Commerce, Hispanic Leadership Fund and 60Plus Association respectfully move for leave to participate as *amici curiae* in support of Petitioners in the above-captioned case.

1. Pursuant to D.C. Cir. R. 29(d), *amici* state that a separate brief is necessary for the following reasons. *Amici* are organizations whose mission is to promote the interests of minority, low-income and fixed-income individuals. *Amici* thus have a different perspective from any other party or amicus, and wish to ensure that unique perspective is not overlooked. Although we understand that other *amici* will consider the impact of the Clean Power Plan on consumers generally, our brief is unique in focusing on the distinct and significant harms the Clean Power Plan will impose on the particularly vulnerable populations they represent. Accordingly, *amici* expect that the focus of this brief is not likely to be duplicated by any other party or *amicus*.

2. The following parties have indicated their consent to this motion:

American Coalition for Clean Coal Electricity
Basin Electric Power Cooperative

Calpine Corporation
City of Austin d/b/a Austin Energy
City of Los Angeles, by and through its Department of Water and
Power
City of Seattle, by and through its City Light Department
Competitive Enterprise Institute
Denbury Resources, Inc.
Environmental organizations that are Respondent-Intervenors
Kansas City Board of Public Utilities
Murray Energy Corporation
National Grid Generation, LLC
North American Coal Corporation
Pacific Gas and Electric Company
Sacramento Municipal Utility District
Southern California Edison Company
State of Missouri
State of Oklahoma
United States Environmental Protection Agency
West Virginia Coal Association

All remaining parties take no position on this motion.

3. This notice was filed as “promptly as practicable after the case is docketed in this court,” as required by Circuit Rule 29(b), because counsel was retained to write this brief late last week.

February 22, 2016

Respectfully submitted,

/s/ J. Carl Cecere

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CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2016, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the CM/ECF system, which will send notice of such filing to all counsel who are registered CM/ECF users.

/s/ J. Carl Cecere

J. Carl Cecere