

ORAL ARGUMENT SCHEDULED FOR JUNE 2, 2016

Nos. 15-1363, 15-1364, 15-1365, 15-1366, 15-1367, 15-1368, 15-1370,
15-1371, 15-1372, 15-1373, 15-1374, 15-1375, 15-1376, 15-1377, 15-1378,
15-1379, 15-1380, 15-1382, 15-1383, 15-1386, 15-1393, 15-1398, 15-409,
15-1410, 15-1413, 15-1418, 15-1422, 15-1432, 15-1442, 15-1451, 15-1459,
15-1464, 15-1470, 15-1472, 15-1474, 15-1475, 15-1477, 15-1483, 15-1488
(Consolidated)

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

STATE OF WEST VIRGINIA, *et al.*,

Petitioners,

v.

ENVIRONMENTAL PROTECTION AGENCY, *et al.*,

Respondents.

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

**UNOPPOSED MOTION BY 166 STATE AND LOCAL BUSINESS
ASSOCIATIONS FOR LEAVE TO PARTICIPATE
AS *AMICI CURIAE* IN SUPPORT OF PETITIONERS**

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Dated: February 23, 2016

Counsel for Amici Curiae

Pursuant to Fed. R. App. Pro. 29(b) and D.C. Cir. Rule 29(b), *amici curiae* respectfully move for leave to participate as amicus curiae in support of the Petitioners. Counsel for *amici curiae* sent notice of its proposed participation to all parties in these consolidated cases on February 17, 2016. The parties either consented to *amici curiae*'s participation or took no position; no party objected.

In support of this motion, *amici* state:

1. D.C. Cir. Rule 29 permits the filing of a motion for leave to participate as *amici curiae* up to seven days after the filing of the principal brief of the party being supported. This motion is timely under Federal Rule of Appellate Procedure 29(e) and Circuit Rule 29(b)-(c) as it is being filed as soon as practicable. The proposed brief of *amici curiae* is attached to this motion and complies with the Court's proscribed word limitations.

2. *Amici* listed in the Rule 26.1 Corporate Disclosure Statement are 166 separate state and local business organizations from 40 different states. Collectively, *amici*'s members include businesses of every size and in every industry, and conduct business throughout the entire United States. An important function of *amici* is to represent the interests of their members before all branches of federal and state governments, including the courts.

3. *Amici* stand together for the interests of all businesses in America that will bear the direct economic and social disruptions of the regulations at issue in this

case and submit this brief in support of Petitioners' legal challenge to EPA's *Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units*, 80 Fed. Reg. 64,662 (Oct. 23, 2015) ("Rule").

4. *Amici* wish to participate because they have a strong interest in the development of sound energy policy and economically responsible environmental regulations. *Amici* and their members will bear enormous economic and social disruptions as a direct result of the Rule. The proposed brief of *amici curiae* explains the severe consequences to small, medium, and large businesses and their local communities that will flow from EPA's regulation of carbon emissions from existing power plants.

WHEREFORE, *amici* respectfully request leave to file the proposed brief of *amici curiae*.

Respectfully submitted,

By: /s/ William S. Consovoy

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, *amici curiae* certify that no *amicus curiae* has outstanding shares or debt securities in the hands of the public, and none has a parent company. No publicly held company has a 10 percent or greater ownership interest in any *amicus curiae*.

Amici curiae State and Local Chambers and Other Business Groups include the following organizations:

Texas Association of Business

Pennsylvania Chamber of Business and Industry

Ohio Chamber of Commerce

Alaska Chamber of Commerce

Arizona Chamber of Commerce and Industry

Arkansas State Chamber of Commerce/Associated Industries of Arkansas

Associated Industries of Missouri

Association of Commerce and Industry

Bakersfield Chamber of Commerce

Beaver Dam Chamber of Commerce

Billings Chamber of Commerce

Birmingham Business Alliance

Bismarck Mandan Chamber of Commerce

Blair County Chamber of Commerce

Bowling Green Area Chamber of Commerce

Bullitt County Chamber of Commerce

Business Council of Alabama

Campbell County Chamber of Commerce

Canton Regional Chamber of Commerce

Carbon County Chamber of Commerce

Carroll County Chamber of Commerce

Catawba Chamber of Commerce

Central Chamber of Commerce

Central Louisiana Chamber of Commerce

Chamber Southwest Louisiana

Chamber630

Chandler Chamber of Commerce

Colorado Association of Commerce and Industry

Colorado Business Roundtable

Columbus Area Chamber of Commerce

Dallas Regional Chamber

Davis Chamber of Commerce

Detroit Regional Chamber of Commerce

Eau Claire Area Chamber of Commerce

Erie Regional Chamber & Growth Partnership

Fall River Area Chamber of Commerce & Industry

Fremont Area Chamber of Commerce

Georgia Association of Manufacturers

Georgia Chamber of Commerce

Gibson County Chamber of Commerce

Gilbert Chamber of Commerce

Grand Junction Area Chamber

Grand Rapids Area Chamber of Commerce

Great Lakes Metro Chambers Coalition

Greater Flagstaff Chamber of Commerce

Greater Green Bay Chamber of Commerce

Greater Irving-Las Colinas Chamber of Commerce

Greater Lehigh Valley Chamber of Commerce

Greater Muhlenberg Chamber of Commerce

Greater North Dakota Chamber of Commerce

Greater Orange Area Chamber of Commerce

Greater Phoenix Chamber of Commerce

Greater Shreveport Chamber of Commerce

Greater Summerville/Dorchester County Chamber of Commerce

Greater Tulsa Hispanic Chamber of Commerce

Greater West Plains Area Chamber of Commerce

Hartford Area Chamber of Commerce

Hastings Area Chamber of Commerce

Hazard Perry County Chamber of Commerce

Illinois Manufacturers Association

Indiana Chamber of Commerce

Indiana County Chamber of Commerce

Iowa Association of Business and Industry

Jackson County Chamber

Jax Chamber of Commerce

Jeff Davis Chamber of Commerce

Johnson City Chamber of Commerce

Joplin Area Chamber of Commerce

Kalispell Chamber of Commerce

Kansas Chamber of Commerce

Kentucky Association of Manufacturers

Kentucky Chamber of Commerce

Kingsport Chamber of Commerce

Kyndle, Kentucky Network for Development, Leadership and Engagement

Latino Coalition

Lima - Allen County Chamber of Commerce

Lincoln Chamber of Commerce

Longview Chamber of Commerce

Loudoun Chamber of Commerce

Lubbock Chamber of Commerce

Madisonville-Hopkins County Chamber of Commerce

Maine State Chamber of Commerce

Manhattan Chamber of Commerce

McLean County Chamber of Commerce

Mercer Chamber of Commerce

Mesa Chamber of Commerce

Metro Atlanta Chamber of Commerce

Metropolitan Milwaukee Association of Commerce

Michigan Chamber of Commerce

Michigan Manufacturers Association

Midland Chamber of Commerce

Milbank Area Chamber of Commerce

Minot Area Chamber of Commerce

Mississippi Economic Council – The State Chamber of Commerce

Mississippi Manufacturers Association

Missouri Chamber of Commerce

Mobile Area Chamber of Commerce

Montana Chamber of Commerce

Montgomery Area Chamber of Commerce

Morganfield Chamber of Commerce

Mount Pleasant/Titus County Chamber of Commerce

Myrtle Beach Chamber of Commerce

Naperville Area Chamber of Commerce

Nashville Area Chamber of Commerce

National Black Chamber of Commerce

Nebraska Chamber of Commerce and Industry

Nevada Manufacturers Association

New Jersey Business & Industry Association

New Jersey State Chamber of Commerce

New Mexico Business Coalition

Newcastle Area Chamber of Commerce

North Carolina Chamber of Commerce

North Country Chamber of Commerce

Northern Kentucky Chamber of Commerce

Ohio Manufacturers Association

Orrville Area Chamber of Commerce

Oshkosh Chamber of Commerce

Paducah Area Chamber of Commerce

Paintsville/Johnson County Chamber of Commerce

Pennsylvania Manufacturers Association

Port Aransas Chamber of Commerce/Tourist Bureau

Powell Valley Chamber of Commerce

Putnam Chamber of Commerce

Rapid City Area Chamber of Commerce

Rapid City Economic Development Partnership

Redondo Beach Chamber of Commerce

Roanoke Valley Chamber of Commerce

Rock Springs Chamber of Commerce

Salt Lake Chamber of Commerce

San Diego East County Chamber of Commerce

San Gabriel Valley Economic Partnership

Savannah Area Chamber of Commerce

Schuylkill Chamber of Commerce

Shoals Chamber of Commerce

Silver City Grant County Chamber of Commerce

Somerset County Chamber of Commerce

South Bay Association of Chambers of Commerce

South Carolina Chamber of Commerce

South Dakota Chamber of Commerce

Southeast Kentucky Chamber of Commerce

Southwest Indiana Chamber

Springerville-Eagar Chamber of Commerce

Springfield Area Chamber of Commerce

St. Louis Regional Chamber

State Chamber of Oklahoma

Superior Arizona Chamber of Commerce

Tempe Chamber of Commerce

Tennessee Chamber of Commerce and Industry

Tucson Metro Chamber of Commerce

Tulsa Chamber of Commerce

Tyler Area Chamber of Commerce

Upper Sandusky Area Chamber of Commerce

Utah Valley Chamber

Victoria Chamber of Commerce

Virginia Chamber of Commerce

Wabash County Chamber of Commerce

West Virginia Chamber of Commerce

West Virginia Manufacturers Association

Westmoreland County Chamber of Commerce

White Pine Chamber of Commerce

Wichita Metro Chamber of Commerce

Williamsport/Lycoming Chamber of Commerce

Wisconsin Manufacturers & Commerce

Wyoming Business Alliance

Wyoming State Chamber of Commerce

Youngstown Warren Regional Chamber

CERTIFICATE UNDER D.C. CIRCUIT RULE 28(a)(1)(A)

Pursuant to D.C. Circuit Rule 28(a)(1)(A), *amici curiae* certify that:

In addition to the parties and *amici* listed in Petitioners' Opening Brief, the *amici* listed above in the Corporate Disclosure Statement may have an interest in the outcome of this case.

/s/ William S. Consovoy

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CERTIFICATE OF COMPLIANCE

This motion complies with Federal Rules of Appellate Procedure 27(d)(1) & (2) and 29(b) and D.C. Circuit Rule 29(c) because it meets the prescribed format requirements, does not exceed 20 pages, and is being filed as promptly as practicable after the case was docketed in this Court. This motion also complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(5) & (6).

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February, 2016, a true and correct copy of the foregoing was filed with the Clerk of the United States Court of Appeals for the D.C. Circuit via the Court's CM/ECF system, which will send notice of such filing to all counsel who are registered CM/ECF users.

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