

ORAL ARGUMENT HEARD EN BANC
ON SEPTEMBER 27, 2016

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

STATE OF WEST VIRGINIA, et al.,)	
)	
<i>Petitioners,</i>)	
)	
v.)	No. 15-1363
)	(and consolidated cases)
UNITED STATES)	
ENVIRONMENTAL PROTECTION)	
AGENCY, et al.,)	
)	
<i>Respondents.</i>)	

RESPONSE TO PETITIONER’S MOTION TO DISMISS

State and public health and environmental respondent-intervenors hereby jointly respond to the motion to dismiss filed by the Local Government Coalition for Renewable Energy, petitioner in No. 15-1483 (Doc. 1799127).

Similar motions to dismiss on mootness grounds were previously filed by most of the petitioners in Nos. 15-1363, *et al.* (Doc. 1797267) and Nos. 17-1014, *et al.* (Doc. 1798600). On July 25, 2019, respondent-intervenors filed a joint response to those motions (Doc. 1799095) explaining that because the July 8, 2019, rule movants rely upon as mootng these cases does not become effective

until September 6, 2019,¹ the motions should be denied as premature or held in abeyance. The current motion should be treated the same.

Dated: August 1, 2019

Respectfully submitted,

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¹ *Repeal of the Clean Power Plan: Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations*, 84 Fed. Reg. 32,520, 32,530 (July 8, 2019).

² Counsel for the State of New York represents that the other parties listed in the signature blocks herein consent to the filing of this motion.

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

The undersigned attorney, Michael J. Myers, hereby certifies:

1. This document complies with the type-volume limitations of Fed. R. App. P. 27(d)(2). According to the word processing system used in this office, this document, exclusive the caption, signature block, and any certificates of counsel, contains 159 words.

2. This document 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)(6) because this document has been prepared in a proportionally spaced typeface in 14-point Times New Roman.

/s/ Michael J. Myers
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response to Petitioner's Motion to Dismiss was filed on August 1, 2019 using the Court's CM/ECF system, and that, therefore, service was accomplished upon counsel of record by the Court's system.

/s/ Michael J. Myers
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