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

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ADVANCED ENERGY ECONOMY,

*Petitioners,*

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al.,

*Respondents,*

ASSOCIATION OF GLOBAL AUTOMAKERS, INC., et al.,

*Intervenors for Respondent,*

STATE OF OHIO et al.,

*Movant-Intervenors for Respondent,*

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**STATEMENT OF ISSUES TO BE RAISED**

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Petitioner in Case No. 19-1249 submits the following non-binding statement of issues:

1. Whether the United States Environmental Protection Agency (EPA) exceeded its statutory authority and acted *ultra vires* in partially revoking a waiver of preemption of California's Advanced Clean Car Standards granted pursuant to 42 U.S.C. § 7543(b)(1).

2. Whether EPA's partial revocation of the waiver of preemption granted to the State of California was, in numerous respects, arbitrary and capricious; an abuse of

discretion; otherwise not in accordance with laws including the Administrative Procedure Act, Clean Air Act, Energy Independence and Security Act of 2007, and Energy Policy and Conservation Act of 1975; and contrary to record evidence.

3. Whether EPA acted arbitrarily and capriciously or otherwise not in accordance with laws, including the Clean Air Act, in interpreting 42 U.S.C. § 7507 as not allowing States to adopt and enforce standards for motor vehicle greenhouse gas emissions for which EPA has granted the State of California a waiver of preemption.

Respectfully submitted,

/s/ Jeffery Scott Dennis

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