FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-1302

September Term, 2014

EPA-47FR45210 EPA-76FR43159 EPA-76FR48208

Filed On: October 23, 2014

EME Homer City Generation, L.P.,

Petitioner

٧.

Environmental Protection Agency,

Respondent

San Miguel Electric Cooperative, et al., Intervenors

Consolidated with 11-1315, 11-1323, 11-1329, 11-1338, 11-1340, 11-1350, 11-1357, 11-1358, 11-1359, 11-1360, 11-1361, 11-1362, 11-1363, 11-1364, 11-1365, 11-1366, 11-1367, 11-1368, 11-1369, 11-1371, 11-1372, 11-1373, 11-1374, 11-1375, 11-1376, 11-1377, 11-1378, 11-1379, 11-1380, 11-1381, 11-1382, 11-1383, 11-1384, 11-1385, 11-1386, 11-1387, 11-1388, 11-1389, 11-1390, 11-1391, 11-1392, 11-1393, 11-1394, 11-1395

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-1302

September Term, 2014

No. 11-1427

State of Georgia,

Petitioner

٧.

Environmental Protection Agency,

Respondent

Georgia Power Company and Municipal Electric Authority of Georgia, Intervenors

No. 12-1019

September Term, 2014

EPA-76FR48208

EPA-76FR43159

State of Kansas,

Petitioner

٧.

Environmental Protection Agency,

Respondent

City of New York, et al., Intervenors

Consolidated with 11-1333

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-1302

September Term, 2014

BEFORE: Rogers, Griffith, and Kavanaugh, Circuit Judges

<u>O R D E R</u>

Upon consideration of the joint motion of the States of Kansas and Georgia to reactivate the SIP disapproval cases and consolidate with (or in the alternative, to coordinate with) case No. 11-1302, et al., the response and the amended response in support, the oppositions to the joint motion, and the corrected reply; EPA's motion to lift stay entered December 30, 2011, the amended response in support, the oppositions to the reply; the Public Health Intervenors' motion for alternative relief, the joint oppositions thereto, and the reply; the motion of Luminant for summary vacatur, the opposition thereto, and the reply; the motion of Texas, et al., for summary vacatur, the oppositions thereto, and the reply; the motion of EPA to govern future proceedings, the oppositions thereto, and the replies; and Texas, et al., to govern future proceedings, the oppositions thereto, and the replies; and the motions of the State of Wisconsin, the State of Louisiana, et al., and the City of Ames, Iowa to govern future proceedings, and the oppositions thereto, it is

ORDERED that the joint motion to consolidate or, in the alternative coordinate, be denied. It is

FURTHER ORDERED that the motions for summary vacatur be denied. It is

FURTHER ORDERED that EPA's motion to lift the stay be granted. The stay of the Transport Rule, entered on December 30, 2011, is hereby lifted. It is

FURTHER ORDERED that this case be scheduled for oral argument at 9:30 a.m. on Wednesday, March 11, 2015. It is

FURTHER ORDERED that the following briefing format and schedule will apply in these consolidated cases:

Briefs for Petitioners (not to exceed 14,000 words, to be apportioned as the parties see fit) December 10, 2014

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-1302

September Term, 2014

Joint Brief for Intervenors and Amicus Curiae in Support of Petitioners (not to exceed 8,750 words)	December 12, 2014
Brief for Respondent (not to exceed 14,000 words)	January 16, 2015
Briefs for Intervenors Supporting Respondent (not to exceed 8,750 words, to be apportioned as the parties see fit)	January 23, 2015
Reply Briefs of Petitioners (not to exceed 14,000 words, to be apportioned as the parties see fit)	February 6, 2015

The parties are directed to cite to the previously-filed March 14, 2012 joint appendix rather than file a new joint appendix. Although the parties must cite to the previously-filed joint appendix, they are advised that the court will not refer to previously-filed briefs.

In addition to electronic filing, the parties are directed to hand deliver paper copies of their briefs to the Clerk's office by the date due. The parties are also directed to hand deliver 6 paper copies of the March 14, 2012 previously-filed appendix to the Clerk's office on December 10, 2014. To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Procedures 41 (2013); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

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September Term, 2014

Because the briefing schedule is keyed to the date of oral argument, the court will grant requests for extension of time limits only for extraordinarily compelling reasons. The briefs must contain the date the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

A separate order will issue regarding allocation of oral argument time.

<u>Per Curiam</u>

FOR THE COURT:

Mark J. Langer, Clerk

BY:

/s/ Jennifer M. Clark Deputy Clerk