

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

UTILITY AIR REGULATORY)	
GROUP,)	
)	
<i>Petitioner,</i>)	
)	
v.)	No. 12-1342
)	(and consolidated cases)
UNITED STATES)	
ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
<i>Respondent.</i>)	

**UNOPPOSED MOTION OF NATIONAL PARKS CONSERVATION
ASSOCIATION & SIERRA CLUB TO EXTEND BRIEFING SCHEDULE**

Conservation Organization Petitioners National Parks Conservation Association and Sierra Club (collectively, “NPCA”) submit this unopposed motion to extend the briefing schedule in these consolidated cases. The undersigned counsel has contacted counsel for the other parties to seek their consent for this motion, and all parties have represented that they do not oppose NPCA’s motion.

1. These consolidated cases seek review of a final rule promulgated by the United States Environmental Protection Agency (“EPA”). The rule provides that participation in the trading programs established under the Cross-State Air Pollution Rule (“CSAPR”) can substitute for installing and operating source-specific Best Available Retrofit Technology (“BART”) at BART-eligible power

plants within the CSAPR states. *See* Regional Haze: Revisions to Provisions Governing Alternatives to Source-Specific Best Available Retrofit Technology (BART) Determinations, Limited SIP Disapprovals, and Federal Implementation Plans; Final Rule, 77 Fed. Reg. 33,642 (June 7, 2012) (the “Better than BART Rule”). The Better than BART Rule also disapproves state implementation plans (“SIPs”) that sought to rely on CSAPR’s predecessor rule, the Clean Air Interstate Rule (“CAIR”), and finalizes federal implementation plans (“FIPs”) that authorize reliance on CSAPR instead of CAIR in order to avoid implementation of otherwise applicable BART requirements. *Id.*

4. On May 17, 2016, the Court entered an Order setting a briefing schedule and format in these consolidated cases.

5. Pursuant to Federal Rule of Appellate Procedure 26(b), the Court may extend these deadlines for good cause. Good cause exists here because the current schedule conflicts with litigation and other commitments of counsel for the parties, and requires several briefs to be filed during or immediately after holiday periods. Accordingly, NPCA respectfully moves the Court to revise the Order of May 17, 2016 as set forth below. NPCA has developed this proposed schedule in consultation with counsel for Respondent and the other Petitioners and Intervenors, who all agree that the following proposed schedule is appropriate and justified by the above-referenced considerations:

<u>Filing</u>	<u>Current Date</u>	<u>Proposed Date</u>
Opening Briefs	08/30/2016	09/20/2016
Respondent Brief	11/28/2016	12/19/2016
Intervenor Briefs	12/28/2016	01/27/2017
Reply Briefs	01/27/2017	02/27/2017
Joint Appendix	02/10/2017	03/10/2017
Final Briefs	02/24/2017	03/17/2017

6. The above changes will extend the filing of final briefs by only 21 days beyond the original deadline ordered by the Court. Accordingly, the revised schedule proposed herein will not unduly delay the proceedings.

7. For these reasons, NPCA seeks, and other parties do not oppose the modification in the briefing proposed herein.

DATED: June 17, 2016

Respectfully submitted,

/s/Charles McPhedran
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June, 2016, I have served the foregoing **Unopposed Motion of National Parks Conservation Association & Sierra Club to Extend Briefing Schedule** on all registered counsel through the Court's electronic filing system (ECF).

/s/Charles McPhedran
Charles McPhedran