

**ARGUED APRIL 13, 2012**  
**DECIDED AUGUST 21, 2012**

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

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<b>EME HOMER CITY GENERATION, L.P., <i>et al.</i></b>	)
	)
<b>Petitioners,</b>	)
	)
<b>v.</b>	)
	)
<b>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL., <i>et al.</i></b>	)
	)
<b>Respondents.</b>	)
<hr/>	

**No. 11-1302 (and consolidated cases)**  
**Complex**

**RESPONSE OF THE UTILITY AIR REGULATORY GROUP**  
**IN OPPOSITION TO EPA’S**  
**MOTION TO GOVERN FUTURE PROCEEDINGS**

Petitioner Utility Air Regulatory Group (“UARG”) respectfully submits this response to the Motion To Govern Future Proceedings filed by Respondent United States Environmental Protection Agency (“EPA”) (Doc. 1500830).<sup>1</sup> UARG reiterates its support for Industry/Labor Petitioners’ Motion To Govern Proceedings on Remand from the U.S. Supreme Court (Doc. 1500963), which

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<sup>1</sup> Petitioners National Rural Electric Cooperative Association and Southern Company Services, Inc., Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Southern Power Company join in this response.

UARG joined. For reasons presented in that motion, State and Local Petitioners' motion to govern (Doc. 1500966) (which UARG supports), and the responses to EPA's motion to govern filed by Luminant (Doc. 1501970) and State and Local Petitioners (Doc. 1503207) (which UARG also supports), EPA's proposal disregards the scope and nature of issues remaining for resolution before this Court and calls for supplemental-briefing word limits that would plainly be inadequate to address that range of issues.

Petitioners intend to brief these issues as efficiently as possible. Adequate briefing is, however, not possible within the constraints of EPA's proposal. UARG therefore respectfully requests that this Court deny EPA's Motion To Govern Future Proceedings and grant the motions to govern filed by Industry/Labor Petitioners and State and Local Petitioners.

Dated: July 17, 2014

Respectfully submitted,

/s/ Norman W. Fichthorn  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of July, 2014, I caused the foregoing Response of the Utility Air Regulatory Group in Opposition to EPA's Motion To Govern Future Proceedings to be served on all registered counsel through the Court's CM/ECF system.

/s/ Norman W. Fichthorn  
Norman W. Fichthorn