

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 15-1363**

**September Term, 2019**

**EPA-80FR64662**

**EPA-82FR4864**

**Filed On: September 17, 2019**

State of West Virginia, et al.,

Petitioners

v.

Environmental Protection Agency and  
Andrew Wheeler, Administrator, United  
States Environmental Protection Agency,

Respondents

-----  
American Wind Energy Association, et al.,  
Intervenors

-----  
Consolidated with 15-1364, 15-1365,  
15-1366, 15-1367, 15-1368, 15-1370,  
15-1371, 15-1372, 15-1373, 15-1374,  
15-1375, 15-1376, 15-1377, 15-1378,  
15-1379, 15-1380, 15-1382, 15-1383,  
15-1386, 15-1393, 15-1398, 15-1409,  
15-1410, 15-1413, 15-1418, 15-1422,  
15-1432, 15-1442, 15-1451, 15-1459,  
15-1464, 15-1470, 15-1472, 15-1474,  
15-1475, 15-1477, 15-1483, 15-1488

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 15-1363**

**September Term, 2019**

**No. 17-1014**

**EPA-82FR4864**

State of North Dakota,

Petitioner

v.

Environmental Protection Agency,

Respondent

---

Consolidated with 17-1015, 17-1018,  
17-1019, 17-1020, 17-1022, 17-1023,  
17-1031, 17-1035, 17-1037, 17-1061,  
17-1062, 17-1063, 17-1068, 17-1081,  
17-1091, 17-1092

**BEFORE:** Garland\*, Chief Judge, and Henderson, Rogers, Tatel, Griffith, Srinivasan, Millett, Pillard, Wilkins, Katsas\*, and Rao\*, Circuit Judges

## **ORDER**

Upon consideration of the notice of EPA of executive order, EPA review of Clean Power Plan and forthcoming rulemaking and motion to hold cases No. 17-1014, et al., in abeyance, the responses thereto, and the reply; the joint motion of Utility Air Regulatory Group and the American Public Power Association and LG&E and KU Energy LLC to sever Nos. 17-1018 and 17-1019 and consolidate with Nos. 15-1363, et al., the responses thereto, and the reply; the joint motion of Entergy Corporation, Westar Energy, Inc., and NorthWestern Energy Corporation to sever Nos. 17-1037, 17-1062, and 17-1081 and consolidate with Nos. 15-1363, et al., the responses thereto, and the reply; the motion of National Association of Home Builders to sever No. 17-1023 and consolidate with Nos. 15-1363, et al., the responses thereto, and the reply;

\*Chief Judge Garland and Circuit Judges Katsas and Rao did not participate in this matter.

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 15-1363****September Term, 2019**

the joint motion of the States of West Virginia, Texas, Alabama, Arkansas, Georgia, Indiana, Kansas, Louisiana, Montana, Nebraska, New Jersey, Ohio, South Carolina, South Dakota, Utah, Wisconsin, and Wyoming and the Arizona Corporation Commission, the State of Mississippi Department of Environmental Quality, and the State of Mississippi Public Service Commission to sever No. 17-1022 and consolidate with Nos. 15-1363, et al., the responses thereto, and the reply; the motion of North Dakota to sever No. 17-1014 and consolidate with Nos. 15-1363, et al., the responses thereto, and the reply; the motion of Denbury Onshore, LLC to sever No. 17-1092 from No. 17-1014, et al., and consolidate with No. 15-1363, et al., and the responses thereto; the motion of Basin Electric Power Cooperative to sever No. 17-1091 from No. 17-1014, et al. and consolidate with No. 15-1363, et al., and the responses thereto; the motion of petitioners and petitioner-intervenors for dismissal of petitions for review in Nos. 15-1363, et al., as moot, the response in support and the joint response in opposition to the motion, and the reply; the motion of Local Government Coalition for Renewable Energy to dismiss petition for review No. 15-1483 as moot, the response in support, and the joint response in opposition to the motion; the motion of petitioners for dismissal of petitions for review in Nos. 17-1014, et al., as moot, the response in support, and the joint response in opposition to the motion, and the reply, it is

**ORDERED** that the motions to dismiss the petitions as moot be granted, and these cases are hereby dismissed. It is

**FURTHER ORDERED** that the pending motions be dismissed as moot.

The Clerk is directed to issue the mandate forthwith in these cases.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Scott H. Atchue  
Deputy Clerk