

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

ENBRIDGE (U.S.) INC.

*Petitioner,*

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY, and MICHAEL S. REGAN,  
Administrator, United States  
Environmental Protection Agency

*Respondents.*

Case No. 23-1202

**PETITION FOR REVIEW**

Enbridge (U.S.) Inc. hereby petitions this court, pursuant to Rule 15 of the Federal Rules of Appellate Procedure, D.C. Circuit Rule 15, the Administrative Procedures Act, and Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), for review of the final agency action of Respondents, the United States Environmental Protection Agency (EPA) and Administrator Michael S, Regan promulgating the rule entitled *Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards*, 88 Fed. Reg. 36654 (June 5, 2023). A copy of the final rule is attached as Exhibit A. This Court has jurisdiction under 42 U.S.C. § 7607(b)(1). Relying on *Texas Municipal Power Agency v. Environmental Protection Agency*, 89 F.3d 858, 867 (D.C. Cir. 1996) in which this Court found that Clean Air Act § 307(b)(1) is a waivable venue provision, the Petitioner Enbridge

(U.S.) Inc. yields venue as to this Petition to promote judicial efficiency and to advance this challenge without any unnecessary delay that may arise from disputes regarding regional circuit venue selection.

Respectfully submitted,

/s/ Laura K. McAfee

Laura K. McAfee (D.C. Cir. Bar No. 62386)

BEVERIDGE & DIAMOND, PC

201 North Charles Street, Suite 2200

Baltimore, MD 21201

410-230-1300

[lkmcafee@bdlaw.com](mailto:lkmcafee@bdlaw.com)

*Counsel for Petitioner Enbridge (U.S.) Inc.*

Dated: August 3, 2023

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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. App. P. 15(c), Circuit Rule 15(a), and 40 C.F.R.

§ 23.12(a), the undersigned hereby certifies that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, and served by certified mail, return receipt requested, on the following:

Michael Regan Administrator  
Office of the Administrator (1101A)  
U.S. Environmental Protection  
Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Correspondence Control Unit  
Office of General Counsel (2311)  
U.S. Environmental Protection  
Agency  
1200 Pennsylvania Avenue  
NW Washington, DC 20460

Merrick Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dated: August 3, 2023

/s/ Denise Paul

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**RULE 26.1 DISCLOSURE STATEMENT FOR ENBRIDGE INC.**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, Petitioner Enbridge (U.S.) Inc. (“Enbridge”) makes the following declarations:

Enbridge (U.S.) Inc. is a diversified energy company headquartered in Calgary, Canada, whose holdings include oil pipelines regulated by the Federal Energy Regulatory Commission. Enbridge (U.S.) Inc. is a publicly traded company that trades on the New York and Toronto stock exchanges. Enbridge (U.S.) Inc. has no parent companies and no publicly held company owns a 10 percent or greater interest in Enbridge (U.S.) Inc.

Respectfully submitted,

/s/ Laura K. McAfee

Laura K. McAfee (D.C. Cir. Bar No. 62386)  
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201 North Charles Street, Suite 2200

Baltimore, MD 21201

410-230-1300

[ikmcafee@bdlaw.com](mailto:ikmcafee@bdlaw.com)

*Counsel for Petitioner Enbridge (U.S.) Inc.*

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