

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

ENTERGY LOUISIANA, LLC; CLECO
CORPORATE HOLDINGS LLC;
LOUISIANA ENERGY & POWER
AUTHORITY; and LAFAYETTE
CONSOLIDATED
GOVERNMENT/LAFAYETTE
UTILITIES SYSTEM

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; and MICHAEL
S. REGAN, Administrator, U.S.
Environmental Protection Agency,

Respondents.



No. _____

PETITION FOR REVIEW

Debra J. Jezouit
C. Joshua Lee
BAKER BOTTS L.L.P.
700 K Street N.W.
Washington, D.C. 20001
(202) 639-7728

Counsel for Petitioners

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CERTIFICATE OF INTERESTED PARTIES

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made so that the judges of this court may evaluate possible disqualification or recusal.

- **Air Alliance Houston** (Intervenor)
- **Baker Botts L.L.P.** (Counsel for Petitioners)

- **Brody, Elizabeth A.** (Counsel for *Amicus Curiae* State of New York)
- **Brown, Anthony G.** (Counsel for *Amicus Curiae* State of Maryland)
- **Burdette, Courtney** (Counsel for Petitioner Louisiana Department of Environmental Quality)
- **Burke Law Group** (Counsel for Petitioners State of Louisiana and Louisiana Department of Environmental Quality)
- **Burke, Marcella** (Counsel for Petitioners State of Louisiana and Louisiana Department of Environmental Quality)
- **Carter, Elisabeth H.** (Counsel for Respondents)
- **Clark, Jill Carter** (Counsel for Petitioner Louisiana Department of Environmental Quality)
- **Clean Air Task Force** (Counsel for Intervenor Clean Wisconsin)
- **Clean Wisconsin** (Intervenor)
- **Cleco Corporate Holdings LLC** (Petitioner)
- **Costello, Morgan A.** (Counsel for *Amicus Curiae* State of New York)
- **District of Columbia** (*Amicus Curiae*)
- **Downwinders at Risk** (Intervenor)
- **Earthjustice** (Counsel for Intervenors Air Alliance Houston, Downwinders at Risk, Louisiana Environmental Action Network, and Sierra Club)
- **Entergy Corporation** (Parent company of Entergy Utility Holding Company, LLC, which is the direct holder of the common membership interests of Petitioner Entergy Louisiana, LLC)
- **Entergy Louisiana, LLC** (Petitioner)
- **Entergy Utility Holding Company, LLC** (Direct holder of the common membership interests of Petitioner Entergy Louisiana, LLC)

- **Fabish, Zachary M.** (Counsel for Intervenor Sierra Club)
- **Garland, Merrick B., Attorney General, United States Department of Justice** (Counsel for Respondents)
- **Goho, Shaun A.** (Counsel for Intervenor Clean Wisconsin)
- **Hall, Jeffrey A.** (Counsel for Petitioners State of Louisiana and Louisiana Department of Environmental Quality)
- **Harris County, Texas** (*Amicus Curiae*)
- **James, Letitia** (Counsel for *Amicus Curiae* State of New York)
- **Jennings, Kathleen** (Counsel for *Amicus Curiae* State of Delaware)
- **Jezouit, Debra J.** (Counsel for Petitioners)
- **Johnson, Seth L.** (Counsel for Intervenors Air Alliance Houston, Downwinders at Risk, Louisiana Environmental Action Network, and Sierra Club)
- **Kim, Todd**, Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice (Counsel for Respondents)
- **Kolman, Chloe H.** (Counsel for Respondents)
- **Lafayette Consolidated Government/Lafayette Utilities System** (Petitioner)
- **Landry, Jeff** (Counsel for Petitioners State of Louisiana and Louisiana Department of Environmental Quality)
- **Lee, C. Joshua** (Counsel for Petitioners)
- **Louisiana Department of Environmental Quality** (Petitioner)
- **Louisiana Energy & Power Authority** (Petitioner)
- **Louisiana Environmental Action Network** (Intervenor)

- **Menefee, Christian** (Counsel for *Amicus Curiae* Harris County, Texas)
- **Murrill, Elizabeth Baker** (Counsel for Petitioners State of Louisiana and Louisiana Department of Environmental Quality)
- **Nance, Earthea** (Regional Administrator for Respondent United States Environmental Protection Agency, Region 6)
- **Platkin, Mathew J.** (Counsel for *Amicus Curiae* State of New Jersey)
- **Prieto, Jeffrey M.** (General Counsel for Respondent United States Environmental Protection Agency)
- **Raoul, Kwame** (Counsel for *Amicus Curiae* State of Illinois)
- **Regan, Michael S.,** Administrator, United States Environmental Protection Agency (Respondent)
- **Riley, Kathleen L.** (Counsel for Intervenors Air Alliance Houston, Downwinders at Risk, Louisiana Environmental Action Network, and Sierra Club)
- **Schwalb, Brian L.** (Counsel for *Amicus Curiae* District of Columbia)
- **Sierra Club** (Intervenor)
- **Smith, Joshua D.** (Counsel for Intervenor Sierra Club)
- **St. John, Joseph Scott** (Counsel for Petitioners State of Louisiana and Louisiana Department of Environmental Quality)
- **State of Connecticut** (*Amicus Curiae*)
- **State of Delaware** (*Amicus Curiae*)
- **State of Illinois** (*Amicus Curiae*)
- **State of Louisiana** (Petitioner)
- **State of Maryland** (*Amicus Curiae*)

- **State of New Jersey** (*Amicus Curiae*)
- **State of New York** (*Amicus Curiae*)
- **Tong, William** (Counsel for *Amicus Curiae* State of Connecticut)
- **Underwood, Barbara D.** (Counsel for *Amicus Curiae* State of New York)
- **U.S. Environmental Protection Agency** (Respondent)
- **Walthall, Claiborne E.** (Counsel for *Amicus Curiae* State of New York)
- **Vale, Judith N.** (Counsel for *Amicus Curiae* State of New York)

DATED: August 3, 2023

/s/ Debra J. Jezouit
Debra J. Jezouit
C. Joshua Lee
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PETITION FOR REVIEW

In accordance with 42 U.S.C. § 7607(b)(1) and Federal Rule of Appellate Procedure 15, Petitioners Entergy Louisiana, LLC; Cleco Corporate Holdings LLC; Louisiana Energy & Power Authority; and Lafayette Consolidated Government/Lafayette Utilities System, hereby petition this Court for review of Respondents United States Environmental Protection Agency (“EPA”) and Administrator Michael S. Regan’s agency action promulgating a federal

implementation plan (“FIP”) as to the State of Louisiana addressing the interstate transport requirements of 42 U.S.C. § 7410(a)(2)(D)(i)(I) for the 2015 8-hour ozone national ambient air quality standards (“NAAQS”). The challenged action was included as part of the final rule, “Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards,” attached hereto as Exhibit A and published at 88 Fed. Reg. 36,654 (June 5, 2023) (“Final Rule”).

Jurisdiction and venue lie in this Court under 42 U.S.C. § 7607(b)(1). The challenged part of the Final Rule is an action “approving or promulgating [an] implementation plan under section 7410” that is “locally or regionally applicable” and is not “based on a determination of nationwide scope or effect.” 42 U.S.C. § 7607(b)(1).

The Final Rule was published on June 5, 2023. Thus, this Petition is timely filed within 60 days of publication in the Federal Register. 42 U.S.C. § 7607(b)(1).

Petitioners request that the Court declare unlawful and vacate EPA’s final action purporting to impose FIP requirements on the State of Louisiana.

DATED: August 3, 2023

/s/ Debra J. Jezouit
Debra J. Jezouit
C. Joshua Lee
BAKER BOTTS L.L.P.
700 K Street N.W.
Washington, D.C. 20001
(202) 639-7728

Counsel for Petitioners

CERTIFICATE OF SERVICE

Pursuant to Rule 15(c) of the Federal Rules of Appellate Procedure, I hereby certify that on August 3, 2023, I caused a true and correct copy of the foregoing Petition for Review and Certificate of Interested Parties to be served by Certified Mail, return receipt requested, addressed to the following:

Hon. Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Todd Kim
Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources
Division
RFK DOJ Building, Room 2143
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Correspondence Control Unit
Office of General Counsel (2311)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Hon. Michael S. Regan
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Earthea Nance
Regional Administrator
U.S. Environmental Protection Agency
Region 6
1201 Elm Street
Suite 500
Dallas, TX 75270

/s/ Debra J. Jezouit
Debra J. Jezouit

Counsel for Petitioners