

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

ALABAMA POWER COMPANY and)	
POWERSOUTH ENERGY COOPERATIVE)	
)	
Petitioners,)	
)	Petition for Review
)	Case No. 23- _____
v.)	
)	
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY and MICHAEL S.)	
REGAN, Administrator, United States)	
Environmental Protection Agency,)	
)	
Respondents.)	

PETITION FOR REVIEW

C. Grady Moore III
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Alabama Power Company and
PowerSouth Energy Cooperative*

August 4, 2023

CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENTS

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1, the undersigned counsel certifies the following corporate disclosure statements with respect to each Petitioner:

Alabama Power Company (“Alabama Power”) is a corporation organized under the laws of the State of Alabama. Alabama Power is a regulated public utility engaged in the generation, transmission, distribution and purchase of electricity and the sale of electric service within a service area comprising most of the State of Alabama. The Southern Company (trading symbol “SO”) owns all of Alabama Power’s outstanding common stock, which represents a substantial majority of the overall voting power of Alabama Power’s equity securities. Alabama Power also has preferred stock outstanding, all of which are publicly traded (trading symbol “ALP PR Q” for 5.00% Series Class A Preferred Stock).

PowerSouth Energy Cooperative (“PowerSouth”) is a non-profit generation and transmission cooperative, providing the wholesale power needs of twenty distribution members—sixteen electric cooperatives and four municipal electric systems—for more than one-million end users in thirty-nine Alabama and ten northwest Florida counties. PowerSouth is owned by its twenty distribution members. PowerSouth does not have a parent corporation and has not issued shares

to the public. No publicly held company has a 10% or greater ownership in PowerSouth.

Undersigned counsel further certifies that the following persons or entities have been associated with or have an interest in the outcome of this case:

- Alabama Power Company (ALP-PQ) (Petitioner)
- Balch & Bingham LLP (Counsel for Petitioners)
- Garland, Merrick B., Attorney General, United States Department of Justice (Counsel for Respondents)
- Gettle, Jeaneane, Region 4 Acting Administrator, United States Environmental Protection Agency
- Johnson, Claire B. (Counsel for Petitioners)
- Kim, Todd, Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice (Counsel for Respondents)
- Moore III, C. Grady (Counsel for Petitioners)
- PowerSouth Energy Cooperative (Petitioner)
- Prieto, Jeffrey M., General Counsel, United States Environmental Protection Agency (Counsel for Respondents)
- Regan, Michael S., Administrator, United States Environmental Protection Agency (Respondent)
- The Southern Company (SO) (Parent Company of Petitioner Alabama Power Company)
- United States Environmental Protection Agency (Respondent)

Dated: August 4, 2023

Respectfully submitted,

s/ C. Grady Moore III

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PETITION FOR REVIEW

Pursuant to Clean Air Act Section 307(b)(1), 42 U.S.C. § 7607(b)(1), the Administrative Procedure Act, 5 U.S.C. § 702, Federal Rule of Appellate Procedure 15(a), and Eleventh Circuit Rule 15(a), Alabama Power Company and PowerSouth Energy Cooperative (together, “Petitioners”) petition this Court for review of the U.S. Environmental Protection Agency’s (“EPA”) final action promulgating an implementation plan under section 7410 of the Clean Air Act for the State of Alabama, which imposes interstate transport requirements for the 2015 8-hour ozone National Ambient Air Quality Standards. EPA’s implementation plan for Alabama is included in the Federal Register notice finalizing several implementation plans for other states, entitled the *Federal “Good Neighbor Plan” for the 2015 Ozone*

National Ambient Air Quality Standards, 88 Fed. Reg. 36,654 (June 5, 2023). *See* Fed. R. App. P. 15(a)(2)(C) (“The petition must . . . specify the order or part thereof to be reviewed.”). A copy of the Federal Register notice which includes the final action is attached in accordance with Eleventh Circuit Rule 15-2.

Jurisdiction and venue for this petition are proper in this Court under 42 U.S.C. § 7607(b)(1) because Petitioners are petitioning for review only of EPA’s final action to revise the Alabama section 7410 implementation plan, which is a “locally or regionally applicable” action and is not “based on a determination of nationwide scope or effect.” 42 U.S.C. § 7607(b)(1). This petition for review is timely filed within 60 days of the date of publication in the Federal Register. *Id.*

Dated: August 4, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 15(c), I certify this petition for review was served by first-class mail, postage prepaid, on August 4, 2023, upon the following:

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