

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

TRANSCANADA PIPELINE USA LTD.,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY AND MICHAEL
S. REGAN, Administrator, U.S. EPA

Respondents.

Case No. 23-1205

PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1); Federal Rule of Appellate Procedure 15(a); and D.C. Circuit Rule 15, TransCanada PipeLine USA Ltd. hereby petitions this Court for review of a final rule of the United States Environmental Protection Agency. *See* Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards, 88 Fed. Reg. 36,654 (June 5, 2023). A copy of the rule is attached as Exhibit A to this petition.

This Court has jurisdiction pursuant to 42 U.S.C. § 7607(b)(1). In the interest of expediting consideration of this challenge and to avoid any delay that likely would be caused by disputes over venue in the regional circuits, TransCanada PipeLine USA Ltd. submits that venue in this Court is proper. *See Tex. Mun. Power Agency*

v. *EPA*, 89 F.3d 858, 867 (D.C. Cir. 1996) (“§ 307(b)(1) is a venue provision, the application of which can be waived”).

Date: August 4, 2023

Respectfully submitted,

/s/ *Brittany M. Pemberton*

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Counsel for Petitioner

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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, Petitioner TransCanada PipeLine USA Ltd. hereby submits the following Disclosure Statement:

TransCanada PipeLine USA Ltd. is an energy infrastructure company that owns natural gas pipelines across North America within the Pipeline Transportation of Natural Gas Sector, which is an industry sector subject to the U.S. Environmental Protection Agency's final action under review.

TransCanada PipeLine USA Ltd. is an indirectly owned subsidiary of TC Energy Corporation. TC Energy Corporation is a federally registered Canadian corporation, with its headquarters in Calgary, Alberta. TC Energy Corporation is a publicly held corporation with no parent corporation. Capital Group and its

subsidiaries hold a 10.98% ownership interest in TC Energy Corporation. Capital Group is a publicly-held company.

Date: August 4, 2023

Respectfully submitted,

/s/ Brittany M. Pemberton

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CERTIFICATE OF SERVICE

Pursuant to Federal Rules of Appellate Procedure 15(c) and 25, D.C. Circuit Rules 15(a) and 25, and 40 C.F.R. § 23.12(a), I hereby certify that I have caused a true and correct copy of the foregoing Petition for Review and Rule 26.1 Statement to be served by certified mail, return receipt requested, this 4th day of August, 2023, upon each of the following:

Hon. Michael S. Regan,
Administrator
U.S. Environmental
Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

U.S. Environmental
Protection Agency
Correspondence Control Unit
Office of General Counsel (2310A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Hon. Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Hon. Todd Kim
Assistant Attorney General
Environmental and Natural
Resources Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
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Date: August 4, 2023

Respectfully submitted,

/s/ Brittany M. Pemberton

Brittany M. Pemberton