

**In the
Supreme Court of the United States**



NORTH DAKOTA,
Petitioner,

v.

ENVIRONMENTAL PROTECTION AGENCY, ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

CERTIFICATE OF SERVICE

In accordance with Supreme Court Rule 29.5 and the April 15, 2020 Order of this Court, I hereby certify that on July 23, 2021, the Brief of Amicus Curiae Lignite Energy Council in Support of Petitioner in the above-captioned case was served electronically on all parties required, with paper copies provided by commercial common carrier upon request:

Elizabeth B. Prelogar
Acting Solicitor General
DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001
(202) 514-2217
supremectbriefs@usdoj.gov

*Counsel for U.S. Environmental
Protection Agency and Michael
Regan, Administrator of the U.S.
Environmental Protection Agency*

Benjamin Carlisle
Meghan Greenfield
U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT AND NATURAL
RESOURCES DIVISION
PO Box 7611, Ben Franklin Station
Washington, DC 20044-7415
(202) 514-9771
benjamin.carlisle@usdoj.gov
meghan.greenfield@usdoj.gov

*Counsel for U.S. Environmental
Protection Agency and Michael
Regan, Administrator of the U.S.
Environmental Protection Agency*

**INTERVENORS AND
PETITIONERS:**

Wayne Stenehjem, Attorney General
STATE OF NORTH DAKOTA
Matthew Sagsveen, Solicitor General
Margaret Olson, Assistant Attorney
General
NORTH DAKOTA OFFICE OF
ATTORNEY GENERAL
600 E. Boulevard Avenue, #125
Bismarck, ND 58505
Telephone: (701) 328-3640
Email: masagsve@nd.gov
maiolson@nd.gov

Paul M. Seby
Special Assistant
Attorney General
GREENBERG TRAURIG, LLP
1144 15th Street, Suite 3300
Denver, CO 80202
Telephone: (303) 572-6500
Facsimile: (303) 572-6540
Email: sebyp@gtlaw.com

*Counsel for Petitioner State of North
Dakota*

Elbert Lin
F. William Brownell
HUNTON ANDREWS KURTH LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
(804) 788-7202
ELin@hunton.com
bbrownell@HuntonAK.com

Counsel for America's Power

David Michael Flannery
Amy M. Smith
STEPTOE & JOHNSON PLLC
P.O. Box 1588
Charleston, WV 25326
(304) 353-8000
dave.flannery@steptoe-johnson.com
Amy.Smith@steptoe-johnson.com

*Counsel for AEP Generating Company,
AEP Generation Resources Inc.,
Appalachian Power Company, Indiana
Michigan Power Company, Kentucky
Power Company, Public Service Company
of Oklahoma, Southwestern Electric
Power Company, Wheeling Power
Company, Indiana Energy Association,
and Indiana Utility Group*

Scott Allen Keller
Jeremy Evan Maltz
LEHOTSKY KELLER LLP
200 Massachusetts Ave. NW
Washington, DC 20001
(202) 639-7700
scott@lehotskykeller.com
jeremy@lehotskykeller.com

*Counsel for Chamber of Commerce of
the United States of America*

Carroll Wade McGuffey, III
TROUTMAN PEPPER HAMILTON
SANDERS LLP
600 Peachtree Street, NE
Suite 3000
Atlanta, GA 30308-2216
(404) 885-3698
mack.mcguffey@troutman.com

Misha Tseytlin
TROUTMAN PEPPER HAMILTON
SANDERS LLP
227 W. Monroe St., Suite 3900
Chicago, IL 60606
(312) 759-5947
misha.tseytlin@troutman.com

*Counsel for National Mining
Association*

Mark W. DeLaquil
BAKER & HOSTETLER LLP
Washington Square
1050 Connecticut Avenue, NW
Suite 1100
Washington, DC 20036-5304
(202) 861-1500
mdelaquil@bakerlaw.com

*Counsel for Westmoreland Mining
Holdings LLC*

John David Lazzaretti
John A. Rego
SQUIRE PATTON BOGGS (US) LLP
4900 Key Tower
127 Public Square
Cleveland, OH 44114-1304
(216) 479-8350
john.lazzaretti@squirepb.com
jrego@beneschlaw.com

Counsel for Murray Energy Corporation

Thomas Allen Lorenzen
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004-2595
(202) 624-2789
tlorenzen@crowell.com

*Counsel for National Rural Electric
Cooperative Association*

Emily Church Schilling
HOLLAND & HART, LLP
901 K Street, NW, Suite 850
Washington, DC 20001
(202) 654-6922
ecschilling@hollandhart.com

Tina R. Van Bockern
HOLLAND & HART, LLP
555 17th Street, Suite 3200
Denver, CO 80202
(303) 295-8107
TRVanBockern@hollandhart.com

*Counsel for Basin Electric Power
Cooperative*

Joseph Anthony Sclafani
OFFICE OF MISSISSIPPI
GOVERNOR TATE REEVES

PO Box 139
Jackson, MS 39205
(601) 576-2807

Joseph.Sclafani@govreeves.ms.gov

*Counsel for Tate Reeves, Governor of
the State of Mississippi*

William Daniel Booth
MICHAEL BEST & FRIEDRICH,
LLP

1000 Maine Avenue, SW, Suite 400
Washington, DC 20024
(202) 747-9658

wdbooth@michaelbest.com

*Counsel for Mississippi Public
Service Commission*

Yaakov M. Roth
Stephen J. Petranjy
JONES DAY
51 Louisiana Ave., NW
Washington, D.C. 20001
(202) 879-3939

yroth@jonesday.com

*Counsel for North American Coal
Corporation*

Michael A. Zody
Jacob Santini
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, UT 84111
(801) 532-1234

mzody@parsonsbehle.com
jsantini@parsonsbehle.com

*Counsel for Nevada Gold Mines LLC
and Nevada Gold Energy LLC*

Melissa Horne
TROUTMAN PEPPER HAMILTON
SANDERS LLP

Three Embarcadero Center, Suite 800
San Francisco, CA 94111

(415) 477-5700

melissa.horne@troutman.com

Counsel for Georgia Power Company

Edmund Gerard LaCour, Jr.
OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Montgomery, AL 36130

(334) 353-2196

elacour@ago.state.al.us

Counsel for State of Alabama

Nicholas J. Bronni
Vincent M. Wagner
OFFICE OF THE ATTORNEY GENERAL
323 Center Street, Suite 200

Little Rock, AR 72201

(501) 682-6302

nicholas.bronni@arkansasag.gov

Vincent.wagner@arkansasag.gov

Counsel for State of Arkansas

Treg R. Taylor
OFFICE OF THE ATTORNEY GENERAL
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501

(907) 269-5200

attorney.general@alaska.gov

Counsel for State of Alaska

C. Grady Moore, III
BALCH & BINGHAM LLP
1901 6th Avenue North, Suite 1500
Birmingham, AL 35201
(205) 251-8100
gmoore@balch.com

*Counsel for Powersouth Energy
Cooperative*

Thomas M. Fisher
OFFICE OF THE INDIANA
ATTORNEY GENERAL
Indiana Government Center South
302 West Washington Street, 5th
Floor
Indianapolis, IN 46204
(317) 234-6843
tom.fisher@atg.in.gov

Counsel for State of Indiana

Steven Travis Mayo
OFFICE OF THE ATTORNEY
GENERAL
700 Capitol Avenue, Suite 106
Frankfort, KY 40601
(502) 564-2611
travis.mayo@ky.gov

*Counsel for State of Kentucky, by
and through Governor Matthew G.
Bevin*

Dean John Sauer
OFFICE OF THE MISSOURI
ATTORNEY GENERAL
PO Box 899
Jefferson City, MO 65102
(573) 751-8807
john.sauer@ago.mo.gov

Counsel for State of Missouri

Andrew Pinson
STATE OF GEORGIA
DEPARTMENT OF LAW
40 Capitol Square, SW
Atlanta, GA 30334-1300
(404) 458-3409
apinson@law.ga.gov

Counsel for State of Georgia

Jeffrey Allyn Chanay
OFFICE OF THE KANSAS ATTORNEY
GENERAL
120 SW 10th Avenue, 2nd Floor
Topeka, KS 66612
(785) 296-2215
jeff.chanay@ag.ks.gov

Counsel for State of Kansas

Elizabeth Baker Murrill
LOUISIANA ATTORNEY GENERAL
PO Box 94005
Baton Rouge, LA 70804
(225) 326-6766
murrille@ag.louisiana.gov

Counsel for State of Louisiana

Jeremiah Langston
OFFICE OF THE ATTORNEY GENERAL
Justice Building
215 North Sanders
Helena, MT 59620-1401
(406) 444-7008
jeremiah.langston@mt.gov

Counsel for State of Montana

Justin D. Lavene
OFFICE OF THE ATTORNEY
GENERAL
2115 State Capitol
PO Box 98920
Lincoln, NE 68509-8920
(402) 471-2064
justin.lavene@nebraska.gov

Counsel for State of Nebraska

Mithun Mansinghani
OFFICE OF THE ATTORNEY
GENERAL
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 522-4392
mithun.mansinghani@oag.ok.gov

Counsel for State of Oklahoma

James Emory Smith, Jr.
OFFICE OF THE ATTORNEY
GENERAL
PO Box 11549
Columbia, SC 29211
(803) 734-3680
esmith@scag.gov

Counsel for State of South Carolina

Judd Edward Stone II
OFFICE OF THE ATTORNEY
GENERAL
P.O. Box 12548 Austin, TX 78711-
2548
(512) 936-1700
judd.stone@oag.texas.gov

Counsel for State of Texas

Benjamin Michael Flowers
OFFICE OF THE ATTORNEY GENERAL
30 East Broad Street, 17th Floor
Columbus, OH 43215-3428
(614) 728-7511
benjamin.flowers@ohioattorneygeneral.gov

Counsel for State of Ohio

Steven Robert Blair
OFFICE OF THE ATTORNEY GENERAL
1302 East Highway 14, Suite 1
Pierre, SD 57501-8501
(605) 773-3215
steven.blair@state.sd.us

Counsel for State of South Dakota

Melissa Ann Holyoak
Tyler Richard Green
UTAH STATE CAPITOL COMPLEX
350 North State Street, Suite 230
Salt Lake City, UT 84114-2320
(801) 538-9600
melissaholyoak@agutah.gov
tyler@consovoyemccarthy.com

Counsel for State of Utah

James P. Duffy
Ann Brewster Weeks
CLEAN AIR TASK FORCE
114 State Street, 6th Floor
Boston, MA 02109
(617) 359-4077
jduffy@catf.us
aweeks@catf.us

*Counsel for American Lung Association,
American Public Health Association,
Appalachian Mountain Club, Clean Air
Council, Clean Wisconsin, Conservation
Law Foundation, and Minnesota Center
for Environmental Advocacy*

James Kaste
OFFICE OF THE ATTORNEY
GENERAL
2320 Capitol Avenue
Cheyenne, WY 82002
(307) 777-6946
james.kaste@wyo.gov

Counsel for State of Wyoming

Elizabeth Jones
CENTER FOR BIOLOGICAL
DIVERSITY
660 S. Figueroa Street, Suite 1000
Los Angeles, CA 90017
(213) 785-5400
ljones@biologicaldiversity.org

*Counsel for Center for Biological
Diversity*

Brittany E. Wright
CHESAPEAKE BAY FOUNDATION
6 Herndon Avenue
Annapolis, MD 21403
(443) 482-2077
bwright@cbf.org

*Counsel for Chesapeake Bay
Foundation, Inc.*

Luis A. Toro
CITY ATTORNEY'S OFFICE
1777 Broadway, 2nd Floor
Boulder, CO 80302
(303) 441-3092
torol@bouldercolorado.gov

Counsel for City of Boulder

Kristin Merritt Bronson
CITY AND COUNTY OF DENVER
1437 Bannock Street, Suite 353
Denver, CO 80202
(720) 865-8600
kristin.bronson@denvergov.org

*Counsel for City and County of Denver
Colorado*

Benna Ruth Solomon
CORPORATION COUNSEL OF THE
CITY OF CHICAGO APPEALS DIVISION
30 North LaSalle Street, Suite 800
Chicago, IL 60602
(312) 744-7764
benna.solomon@cityofchicago.org

Counsel for City of Chicago

Michael James Bostrom
LOS ANGELES CITY
ATTORNEY'S OFFICE AFFIRMATIVE
LITIGATION DIVISION
200 N. Spring Street, 14th Floor
Los Angeles, CA 90012
(213) 978-1882
michael.bostrom@lacity.org

Counsel for City of Los Angeles

Scott Schwarz
CITY OF PHILADELPHIA LAW
DEPARTMENT
One Parkway Building 1515 Arch Street
Philadelphia, PA 19102-1595
(215) 683-5170
scott.schwarz@phila.gov

Counsel for City of Philadelphia

Christophe Gagnon Courchesne
David S. Frankel
MASSACHUSETTS OFFICE OF
THE ATTORNEY GENERAL
One Ashburton Place
Boston, MA 02108
(617) 963-2423
christophe.courchesne@state.ma.us
david.frankel@mass.gov

*Counsel for Commonwealth of
Massachusetts*

David Grandis
OFFICE OF THE ATTORNEY
GENERAL
202 North 9th Street
Richmond, VA 23219
(804) 786-3811
DGrandis@oag.state.va.us

*Counsel for Commonwealth of
Virginia*

Christopher Gene King
NEW YORK CITY LAW
DEPARTMENT
100 Church Street
New York, NY 10007
(212) 788-1235
cking@law.nyc.gov

Counsel for City of New York

Thomas Frank Pepe
PEPE & NEMIRE, LLC
1450 Madruga Avenue, Suite 202
Coral Gables, FL 33146
(305) 667-2564
thomaspepe@pepenemire.com

Counsel for City of South Miami

Aimee Diane Thomson
OFFICE OF THE ATTORNEY GENERAL
1600 Arch Street, Suite 300
Philadelphia, PA 19103
(267) 940-6696
athomson@attorneygeneral.gov

*Counsel for Commonwealth of
Pennsylvania*

Karl A. Racine
Loren L. Ali. Khan
OFFICE OF THE ATTORNEY GENERAL
400 6th Street, NW, Suite 8100
Washington, DC 20001
(202) 727-3400
Loren.AliKhan@dc.gov

Counsel for District of Columbia

Sean H. Donahue
DONAHUE, GOLDBERG & WEAVER,
LLP
1008 Pennsylvania Avenue, SE
Washington, DC 20003
(202) 277-7085
sean@donahuegoldberg.com

Counsel for Environmental Defense Fund

Melissa Joy Lynch
David D. Doniger
NATURAL RESOURCES DEFENSE
COUNCIL
1152 15th Street, NW, Suite 300
Washington, DC 20005
(202) 717-8296
mlynch@nrdc.org
ddoniger@nrdc.org

*Counsel for Natural Resources Defense
Council*

Timothy Eugene Sullivan
Robert William Byrne
OFFICE OF THE ATTORNEY
GENERAL
1515 Clay Street,
PO Box 70550
Oakland, CA 94612-0550
(510) 622-4038
timothy.sullivan@doj.ca.gov
Robert.Byrne@doj.ca.gov

Counsel for State of California

Scott Norman Koschwitz
Matthew Ivan Levine
OFFICE OF THE ATTORNEY
GENERAL
165 Capitol Avenue
Hartford, CT 06106
(860) 808-5250
scott.koschwitz@ct.gov
matthew.levine@ct.gov

Counsel for State of Connecticut

Howard Learner
ENVIRONMENTAL LAW &
POLICY CENTER
35 E. Wacker Drive, Suite 1600
Chicago, IL 60601
(312) 673-6500
hlearner@elpc.org

*Counsel for Environmental Law and
Policy Center*

Joanne Marie Spalding
SIERRA CLUB
2101 Webster Street, Suite 1300
Oakland, CA 94612
(415) 977-5725
joanne.spalding@sierraclub.org

Counsel for Sierra Club

Eric Olson
OFFICE OF THE ATTORNEY GENERAL
1300 Broadway
Denver, CO 80203
(720) 508-6548
eric.olson@coag.gov

Counsel for State of Colorado

Valerie Melissa Edge
DELAWARE DEPARTMENT OF
JUSTICE
102 West Water Street
Dover, DE 19904
(302) 257-3219
valerie.edge@delaware.gov

Counsel for State of Delaware

Dale K. Sakata
STATE OF HAWAII DEPARTMENT OF
THE ATTORNEY GENERAL
425 Queen Street
Honolulu, HI 96813
(808) 586-1282
dale.k.sakata@hawaii.gov

Counsel for State of Hawaii

Daniel Isaac Rottenberg
OFFICE OF THE ATTORNEY
GENERAL ENVIRONMENTAL
BUREAU
69 West Washington Street, Suite
1800
Chicago, IL 60602
(312) 814-3816
Daniel.Rottenberg@illinois.gov

Counsel for State of Illinois

Laura Jensen
OFFICE OF THE ATTORNEY
GENERAL
6 State House Station
Augusta, ME 04333-0006
(207) 626-8868
laura.jensen@maine.gov

Counsel for State of Maine

Gillian E. Wener
MICHIGAN DEPARTMENT OF
ATTORNEY GENERAL
P.O. Box 30755
Lansing, MI 48909
(517) 335-7664
wenerg@michigan.gov

*Counsel for State of Michigan and
the People of the State of Michigan*

John B. Howard, Jr.
Joshua Segal
OFFICE OF THE ATTORNEY
GENERAL
200 St. Paul Place
Baltimore, MD 21202-2021
(410) 576-6970
jbhoward@oag.state.md.us
jsegal@oag.state.md.us

Counsel for State of Maryland

Peter Surdo
OFFICE OF THE ATTORNEY GENERAL
Town Square Tower 445
Minnesota Street
St. Paul, MN 55101-2127
(651) 757-1061
peter.surdo@ag.state.mn.us

Counsel for State of Minnesota

Heidi Parry Stern
OFFICE OF THE ATTORNEY GENERAL
555 East Washington Avenue Suite 3100
Las Vegas, NV 89101
(702) 486-3594
hstern@ag.nv.gov

Counsel for State of Nevada

Lisa Jo Morelli
OFFICE OF THE ATTORNEY GENERAL
PO Box 112
Trenton, NJ 08625-0112
(609) 633-8713
lisa.morelli@dol.lps.state.nj.us

Counsel for State of New Jersey

Anne Minard
OFFICE OF THE ATTORNEY GENERAL
Villagra Building
408 Galisteo Street
Santa Fe, NM 87504
(505) 490-4045
aminard@nmag.gov

Counsel for State of New Mexico

Asher Paris Spiller
OFFICE OF THE ATTORNEY
GENERAL
PO Box 629
Raleigh, NC 27602
(919) 716-6050
aspiller@ncdoj.gov

Counsel for State of North Carolina

Michael J. Myers
Brian Murray Lusignan
Steven Wu
OFFICE OF THE ATTORNEY
GENERAL
The Capitol
Albany, NY 12224-0341
(518) 776-2382
michael.myers@ag.ny.gov
Brian.Lusignan@ag.ny.gov
steven.wu@ag.ny.gov

Counsel for State of New York

Paul Andrew Garrahan
OREGON DEPARTMENT OF
JUSTICE
1515 SW Fifth Avenue, Suite 410
Portland, OR 97201
(971) 673-1943
paul.garrahan@doj.state.or.us

Counsel for State of Oregon

Gregory Stage Schultz
OFFICE OF THE ATTORNEY
GENERAL
150 South Main Street Providence,
RI 02903
(401) 274-4400
gschultz@riag.ri.gov

Counsel for State of Rhode Island

Christopher Huriaux Reitz
Emily C. Nelson
OFFICE OF THE ATTORNEY GENERAL
PO Box 40117
Olympia, WA 98504-0117
(360) 586-4614
chris.reitz@atg.wa.gov
emily.nelson@atg.wa.gov

Counsel for State of Washington

Nicholas Frank Persampieriz
OFFICE OF THE ATTORNEY GENERAL
109 State Street
Montpelier, VT 05609-1001
(802) 828-6902
nick.persampieri@vermont.gov

Counsel for State of Vermont

Patrick Morrissey
ATTORNEY GENERAL OF WEST
VIRGINIA
Lindsay S. See
Solicitor General, Counsel of Record
Robert D. Cheren, Special Assistant
Thomas L. Lampman, Assistant Solicitor
General
1900 Kanawha Blvd. East Building 1,
Room E-26
Charleston, VA 25305
(304) 558-2021
Lindsay.S.See@wvago.gov

Counsel for State of West Virginia

Gabe Johnson-Karp
WISCONSIN DEPARTMENT OF
JUSTICE
17 West Main Street PO Box 7857
Madison, WI 53707-7857
(608) 267-8904
johnsonkarp@doj.state.wi.us

Counsel for State of Wisconsin

Theodore Hadzi-Antich
TEXAS PUBLIC POLICY
FOUNDATION
901 Congress Avenue
Austin, TX 78701
(512) 472-2700
tha@texaspolicy.com

*Counsel for Robinson Enterprises,
Inc., Nuckles Oil Company, Inc.,
doing business as Merit Oil
Company, Construction Industry Air
Quality Coalition, Liberty Packing
Company, LLC, Dalton Trucking,
Inc., Norman R. Brown, Joanne
Brown, Competitive Enterprise
Institute, Texas Public Policy
Foundation*

Richard Umoff
SOLAR ENERGY INDUSTRIES
ASSOCIATION
60014th Street NW, Suite 400
Washington, DC 20005
(202) 556-2877
rumoff@seia.org

*Counsel for Solar Energy Industries
Association*

David Michael Williamson
WILLIAMSON LAW & POLICY
1850 M Street NW, Suite 840
Washington, DC 20036
(202) 256-6155
maxwilliamson@williamsonlawpolicy.com

Counsel for Biogenic CO2 Coalition

Jeffery Scott Dennis
ADVANCED ENERGY ECONOMY
1000 Vermont Avenue, NW Suite 300
Washington, DC 20005
(202) 380-1950
jdennis@aee.net

Counsel for Advanced Energy Economy

Eugene Grace
AMERICAN CLEAN POWER
ASSOCIATION
1501 M Street, NW Washington, DC
20005
(202) 383-2500
ggrace@awea.org

*Counsel for American Clean Power
Association*

Eugene Marc Trisko
LAW OFFICES OF EUGENE M. TRISKO
P.O. Box 596
Berkeley Springs, WV 25411
(301) 639-5238
emtrisko@earthlink.net

*Counsel for International Brotherhood of
Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers, AFL-
CIO, International Brotherhood of
Electrical Workers, AFL-CIO, and United
Mine Workers of America, AFL-CIO*

Kevin James Poloncarz
COVINGTON & BURLING LLP
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
(415) 591-6000
kpoloncarz@cov.com

*Counsel for Consolidated Edison, Inc.,
Exelon Corporation, National Grid
USA, New York Power Authority,
Power Companies Climate Coalition,
Public Service Enterprise Group
Incorporated, and Sacramento
Municipal Utility District*

David M. Flannery
Kathy G. Beckett
Edward L. Kropp
Amy M. Smith
STEPTOE & JOHNSON, PLLC
707 Virginia Street East
Charleston, WV 25326
Tel: (304) 353-8000
dave.flannery@steptoe-johnson.com
kathy.beckett@steptoe-johnson.com
skipp.kropp@steptoe-johnson.com
amy.smith@steptoe-johnson.com

*Counsel for Movants Indiana Energy
Association and Indiana Utility Group*

Date: July 23, 2021



Michael J. Nasi
JACKSON WALKER L.L.P.
100 Congress Avenue
Suite 1100
Austin, Texas 78701
(512) 236-2000
mnasi@jw.com

*Counsel for Amicus Curiae
Lignite Energy Council*