United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT
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No. 15-1363   **September Term, 2015**

EPA-80FR64662

Filed On: August 17, 2016

State of West Virginia, et al.,

      Petitioners

    v.

Environmental Protection Agency and Regina
A. McCarthy, Administrator, United States
Environmental Protection Agency,

      Respondents

American Wind Energy Association, et al.,
      Intervenors

Consolidated with 15-1364, 15-1365,
15-1366, 15-1367, 15-1368, 15-1370,
15-1371, 15-1372, 15-1373, 15-1374,
15-1375, 15-1376, 15-1377, 15-1378,
15-1379, 15-1380, 15-1382, 15-1383,
15-1386, 15-1393, 15-1398, 15-1409,
15-1410, 15-1413, 15-1418, 15-1422,
15-1432, 15-1442, 15-1451, 15-1459,
15-1464, 15-1470, 15-1472, 15-1474,
15-1475, 15-1477, 15-1483, 15-1488

      BEFORE: Garland*, Chief Judge; Henderson, Rogers, Tatel, Brown,
                  Griffith, Kavanaugh, Srinivasan, Millett, Pillard*, and Wilkins,
                  Circuit Judges

O R D E R

Upon consideration of the joint proposal of respondent EPA and supporting intervenors concerning format for oral argument, the joint proposal of petitioners and petitioner-intervenors regarding oral argument format, the proposal of petitioners Competitive Enterprise Institute ("CEI"), et al., regarding oral argument format, and the proposal of amicus curiae Philip Zoebisch, it is

* Chief Judge Garland and Circuit Judge Pillard did not participate in this matter.

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      ORDERED that the following argument format apply in these cases, which are scheduled for oral argument before the en banc Court in Courtroom 20 at 9:30 a.m. on Tuesday, September 27, 2016:

Argument Segment	Time	Counsel
I. All statutory issues other than Section 112 (includes Generation Shifting & State Authority)	35 min.	Elbert Lin for State Petitioners; Peter D. Keisler for Non-State Petitioners (to be divided as counsel see fit)
	25 min.	Eric Hostetler for Respondents
	10 min.	Michael Myers for State Intervenors; Kevin Poloncarz for Power Company Intervenors (to be divided as counsel see fit)
II. Section 112	22 min.	Elbert Lin for State Petitioners; Allison Ward for Non-State Petitioners (to be divided as counsel see fit)
	17 min.	Amanda Berman for Respondents
	05 min.	Sean Donohue for Environmental Intervenors
III. Constitutional Issues	12 min.	David B. Rivkin, Jr. for State Petitioners; Laurence H. Tribe for Non-State Petitioners (to be divided as counsel see fit)
	07 min.	Amanda Berman for Respondents
	05 min.	Michael Myers for State Intervenors

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Argument Segment	Time	Counsel
IV. Notice Issues	10 min.	Matthew H. Frederick for State Petitioners; Thomas A. Lorenzen for Non-State Petitioners (to be divided as counsel see fit)
	10 min.	Chloe Kolman for Respondents
V. Record-Based Issues Not Submitted on Briefs (Petitioners' Opening Brief II, IV. C-D, V. A, D)	30 min.	Misha Tseytlin for State Petitioners; F. William Brownell for Non-State Petitioners (to be divided as counsel see fit)
	25 min.	Norman Rave and Brian Lynk for Respondents (to be divided as counsel see fit)
	05 min.	Kevin Poloncarz for Power Company Intervenors

Argument on these issues will be conducted separately and in the order listed. Form 72 should be completed and submitted by September 13, 2016.

The parties are advised that the Court's limitation of oral argument should not be construed as an indication of the merit of any of the issues proposed for argument that are not included in the oral argument format.

The Court anticipates that it will adjourn for lunch and reconvene the same day at a time to be decided at oral argument.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk
BY: /s/
Michael C. McGrail
Deputy Clerk

The following forms and notices are available on the Court's website:
Notification to the Court from Attorney Intending to Present Argument (Form 72)