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December 21, 2016

Clerk, United States Court of Appeals
District of Columbia Circuit
333 Constitution Avenue, NW
Washington, DC 20001-2866

Re: Filing of Administrative Agency Petition for Review

To Whom It May Concern:

Attached for filing is an original and four copies of the Petition for Review filed on behalf of the Midwest Ozone Group concerning the final rule of the United States Environmental Protection Agency published in the Federal Register at 81 Fed. Reg. 74,504 (October 26, 2016) titled the "Cross-State Air Pollution Rule for the 2008 Ozone NAAQS."

Also enclosed is a check for the \$500 filing fee.

Please contact me if you have any questions concerning this filing at 304-353-8171 or dave.flannery@stepToe-johnson.com.

Very truly yours,

A handwritten signature in cursive script that reads "David M. Flannery".

David M. Flannery

Enclosures

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

MIDWEST OZONE GROUP)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES ENVIRONMENTAL)
 PROTECTION AGENCY, and REGINA A.)
 MCCARTHY, Administrator, United States)
 Environmental Protection Agency,)
)
 Respondents.)
)

Case No. _____

PETITION FOR REVIEW

The Midwest Ozone Group hereby petitions this Court, pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure, Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), and 5 U.S.C. §702, for review of the final rule of the United States Environmental Protection Agency published in the Federal Register at 81 Fed. Reg. 74, 504 (October 26, 2016) a final update titled the “Cross-State Air Pollution Rule for the 2008 Ozone NAAQS.” This Court has jurisdiction, and is a proper venue for this action, under 42 U.S.C. §7601(b)(1).

Petitioner will show that the final rule is not supported by the agency’s statutory authority, goes beyond the U.S. Constitution, and is arbitrary, capricious, and an abuse of discretion and not in accordance with law. Accordingly, Petitioner

asks the Court to hold unlawful and set aside the rule, and to order other such relief as may be appropriate. See 42 U.S.C. § 7607(d).

Dated: December 21, 2016.

Respectfully submitted,



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***Counsel for Petitioner Midwest Ozone
Group***

CERTIFICATE OF SERVICE

I hereby certify that I will cause to be served a true copy of the Petition for Review via U.S. mail on the 21st day of December, 2016, upon the following:

Hon. Regina McCarthy
Office of Administrator (1101A)
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Hon. Loretta E. Lynch
Attorney General for the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Correspondence Control Unit
Office of General Counsel (2311)
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Hon. John C. Cruden
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
Robert F. Kennedy Building
950 Pennsylvania Avenue, NW
Washington, DC 20530



David M. Flannery
Counsel for Petitioner
Midwest Ozone Group

IN THE UNITED STATES COURT OF APPEALS
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MIDWEST OZONE GROUP)

Petitioner,)

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UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, and REGINA A.)
MCCARTHY, Administrator, United States)
Environmental Protection Agency,)

Respondents.)

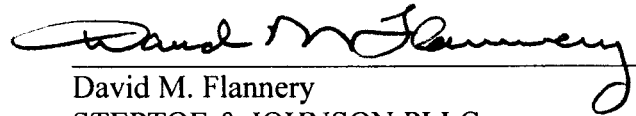
Case No. _____

**RULE 26.1 DISCLOSURE STATEMENT OF PETITIONER
INDIANA UTILITY GROUP**

Pursuant to FRAP 26.1 and Local Rule 26.1, the MIDWEST OZONE GROUP, a petitioner files the following statement:

MIDWEST OZONE GROUP is a continuing association of individual operated for the purpose of promoting the general interests of the membership of electric generators. The MIDWEST OZONE GROUP has no outstanding shares or debt securities in the hand of the public and has no parent company. No publicly held company has a 10% or greater ownership interest in IUG.

Respectfully submitted,



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Counsel for the Midwest Ozone Group

Dated: December 21, 2016