

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

ADVANCED ENERGY)
ECONOMY,)

Petitioner,)

v.)

No. 20-1176

ANDREW R. WHEELER, in his)
official capacity as Administrator,)
United States Environmental)
Protection Agency; UNITED)
STATES ENVIRONMENTAL)
PROTECTION AGENCY;)

PETITION FOR REVIEW

ELAINE L. CHAO, in her official)
capacity as Secretary, United States)
Department of Transportation;)
UNITED STATES DEPARTMENT)
OF TRANSPORTATION;)

JAMES C. OWENS, in his official)
capacity as Acting Administrator,)
National Highway Traffic Safety)
Administration; NATIONAL)
HIGHWAY TRAFFIC SAFETY)
ADMINISTRATION,)

Respondents.)

Pursuant to 42 U.S.C. § 7607(b)(1), 49 U.S.C. § 32909(a)(1), Rule 15 of the Federal Rules of Appellate Procedure, and D.C. Circuit Rule 15, Advanced Energy Economy (“AEE”) hereby petitions this Court for review of the final actions of the United States Environmental Protection Agency (“EPA”) and the National Highway

Traffic Safety Administration published under the title “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks,” 85 Fed. Reg. 24,174 (Apr. 30, 2020) (“SAFE Vehicles Rule Part Two”).¹ AEE further petitions this Court for review of the action that EPA published under the title “Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022–2025 Light-Duty Vehicles,” 83 Fed. Reg. 16,077 (Apr. 13, 2018) (“Mid-Term Evaluation”),² because it is a “preliminary, procedural, or intermediate agency action or ruling not directly reviewable [that has become] subject to review on the review of the final agency action.” 5 U.S.C. § 704.

DATED: May 28, 2020

Respectfully submitted,

/s/ Kevin Poloncarz

Kevin Poloncarz

Donald L. Ristow

Jake Levine

COVINGTON & BURLING LLP

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¹ The authenticated copy of the SAFE Vehicles Rule Part Two is available at <https://www.govinfo.gov/content/pkg/FR-2020-04-30/pdf/2020-06967.pdf>.

² The authenticated copy of the Mid-Term Evaluation is available at <https://www.govinfo.gov/content/pkg/FR-2018-04-13/pdf/2018-07364.pdf>.

/s/ Jeffery Scott Dennis

Jeffery S. Dennis

General Counsel and Managing Director

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Counsel for Advanced Energy Economy

CERTIFICATE OF SERVICE

I, Kevin Poloncarz, hereby certify that on this 28th day of May, 2020, a true and correct copy of the foregoing Petition for Review was served by certified mail, return receipt requested, on the following:

Hon. Andrew R. Wheeler
Office of the Administrator (1101A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Hon. William Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Correspondence Control Unit
Office of General Counsel (2311)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Hon. James C. Owens
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
West Building
Washington, D.C. 20590

National Highway Traffic Safety Administration
NHTSA Headquarters
1200 New Jersey Avenue, SE
West Building
Washington, D.C. 20590

Hon. Elaine L. Chao
Office of the Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
West Building
Washington, D.C. 20590

Office of the General Counsel
United States Department of Transportation
1200 New Jersey Avenue, SE
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/s/ Kevin Poloncarz
Kevin Poloncarz

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**RULE 26.1 CORPORATE
DISCLOSURE STATEMENT**

ELAINE L. CHAO, in her official)
capacity as Secretary, United States)
Department of Transportation;)
UNITED STATES DEPARTMENT)
OF TRANSPORTATION;)

JAMES C. OWENS, in his official)
capacity as Acting Administrator,)
National Highway Traffic Safety)
Administration; NATIONAL)
HIGHWAY TRAFFIC SAFETY)
ADMINISTRATION,)

Respondents.)

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, Petitioner Advanced Energy Economy (“AEE”) states as follows: AEE is a not-for-profit business association dedicated to making energy secure, clean, and affordable.

AEE does not have any parent companies or issue stock, and no publicly held company has a 10% or greater ownership interest in AEE.

DATED: May 28, 2020

Respectfully submitted,

/s/ Kevin Poloncarz

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/s/ Jeffery Scott Dennis

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Counsel for Advanced Energy Economy

CERTIFICATE OF SERVICE

I, Kevin Poloncarz, hereby certify that on this 28th day of May, 2020, a true and correct copy of the foregoing Rule 26.1 Corporate Disclosure Statement was served by certified mail, return receipt requested, on the following:

Hon. Andrew R. Wheeler
Office of the Administrator (1101A)
U.S. Environmental Protection Agency
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Washington, D.C. 20460

Hon. William Barr
Attorney General of the United States
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