

ORAL ARGUMENT HEARD ON SEPTEMBER 27, 2016

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

	)	
STATE OF WEST VIRGINIA, et al.,	)	
	)	
<i>Petitioners,</i>	)	
	)	
v.	)	No. 15-1363
	)	(and consolidated cases)
U.S. ENVIRONMENTAL	)	
PROTECTION AGENCY, et al.,	)	
	)	
<i>Respondents.</i>	)	
	)	

**RESPONDENT-INTERVENOR ADVANCED ENERGY ECONOMY’S  
OPPOSITION TO MOTION TO SEVER AND CONSOLIDATE**

Respondent-Intervenor Advanced Energy Economy (AEE) opposes the motion by Utility Air Regulatory Group, American Public Power Association, LG&E, and KU Energy (collectively, the “UARG Movants”) to sever their petitions for review in Case No. 17-1014 and consolidate them with the petitions for review in this case (*i.e.*, the “main” Clean Power Plan case).

As Environmental and Public Health Organizations argue in their opposition brief (Doc. 1663907), consolidation of these distinct cases at this late stage—long after oral argument before the *en banc* Court—is unsupported by this Court’s precedents, would be wildly inefficient, and would delay this Court’s resolution of the main Clean Power Plan case. That delay would harm AEE and its members.

AEE's members include providers of a broad range of advanced energy products and services, including products and services related to natural gas, wind, solar, and nuclear power; energy efficiency technologies; smart grid technologies; and advanced transportation systems. Delaying implementation of the Clean Power Plan—the ultimate result of the UARG Movants' proposal—would perpetuate policy uncertainty and chill the continued growth of the \$200 billion advanced energy market, including the businesses of AEE's members. Slowing the growth in the advanced energy market would also harm consumers planning to make long-term purchases of advanced energy.

This Court should deny the UARG Movants' motion, and allow the two distinct cases to proceed in the normal course.

Respectfully submitted.

Dated: March 6, 2017

/s/ Lawrence S. Robbins  
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**CERTIFICATE OF COMPLIANCE**

I certify that Respondent-Intervenor Advanced Energy Economy's Opposition to Motion to Sever and Consolidate complies with the requirements of Fed. R. App. P. Rule 27(d)(2) because it contains 229 words according to the count of Microsoft Word 2010.

Dated: March 6, 2017

/s/ Lawrence S. Robbins

Lawrence S. Robbins

*Counsel for Advanced Energy Economy*

**CERTIFICATE OF SERVICE**

I certify that on March 6, 2017, I filed Respondent-Intervenor Advanced Energy Economy's Opposition to Motion to Sever and Consolidate by means of the Court's CM/ECF system, which will serve electronic copies upon all registered counsel.

/s/ Lawrence S. Robbins

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