

No. 10-60891

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

LUMINANT GENERATION CO., ET AL.,

Petitioners

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY,

Respondent

On Petition For Review Of Final Action
Of The United States Environmental Protection Agency

BRIEF FOR PETITIONERS
TEXAS OIL & GAS ASSOCIATION, TEXAS ASSOCIATION
OF MANUFACTURERS, TEXAS ASSOCIATION OF BUSINESS, AND
CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA

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April 6, 2011

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CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities as described by Fifth Circuit Rule 28.2 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal:

1. Baker Botts L.L.P. (Counsel for Petitioners)
2. Balch & Bingham LLP (Counsel for Petitioners)
3. Beckwith, Van (Counsel for Petitioners)
4. Big Brown Power Company LLC (Petitioner)
5. Boyd, David R. (Counsel for Petitioners)
6. Chamber of Commerce of the United States of America (Petitioner)
7. Clay, John Reed, Jr. (Counsel for Petitioner)
8. Doré, Stacey H. (Counsel for Petitioners and Associate General Counsel for Energy Future Holdings Corp.)
9. Energy Future Competitive Holdings Company (parent company of Texas Competitive Electric Holdings Company LLC)
10. Energy Future Holdings Corp. (parent corporation of Energy Future Competitive Holdings Company)
11. Gidiere, P. Stephen, III (Counsel for Petitioners)
12. Kline, Samara L. (Counsel for Petitioners)
13. Luminant Generation Company LLC (Petitioner)
14. Luminant Holding Company LLC (parent company of Luminant Generation Company LLC)
15. Luminant Mining Company LLC (Petitioner)
16. McKinney, Steven G. (Counsel for Petitioners)
17. Moore, William A. (Counsel for Petitioners and General Counsel for Luminant Generation Company LLC)
18. Moore, Stephanie Zapata (Counsel for Petitioners and Senior Counsel for Luminant Generation Company LLC)
19. Oak Grove Management Company LLC (Petitioner)
20. Paulson, Matthew G. (Counsel for Petitioners)

21. Reasoner, Harry M. (Counsel for Petitioners)
22. Riley, John A. (Counsel for Petitioners)
23. Sandow Power Company LLC (Petitioner)
24. State of Texas (Petitioner)
25. Texas Association of Business (Petitioner)
26. Texas Association of Manufacturers (Petitioner)
27. Texas Oil & Gas Association (Petitioner)
28. Texas Competitive Electric Holdings Company LLC (parent company of Luminant Holding Company LLC)
29. Texas Energy Future Holdings Limited Partnership (parent organization of Energy Future Holdings Corp.)
30. Thiele, Christopher C. (Counsel for Petitioners)
31. Vinson & Elkins LLP (Counsel for Petitioners)

/s/ Samara L. Kline

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STATEMENT ADOPTING BRIEF BY REFERENCE

Pursuant to Federal Rule of Appellate Procedure 28(i), Petitioners Texas Oil & Gas Association, Texas Association of Manufacturers, Texas Association of Business, and Chamber of Commerce of the United States of America adopt by reference the brief filed in this case by Petitioners Luminant Generation Company, L.L.C., *et al* and the arguments and authorities therein. Petitioners respectfully request that this Court grant the petition for review, vacate EPA's disapproval of Texas's revision to its State Implementation Plan ("SIP") comprising the Standard Permit for Pollution Control Projects, and order EPA to approve the SIP revision.

April 6, 2011

Respectfully submitted,

/s/ Samara L. Kline

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on this 6th day of April, 2011. All parties in this case are represented by counsel consenting to electronic service.

/s/ Samara L. Kline
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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of FED. R. APP. P. 32(a)(7)(B)(i) because it contains 99 words, excluding the parts of the brief exempted by FED. R. APP. P. 32(a)(7)(B)(iii).

This brief complies with typeface requirements of FED. R. APP. P. 32(a)(5) and the type style requirements of FED. R. APP. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14-point font.

April 6, 2011

/s/ Samara L. Kline
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