

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

PUBLIC CITIZEN, ADVOCATES FOR)
HIGHWAY AND AUTO SAFETY, TRUCK)
SAFETY COALITION, and the INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS,)

Petitioners,)

v.)

FEDERAL MOTOR CARRIER SAFETY)
ADMINISTRATION and THE UNITED STATES,)

Respondents.)

No. 09-1094

MOTION FOR LEAVE TO INTERVENE

Pursuant to 28 U.S.C. § 2348, F.R.A.P. 15(d), and D.C. Cir. R. 15(b), the Chamber of Commerce of the United States of America (“Chamber”) hereby moves to intervene as of right in the above-captioned proceeding. In support of this motion, the Chamber states:

1. The Chamber is the world’s largest business federation, representing an underlying membership of three million businesses and organizations of all sizes. The Chamber is incorporated in and has its principal place of business in the District of Columbia. The Chamber’s members operate and have various businesses and interests in every sector of the economy and transact business throughout the United States.

2. The Chamber and its members depend on an efficient and stable transportation network for the distribution of their products. Vacatur of the provisions at issue in this case would result in substantial transitional costs for the trucking industry—costs which would be borne by the trucking industry, producers, and consumers. The rule provides the trucking industry and business community with operational certainty and flexibility, and avoids any disruptions in the supply chain. Consequently, on February 15, 2008, the Chamber submitted comments in support of the relevant aspects of the rule at issue in this case. Therefore, the Chamber and its members’ “interests will be affected if an order of the agency is or is not enjoined, set aside, or suspended.” 28 U.S.C. § 2348. For these reasons and because resolution of this case will have important consequences for the movement of commercial goods, the Chamber meets the requirements of 28 for intervention as a matter of right.

3. The reasons stated in the previous paragraph also satisfy F.R.A.P. 15(d)’s requirement that applicants for intervention state their interest in the litigation.

4. The Chamber’s grounds for intervention also meet the requirements of Rule 15(d). Any decision of this Court on review of the agency’s final rule will significantly affect the Chamber and its members.

5. The considerations set forth in the previous paragraphs also make it self-evident that the Chamber has standing under Article III of the United States Constitution to intervene in this case.

6. If this motion is granted, the Chamber will join the Intervenors' brief in support of Respondents.

7. While this motion is untimely under F.R.A.P. 15(d), no prejudice to the parties will be occasioned by the granting of this motion. As noted above, the Chamber will join the Intervenors' brief in support of Respondents, an intervention that has already been approved by this Court.

8. Counsel for petitioners and respondents have stated that they do not object to the instant motion.

WHEREFORE, the Chamber moves for leave to intervene as a party herein and to participate fully in the proceeding.

Respectfully submitted,

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Counsel for Chamber of Commerce of the United States of America

Dated: August 20, 2009

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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

The Chamber of Commerce of the United States of America is a non-profit business federation incorporated under the laws of the District of Columbia. The Chamber has no parent companies, and no publicly-held company owns a 10% or greater ownership interest in the Chamber.

Respectfully submitted,

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Counsel for Chamber of Commerce of the United States of America

Dated: August 20, 2009

CERTIFICATE OF SERVICE

I hereby certify that, on this 20th day of August, 2009, I caused one copy of each of the foregoing Motion for Leave to Intervene and F.R.A.P. 26.1 Corporate Disclosure Statement to be served by first-class U.S. mail, postage prepaid, on the following:

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