

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 11-1302****September Term, 2011**

FILED ON: AUGUST 21, 2012

EME HOMER CITY GENERATION, L.P.,  
PETITIONER

v.

ENVIRONMENTAL PROTECTION AGENCY,  
RESPONDENTSAN MIGUEL ELECTRIC COOPERATIVE, ET AL.,  
INTERVENORS

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Consolidated with 11-1315, 11-1323, 11-1329, 11-1338, 11-1340, 11-1350, 11-1357, 11-1358, 11-1359, 11-1360, 11-1361, 11-1362, 11-1363, 11-1364, 11-1365, 11-1366, 11-1367, 11-1368, 11-1369, 11-1371, 11-1372, 11-1373, 11-1374, 11-1375, 11-1376, 11-1377, 11-1378, 11-1379, 11-1380, 11-1381, 11-1382, 11-1383, 11-1384, 11-1385, 11-1386, 11-1387, 11-1388, 11-1389, 11-1390, 11-1391, 11-1392, 11-1393, 11-1394, 11-1395

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On Petitions for Review of a Final Rule  
of the Environmental Protection Agency

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Before: ROGERS, GRIFFITH and KAVANAUGH, *Circuit Judges*

**J U D G M E N T**

These causes came on to be heard on the petitions for review of a Final Rule of the Environmental Protection Agency and were argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that the Transport Rule and the Transport Rule FIPs be vacated and this proceeding be remanded to EPA, in accordance with the opinion of the court filed herein this date. EPA must continue administering CAIR pending the promulgation of a valid replacement.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY:

/s/  
Jennifer M. Clark  
Deputy Clerk

Date: August 21, 2012

Opinion for the court filed by Circuit Judge Kavanaugh.  
Dissenting opinion filed by Circuit Judge Rogers.