

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**October 31, 2013**

**Elisabeth A. Shumaker  
Clerk of Court**

STATE OF OKLAHOMA, et al.,

Petitioners,

v.

No. 12-9526

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

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SIERRA CLUB,

Intervenor - Respondent,

and

PACIFICORP, et al.,

Amici Curiae.

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OKLAHOMA GAS & ELECTRIC  
COMPANY,

Petitioner,

v.

No. 12-9527

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.  
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SIERRA CLUB,

Intervenor - Respondent,

and

PACIFICORP, et al.,

Amici Curiae.

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**ORDER**

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Before **BRISCOE**, Chief Judge, **KELLY**, and **LUCERO**, Circuit Judges.

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Petitioners' petition for panel rehearing in 12-9526 is denied. Petitioner's petition for panel rehearing in 12-9527 is also denied. Judge Kelly would grant panel rehearing in both cases, consistent with his concurring and dissenting opinion.

The petitions for rehearing en banc were transmitted to all of the judges of the court who are in regular active service. As no member of the panel and no judge in regular active service on the court requested that the court be polled, those petitions are also denied.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk