

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

**No. 11-1302****September Term, 2012****EPA-47FR45210****EPA-76FR48208****Filed On:** January 24, 2013

EME Homer City Generation, L.P.,

Petitioner

v.

Environmental Protection Agency,

Respondent

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San Miguel Electric Cooperative, et al.,  
Intervenors-----  
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**BEFORE:** Sentelle, Chief Judge, and Henderson\*, Rogers, Tatel, Garland,  
Brown, Griffith, and Kavanaugh, Circuit Judges**ORDER**

The petitions for rehearing en banc and the responses thereto were circulated to the full court, and a vote was requested. Thereafter, a majority of the judges eligible to participate did not vote in favor of the petitions. Upon consideration of the foregoing, it is

**ORDERED** that the petitions be denied.**Per Curiam****FOR THE COURT:**  
Mark J. Langer, ClerkBY: /s/  
Jennifer M. Clark  
Deputy Clerk

\* Circuit Judge Henderson did not participate in this matter.