

No.: _____

In the United States Court of Appeals for the Eleventh Circuit

STATE OF GEORGIA, STATE OF KANSAS, STATE OF TENNESSEE, STATE OF ALABAMA, STATE OF ARKANSAS, STATE OF IDAHO, STATE OF IOWA, COMMONWEALTH OF KENTUCKY, STATE OF LOUISIANA, STATE OF MISSISSIPPI, STATE OF MISSOURI, STATE OF MONTANA, STATE OF NEBRASKA, STATE OF NORTH DAKOTA, STATE OF OHIO, STATE OF OKLAHOMA, STATE OF SOUTH CAROLINA, STATE OF TEXAS, STATE OF UTAH, COMMONWEALTH OF VIRGINIA, STATE OF WEST VIRGINIA, RINNAI AMERICA CORPORATION, NATIONAL PROPANE GAS ASSOCIATION, NATIONAL ASSOCIATION OF HOMEBUILDERS, NATURAL GAS ASSOCIATION OF GEORGIA, INC., AMERICAN GAS ASSOCIATION, AMERICAN PUBLIC GAS ASSOCIATION, FLORIDA PROPANE GAS ASSOCIATION, and FLORIDA NATURAL GAS ASSOCIATION

Petitioners,

v.

U.S. DEPARTMENT OF ENERGY

Respondent.

PETITION FOR REVIEW

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

Counsel for Petitioners, certifies that the following is a complete list of interested persons as required by Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 to 26.1-3:

1. Adamson, Virginia N., counsel for Petitioner State of Tennessee
2. Alabama, State of, Petitioner
3. American Gas Association, Petitioner, is a nonprofit corporation organized under the laws of Delaware, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.
4. American Public Gas Association, Petitioner, is a nonprofit corporation organized under the laws of the District of Columbia, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.
5. Aguiñaga, J. Benjamin, counsel for Petitioner State of Louisiana
6. Arkansas, State of, Petitioner,
7. Axt, Philip, counsel for Petitioner State of North Dakota
8. Bailey, Andrew, Attorney General, Petitioner State of Missouri
9. Bird, Brenna, Attorney General, Petitioner State of Iowa

10. Brown, Derek, Attorney General, Petitioner State of Utah
11. Carr, Christopher M., Attorney General, Petitioner State of Georgia
12. Coleman, Russell, Attorney General, Petitioner Commonwealth of Kentucky
13. Corrigan, Christian, counsel for Petitioner State of Montana
14. Devine, Josh, counsel for Petitioner State of Missouri
15. Drummond, Gentner, Attorney General, Petitioner State of Oklahoma
16. Fitch, Lynn, Attorney General, Petitioner State of Mississippi
17. Florida Natural Gas Association, Petitioner, is a nonprofit corporation organized under the laws of Florida, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.
18. Florida Propane Gas Association, Petitioner, is a nonprofit corporation organized under the laws of Florida, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.
19. Gaiser, Thomas E., counsel for Petitioner State of Ohio
20. Gallagher, Kevin M., counsel for Petitioner Commonwealth of Virginia
21. Georgia, State of, Petitioner

- 22.Griffin, Tim, Attorney General, Petitioner State of Arkansas
- 23.Gaskins, Garry M., counsel for Petitioner State of Oklahoma
- 24.Heyburn, Jack, counsel for Petitioner Commonwealth of Kentucky
- 25.Hilgers, Michael T., Attorney General, Petitioner State of Nebraska
- 26.Hurst, Alan, counsel for Petitioner State of Idaho
- 27.Hydrick, Thomas, counsel for Petitioner State of South Carolina
- 28.Idaho, State of, Petitioner
- 29.Iowa, State of, Petitioner
- 30.Jacobs, Dylan L., counsel for Petitioner State of Arkansas
- 31.Jorgensen, Sarah, counsel for Petitioners Rinnai America Corp., National Association of Home Builders, National Propane Gas Association, American Gas Association, American Public Gas Association, Natural Gas Association of Georgia, Inc., Florida Natural Gas Association, and Florida Propane Gas Association
- 32.Kansas, State of, Petitioner
- 33.Kentucky, Commonwealth of, Petitioner
- 34.King, David, counsel for Petitioners Rinnai America Corp., National Association of Home Builders, National Propane Gas Association, American Gas Association, American Public Gas Association, Natural Gas

Association of Georgia, Inc., Florida Natural Gas Association, and Florida
Propane Gas Association

35. Knudsen, Austin, Attorney General, Petitioner State of Montana
36. Kobach, Kris, Attorney General, Petitioner State of Kansas
37. Kuhn, Matt, counsel for Petitioner Commonwealth of Kentucky
38. Labrador, Raul, R., Attorney General, Petitioner State of Idaho
39. Louisiana, State of, Petitioner
40. Marshall, Steve, Attorney General, Petitioner State of Alabama
41. Matheny, Justin L, counsel for Petitioner State of Mississippi
42. McCuskey, John B., Attorney General, State of West Virginia
43. Mississippi, State of, Petitioner
44. Missouri, State of, Petitioner
45. Miyares, Jason, Attorney General, Petitioner Commonwealth of Virginia
46. Montana, State of, Petitioner
47. Murrill, Liz, Attorney General, Petitioner State of Louisiana
48. National Association of Homebuilders, Petitioner, is a nonprofit corporation organized under the laws of Nevada, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.

49. National Propane Gas Association, Petitioner, is a nonprofit corporation organized under the laws of New Jersey, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.

50. Natural Gas Association of Georgia, Inc., Petitioner, is a nonprofit corporation organized under the laws of Georgia, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.

51. Nebraska, State of, Petitioner

52. Nielson, Aaron, counsel for Petitioner State of Texas

53. North Dakota, State of, Petitioner

54. Ohio, State of, Petitioner

55. Oklahoma, State of, Petitioner

56. Overing, Robert M., counsel for Petitioner State of Alabama

57. Paxton, Ken, Attorney General, Petitioner State of Texas

58. Petrany, Stephen J., counsel for Petitioner State of Georgia

59. Powell, Anthony J., counsel for Petitioner State of Kansas

60. Purser, Stanford, counsel for Petitioner State of Utah

61. Rice, James Matthew, counsel for Petitioner State of Tennessee

62. Reichman, Courtland, counsel for Petitioners Rinnai America Corp., National Association of Home Builders, National Propane Gas Association, American Gas Association, American Public Gas Association, Natural Gas Association of Georgia, Inc., Florida Natural Gas Association, and Florida Propane Gas Association
63. Reichman Jorgensen Lehman & Feldberg LLP, counsel for Petitioners Rinnai America Corp., National Association of Home Builders, National Propane Gas Association, American Gas Association, American Public Gas Association, Natural Gas Association of Georgia, Inc., Florida Natural Gas Association, and Florida Propane Gas Association
64. Rinnai America Corporation, Petitioner, is a corporation with its headquarters in Peachtree City, Georgia. Rinnai America Corporation is a wholly owned subsidiary of Rinnai Corporation, a publicly traded corporation with its headquarters in Nagoya, Japan.
65. Skrmetti, Jonathan, Attorney General, Petitioner State of Tennessee
66. South Carolina, State of, Petitioner
67. St. John, Joseph S., counsel for Petitioner Rinnai
68. St. John LLC, counsel for Petitioner Rinnai
69. Strobl, Grant, counsel for Petitioner State of Nebraska

- 70. Tennessee, State of, Petitioner
- 71. Texas, State of, Petitioner
- 72. Utah, State of, Petitioner
- 73. U.S. Department of Energy, Respondent
- 74. Virginia, Commonwealth of, Petitioner
- 75. Webster, Brent, counsel for Petitioner State of Texas
- 76. Wessan, Eric H., counsel for Petitioner State of Iowa
- 77. West Virginia, State of, Petitioner
- 78. Williams, Michael, counsel for Petitioner State of West Virginia
- 79. Wilson, Alan, Attorney General, Petitioner State of South Carolina
- 80. Wrigley, Drew, Attorney General, Petitioner State of North Dakota
- 81. Yost, Dave, Attorney General, Petitioner State of Ohio

Respectfully submitted this 17th day of January, 2025.

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PETITION FOR REVIEW

Pursuant to Section 336 of the Energy Policy and Conservation Act of 1975, 42 U.S.C. § 6306(b)(1), and Rule 15(a) of the Federal Rules of Appellate Procedure, State of Georgia, State of Kansas, State of Tennessee, State of Alabama, State of Arkansas, State of Idaho, State of Iowa, Commonwealth of Kentucky, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Nebraska, State of North Dakota, State of Ohio, State of Oklahoma, State of South Carolina, State of Texas, State of Utah, Commonwealth of Virginia, State of West Virginia, Rinnai America Corporation, National Propane Gas Association, National Association of Home Builders, Natural Gas Association of Georgia, Inc., American Gas Association, American Public Gas Association, Florida Propane Gas Association, and Florida Natural Gas Association hereby respectfully petition this Court to review a final rule which was promulgated by the United States Department of Energy in a proceeding entitled “Energy Conservation Program: Energy Conservation Standards for Consumer Gas-Fired Instantaneous Water Heaters” and published in the Federal Register at 89 Fed. Reg. 105188 (Dec. 26, 2024). A copy of the final rule is attached as Exhibit A.

Respectfully submitted this 17th day of January, 2025.

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Counsel for State of Mississippi

* admission pending or to follow

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2025, I caused a copy of this Petition to be served on Respondent by certified mail to:

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