
No. 24-_____

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

TEXAS ALLIANCE OF ENERGY PRODUCERS; and
DOMESTIC ENERGY PRODUCERS ALLIANCE,

Petitioners,

v.

SECURITIES AND EXCHANGE COMMISSION,

Respondent.

PETITION FOR REVIEW

RACHEL K. PAULOSE

Pacific Legal Foundation
3100 Clarendon Blvd., Ste. 1000
Arlington, Virginia 22201
Telephone: (202) 465-8734
Facsimile: (916) 419-7747
RPaulose@pacificlegal.org

LUKE A. WAKE

Pacific Legal Foundation
555 Capitol Mall, Ste. 1290
Sacramento, California 95814
Telephone: (916) 419-7111
Facsimile: (916) 419-7747
LWake@pacificlegal.org

Counsel for Petitioners

CERTIFICATE OF INTERESTED PERSONS

No. 24_____

Texas Alliance of Energy Producers, et al. v. SEC

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case:

1. Domestic Energy Producers Alliance, Petitioner
2. Paulose, Rachel K., Attorney for Petitioner
3. Securities and Exchange Commission, Respondent
4. Texas Alliance of Energy Producers, Petitioner
5. Wake, Luke A., Attorney for Petitioner

In accordance with Federal Rule of Appellate Procedure 26.1, the undersigned counsel certifies that none of the named Petitioners have any parent corporation and that no publicly held corporation owns 10% or more of their stock.

These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

DATED: March 11, 2024.

s/ Luke A. Wake _____
LUKE A. WAKE
Counsel for Petitioners
Texas Alliance of Energy Producers
&
Domestic Energy Producers Alliance

In accordance with 15 U.S.C. § 77i and Federal Rule of Appellate Procedure 15, the Texas Alliance of Energy Producers (“Texas Alliance”), and Domestic Energy Producers Alliance (“DEPA”) hereby petition the court for review of the Order of the United States Securities and Exchange Commission finalizing a novel regime of climate-change related disclosures entered on March 6, 2024. The Order finalized a Rule entitled, “The Enhancement and Standardization of Climate-Related Disclosures for Investors.” A copy of the Final Rule is enclosed with this filing.

Jurisdiction and venue for this petition are proper in this Court under 15 U.S.C. § 77i, because the Texas Alliance is aggrieved by the Commission’s Order and its principal place of business is within the Fifth Circuit; further, the Texas Alliance represents aggrieved members within this Circuit. *See also* 5 U.S.C. § 703 (venue for actions under the Administrative Procedure Act generally proper in “a court of competent jurisdiction”). Likewise, DEPA is an aggrieved party representing affected members within the Fifth Circuit. This petition for review is timely because 15 U.S.C. § 77i provides that a petition for review may be filed within sixty days from the Commission’s Order and Final Rule, and

this petition is filed on March 11, 2024—well within that sixty-day period.¹ Joinder of the parties is practicable under Fed. R. App. P. 15(a)(1).

DATED: March 11, 2024.

Respectfully submitted,

LUKE A. WAKE
RACHEL K. PAULOSE
Pacific Legal Foundation

By /s/ Luke A. Wake
LUKE A WAKE
Pacific Legal Foundation
555 Capitol Mall, Ste. 1290
Sacramento, California 95814
Telephone: (916) 419-7111
LWake@pacificlegal.org

RACHEL K. PAULOSE
Pacific Legal Foundation
3100 Clarendon Blvd., Ste. 1000
Arlington, Virginia 22201
Telephone: (202) 465-8734
RPaulose@pacificlegal.org

Counsel for Petitioners

¹ Rules issued by the Commission are deemed “orders” subject to judicial review in this Court under Section 77i. *See Twin Rivers Paper Co. LLC v. SEC*, 934 F.3d 607, 617 n.1 (D.C. Cir. 2019). Alternatively, jurisdiction may be appropriate under 15 U.S.C. § 78y.

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system.

I certify that I caused a copy of this Petition for Review to be served on Respondent by U.S. Certified Mail:

Megan Barbero
Office of the General Counsel
U.S. Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549-2000
Telephone: 202-551-5100

Hon. Leigha Simonton
United States Attorney
U.S. Attorney's Office for the Northern District of Texas
1100 Commerce Street, Third Floor
Dallas, TX 75242-1699
Telephone: 214-659-8600

Hon. Merrick Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001
Telephone: 202-514-2000

/s/ Luke A. Wake
LUKE A. WAKE
Counsel for Petitioners

CERTIFICATE OF COMPLIANCE

Certificate of Compliance With Type-Volume Limit, Typeface Requirements, and Type-Style Requirements

1. This document complies with [the type-volume limit of Fed. R. App. P. 32(a)(7)(B)] [the word limit of Fed. R. App. P. 5(c)(1)] because, excluding the parts of the document exempted by Fed. R. App. P. 32(f):

X this document contains **266** words, or

this brief uses a monospaced typeface and contains [state the number of] lines of text.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because:

X this document has been prepared in a proportionally spaced typeface using **Microsoft Word for Microsoft 365 in 14 pt. Century Schoolbook**, or

this document has been prepared in a monospaced typeface using [state name and version of word-processing program] with [state number of characters per inch and name of type style].

DATED: March 11, 2024.

By /s/ Luke A. Wake
LUKE A. WAKE
Counsel for Petitioners