

BEFORE THE COLORADO AIR QUALITY CONTROL COMMISSION

IN THE MATTER OF THE COLORADO AIR QUALITY CONTROL COMMISSION'S
RULEMAKING PROPOSING MODIFICATIONS TO REGULATION NUMBER 20
TO ADOPT CALIFORNIA'S ZERO EMISSION VEHICLE STANDARDS

NOTICE OF DEVELOPMENT IN RELATED PROCEEDING

Freedom to Drive Inc. ("FTD") by and through its undersigned counsel, respectfully submits the following Notice of Development in Related Proceeding in connection with the above captioned rulemaking proceeding proposing modifications to Regulation Number 20 to adopt California's Zero Emission Vehicle ("ZEV") Standards ("Proposed ZEV Rulemaking").

On July 26, 2019, the Colorado Automobile Dealers Association ("CADA") filed a Notice of Appeal with the Colorado Court of Appeals in *The Colorado Automobile Dealers Association v. The Colorado Department of Public Health and Environment et. al*, 2019CV30343 (Denver Dist. Ct., Filed January 28, 2019) ("CADA Litigation"). See CADA's Notice of Appeal, 2019CA1386 (Colo. App., July 26, 2019), attached hereto.

The Notice of Appeal seeks appellate court review of the District Court's Order concluding that CADA lacked standing to challenge the Colorado Air Quality Control Commission's ("Commission") promulgation of Regulation Number 20. The appeal seeks to enable a judicial determination of whether Regulation Number 20 was promulgated in violation of the statutory prerequisites of the Colorado Air Pollution Prevention and Control Act, C.R.S. 25-7-130, which requires that the Colorado Department of Public Health and Environment, Air Pollution Control Division ("Division") conduct motor vehicle emission control studies *before* proposing motor vehicle emission control regulations to the Commission, and that the Commission make recommendations based on the motor vehicle emission control studies *before* adopting motor vehicle emission control regulations.

FTD has raised questions about the underlying validity of Regulation Number 20 in this Proposed ZEV Rulemaking, and has also raised the issue of whether this Proposed ZEV Rulemaking is similarly proceeding in violation of the statutory prerequisites of the Colorado Air Act to conduct motor vehicle emission control studies. See FTD – Motion to Continue, at 6; FTD – PHS, at 9; FTD – REB, at 12-13.

Respectfully submitted on this 30th day of July, 2019.



Paul M. Seby
Matthew K. Tieslau
Greenberg Traurig, LLP
1200 17th Street Suite 2400
Denver, CO 80202
Telephone: (303) 572-6584
sebyp@gtlaw.com
tieslaum@gtlaw.com

Attorneys for Freedom to Drive Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July 2019, this **NOTICE OF DEVELOPMENT IN RELATED PROCEEDING** was served by electronic mail to:

Air Quality Control Commission
Commissioner Peter Butler - Hearing
Officer
Email: butlerpeter2@gmail.com

Trisha Oeth
Email: trisha.oeth@state.co.us

Jeremy Neustifter
Email: jeremy.neustifter@state.co.us

Theresa Martin
Email: theresa.martin@state.co.us

**Office of the Attorney General –
Commission Attorney**
Tom Roan
Email: tom.roan@coag.gov

Barbara Dory
Email: barbara.dory@coag.gov

Air Pollution Control Division
Garry Kaufman
Email: garrison.kaufman@state.co.us

Doug Decker
Email: doug.decker@state.co.us

**Office of the Attorney General – Division
Attorney**
Clay Clarke
Email: clay.clarke@coag.gov

Alliance of Automobile Manufacturers
Steven Douglas
Email: sdouglas@autoalliance.org

Catherine Wilmarth
Email: cwilmarth@autoalliance.org

Eric Waeckerlin
Email: epwaeckerlin@hollandhart.com

**American Fuel & Petrochemical
Manufacturers**
Richard Moskowitz
Email: rmoskowitz@afpm.org

Justin Savage
Email: jsavage@sidley.com

Jennifer L. Biever, Esq.
Email: jbiever@lewisbess.com

Dale Ratliff, Esq.
Email: dratliff@lewisbess.com

**American Petroleum Institute/Colorado
Petroleum Council**
Jennifer L. Biever, Esq.
Email: jbiever@lewisbess.com

Dale Ratliff, Esq.
Email: dratliff@lewisbess.com

Association of Global Automakers
Julia M. Rege
Email: jrege@globalautomakers.org

Scott Spendlove
Email: sspendlove@intermountainca.com

ChargePoint Inc.

Anne Smart
Email: anne.smart@chargepoint.com

Justin Wilson
Email: justin.wilson@chargepoint.com

Scott Dunbar
Email: sdunbar@keyesfox.com

Clear the Air Foundation

Mark Zeigler
Email: mark.zeigler@colorado.auto

Stephen Linger
Email: lingers@autonation.com

Colorado Automobile Dealers Association

Tim Jackson
Email: tim.jackson@colorado.auto

Matthew Groves
Email: matthew.groves@colorado.auto

Colorado Communities for Climate Action

Jacob Smith
Email: jsmith@cc4ca.org

Tom Easley
Email: easley@rockymountainclimate.org

Sarah Keane
Email: skeane@kaplankirsch.com

Samantha Caravello
Email: scaravello@kaplankirsch.com

Colorado Department of Transportation

Shoshana Lew
Email: shoshana.lew@state.co.us

Curtis Baker
Email: curt.baker@state.co.us

Sophie Shulman
Email: sophie.shulman@state.co.us

Michael King
Email: michael.king@state.co.us

Herman Stockinger
Email: herman.stockinger@state.co.us

Marie Nakagawa
Email: marie.nakagawa@state.co.us

Colorado Energy Office

Will Toor
Email: will.toor@state.co.us

Andrew Sand
Email: andrew.sand@state.co.us

Christian Williss
Email: christian.williss@state.co.us

David Banas
Email: david.banas@coag.gov

Vann A. Ellerbruch
Email: vann.ellerbruch@coag.gov

Laura Kelly
Email: laura.kelly@coag.gov

Colorado Independent Automobile Dealers Association

Todd O'Connell
Email: toddo@ciada.org

Environmental Coalition

Peter Zalzal
Email: pzalzal@edf.org

Alice Henderson
Email: ahenderson@edf.org

Laura Shields
Email: lshields@edf.org

Noah Long
Email: nlong@nrdc.org

Joseph Halso
Email: joe.halso@sierraclub.org

Travis Madsen
Email: tmadsen@swenergy.org

Matthew Frommer
Email: mfrommer@swenergy.org

Ellen Howard Kutzer
Email: ellen.kutzer@westernresources.org

Erin Overturf
Email: erin.overturf@westernresources.org

Aaron Kressig
Email: aaron.kressig@westernresources.org

Gwen Farnsworth
Email:
gwen.farnsworth@westernresources.org

Penny Anderson
Email:
penny.anderson@westernresources.org

Thomas A. Bloomfield
Email: tbloomfield@kaplankirsch.com

Sarah M. Keane
Email: skeane@kaplankirsch.com

Bill Trull
Email: btrull@kaplankirsch.com

Environmental Justice Coalition
nola@gescoalition.com ean@cfl-denver.org

Michael Hiatt
Email: mhiatt@earthjustice.org

Marta Darby
Email: mdarby@earthjustice.org

Freedom to Drive Inc.
Kelly Sloan
Email: kvsloan@gmail.com

Paul M. Seby
Email: sebyp@gtlaw.com

Matthew Tieslau
Email: tieslaum@gtlaw.com

Local Government Coalition
Chris Menges
Email: chris.menges@cityofaspens.com

Jim True
Email: jim.true@cityofaspens.com

Cindy Copeland
Email: ccopeland@bouldercounty.org

Olivia Lucas
Email: olucas@bouldercounty.org

Mike Salisbury
Email: mike.salisbury@denvergov.org

Lindsay S. Carder
Email: lindsay.Carder@denvergov.org

Lee Zarzecki
Email: lee.Zarzecki@denvergov.org

Dana Erpelding
Email: dana.erpelding@eaglecounty.us

Bryan R. Treu
Email: bryan.treu@eaglecounty.us

Cassie Archuleta
Email: carchuleta@fcgov.com

Jody Hurst
Email: jhurst@fcgov.com

Jim Rada
Email: jrada@jeffco.us

Amanda Crusier
Email: abcruiser@vfblaw.com

Jonathan Wachtel
Email: jonwac@lakewood.org

Tim Cox
Email: timcox@lakewood.org

Kurt Dahl
Email: kurt.dahl@pitkincounty.com

John Ely
Email: john.ely@pitkincounty.com

Kate Berg
Email: kate.berg@summitcountyco.gov

Jeffrey Huntley
Email:
jeffrey.huntley@summitcountyco.gov

**North Front Range Metropolitan
Planning Organization**

Kevin Ross
Email: kross@eatonco.org

Don McLeod
Email:
donald.mcleod@townofseverance.org

Regional Air Quality Council
Mike Silverstein
Email: msilverstein@raqc.org

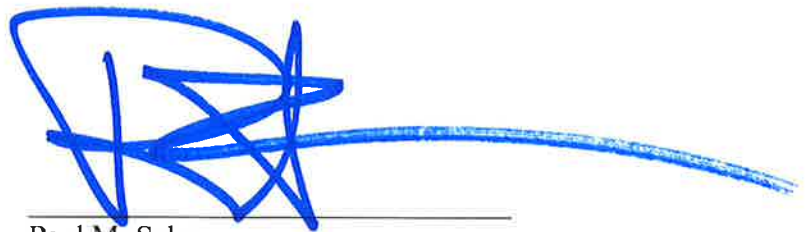
Steve McCannon
Email: smccannon@raqc.org

Matt Mines
Email: mmines@raqc.org

Tesla, Inc.
Kevin Auerbacher
Email: kauerbacher@tesla.com

Thad Kurowski
Email: tkurowski@tesla.com

Victoria Mandell
Email: vmandell@comcast.com



Paul M. Seby