Congress of the United States
Washington, DC 20515

December 19, 2014

The Honorable Barack Obama
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Obama:

We write to express our concerns regarding the proposed rule announced by the Environmental Protection Agency on June 2, 2014 and entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units." This proposal is an unprecedented attempt by the EPA to change the way we generate, transmit and consume electricity in the United States by asserting new regulatory authorities over state electricity decision-making.

This unprecedented proposed rule would require states to submit individual or regional energy plans to be approved by EPA in order to achieve the agency's predetermined carbon dioxide emissions targets for each state. To comply with the rule, EPA directs states to consider including in their plans, and to make federally enforceable, a broad range of activities relating to a state's electricity sector. EPA specifically directs states to consider renewable energy standards, generation dispatch changes, co-firing or switching to natural gas, construction of new natural gas combined-cycle plants, transmission efficiency improvements, energy storage technology, plant retirements, expanding renewables like wind and solar, expanding nuclear, market-based trading programs, and demand-side energy efficiency and conservation programs. Under the rule, EPA would also have the ability to impose its own alternate federal energy plan on a state in the event EPA did not approve a state's plan. We agree that states should be free under their own laws to pursue these types of energy policies and activities within their own borders, but it is not the role of the EPA to exercise ultimate authority over a state's electricity system.

The continued affordability and reliability of our electricity supplies is critical to our nation's future economic growth, job creation, and to all American households and businesses. Due to market factors and existing environmental requirements, significant power plant shutdowns are already underway across the country, and these closures raise concerns about the continued reliability of the grid and electricity rates even in the absence of EPA's recently proposed rule. Under the proposed rule, EPA projects there would be additional power plant retirements and electricity rate increases. Were this to occur, these additional retirements and rate increases would further threaten electricity reliability and drive up energy costs for consumers, including the elderly, poor, and those on fixed incomes, at a time when over 50 million Americans are currently living in poverty.

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Although the details of this proposed rule are still being considered by all stakeholders, the proposal threatens to impose huge burdens and challenges on states and higher costs on consumers. While our views on the statutory authority for carbon dioxide regulations vary, we are all concerned that this rule is simply unworkable as proposed and, if finalized, would effectively give EPA control over a state's generation, supply and consumption of power. Accordingly, we respectfully ask that you direct the EPA to withdraw its proposed rule as soon as practicable.

Sincerely,

Ed Whitfield
Chairman, Energy and Power Subcommittee

Sanford Bishop
Member of Congress

Robert E. Latta
Member of Congress

Walter B. Jones
Member of Congress

Tim Murphy
Member of Congress

John Shimkus
Member of Congress

Doug Lamborn
Member of Congress

Blaine Luetkemeyer
Member of Congress

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Mick Mulvaney
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Member of Congress

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Member of Congress

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Member of Congress

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