



Adopted on September 28, 2015

Resolution sponsored by: Senate President Bill Cole of West Virginia*
Delegate Woody Ireland of West Virginia
Delegate John B. McCuskey of West Virginia

1. 2015 – Resolution Regarding State Implementation Plans under the Clean Power Plan

WHEREAS, diverse, reliable, and affordable energy supply is vital to economic growth in the southern region; and

WHEREAS, the member states of the Southern States Energy Board (SSEB) have abundant natural resources that have contributed to regional growth and development and benefit from a diverse mix of energy sources that include coal, natural gas, nuclear power, and renewable energy; and

WHEREAS, on June 2, 2014, the U.S. Environmental Protection Agency (EPA) proposed the Clean Power Plan to reduce carbon dioxide (CO₂) emissions from fossil fuel-fired power plants, requiring Southern states to significantly reduce the CO₂ emissions rate of their electricity generating fleets; and

WHEREAS, SSEB states produce nearly 50 percent of the nation's electric power in an affordable, safe, and reliable manner and the North American Electric Reliability Corporation and Regional Transmission Organizations are raising cautions about the reliability of the nation's electric grid in light of the projected retirement of more than 60 Gigawatts (GW) of generating capacity prior to 2020 due to economic considerations and compliance with more stringent environmental requirements; and

WHEREAS, on August 3, 2015, the EPA predicted in its Regulatory Impact Analysis for its final Clean Power Plan that up to 29 GW of coal-fired generating units would close by 2025 with 11 GW more closing 2030, and many of these units are in or serving SSEB states; and

WHEREAS, some studies project that the EPA's proposed Clean Power Plan may cause double-digit electricity price increases in many states, including the 16 states and two territories comprising the SSEB; and

WHEREAS, the Clean Power Plan is based on emission reduction measures that interfere with the regulation of electricity by individual states and will have a major impact on energy resources, electricity ratepayers, grid reliability, jobs, and the economy of the United States; and

WHEREAS, twenty-nine states do not believe that the Clean Power Plan is consistent with EPA's authority under the Clean Air Act; and



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WHEREAS, the final Clean Power Plan may be overturned as the result of legal challenges by multiple states; now

THEREFORE BE IT RESOLVED that the Southern States Energy Board finds that EPA's Clean Power Plan interferes with the sovereign powers of the states to regulate electricity within their borders and to ensure a reliable and affordable supply of electricity for their citizens; and

BE IT FURTHER RESOLVED, the Southern States Energy Board urges:

- 1) State attorneys general to take necessary legal actions after EPA issues its final Plan to prevent unlawful obligations from being imposed on states, electricity providers, businesses and citizens; and**
- 2) That pending resolution of all such legal actions, Governors should take such additional actions as may be appropriate to protect the best interests of their states, including, but not limited to, requesting a two-year extension of the deadline to submit a final state plan, refusing to submit a Clean Power Plan under Section 111(d) of the federal Clean Air Act, or working with state environmental agencies to submit an implementation plan that the state deems to be feasible and legally sound regardless of whether the plan conforms to the final rule.**

BE IT FURTHER RESOLVED that copies of this resolution be to the Governors, lieutenant governors, applicable state regulators, and legislative presiding officers of the Southern States Energy Board's member states.