



April 1, 2015



Dear Sen. McConnell,



We, the undersigned organizations, applaud your work with state governors and legislators to push back against the Environmental Protection Agency's (EPA) usurpation of state electricity policy through its proposed Clean Power Plan (CPP). Both federal and state officials are right to question the CPP's legality and the repercussions that would result from submission of a State Implementation Plan.



Opposition to the CPP is a natural response to a regulation that would further centralize power in Washington. The EPA is asking for state complicity in the CPP because the agency likely does not have the legal authority to unilaterally implement the CPP's proposals. Specifically, the Clean Air Act provides no authority for the EPA to control state laws on renewable generation, electric dispatch policy, or consumer conservation incentives. It is because EPA is desperate to legitimize its most brazen power grab to date that it is pressuring states to submit State Implementation Plans.



We also agree with you that states are completely within their legal rights to "just say no" and let EPA take sole responsibility for implementing the 111(d) rule. The right of states to keep their fingerprints off what they regard as a misguided or unlawful rule is basic to the very concept of cooperative federalism.



It is therefore appropriate for Congress, the branch of government charged with keeping the Executive in check, to help states fully understand the obligations and consequences flowing from obscure federal regulations. After all, Congress wrote the laws the EPA is using to justify the CPP.



All of this matters because the CPP would have an enormous impact on ratepayers and state economic growth. Implementation of the CPP could cause double-digit electricity rate increases in over 40 states and could cost the country nearly \$479 billion over 15 years, according to the National Economic Research Associates.



Grid reliability will also suffer. Allowing the EPA to rearrange our electricity system could threaten up to 130 gigawatts of reliable power from coal, natural gas, and nuclear power plants – enough to meet the residential power needs of more than 105 million Americans.



It was due to similar consequences that the 111<sup>th</sup> Congress rejected cap-and-trade legislation. That legislative failure has not deterred President Obama who made explicit his intent to ignore the will of the American people, famously stating, "cap-and-trade was just one way of skinning the cat." Given that the current administration has decided to circumvent Congress and achieve the same ends via regulatory fiat, you and other Members of Congress, elected by the People, should do everything possible to prevent unelected EPA bureaucrats from dictating national energy policy.



Sincerely,



60 Plus Association  
American Energy Alliance



AmericanCommitment  
Americans for Prosperity  
Americans for Tax Reform  
Beacon Center of Tennessee  
The Bluegrass Institute  
Buckeye institute  
Caesar Rodney Institute  
The Cardinal Institute for West Virginia  
Civitas Institute  
Competitive Enterprise Institute  
Concerned Women for America  
Council for Citizens Against Government Waste  
E&E Legal  
Freedom Partners Chamber of Commerce  
HomeMakers for America  
Independence Institute  
Independent Women's Forum  
Independent Women's Voice  
I am Created Equal, Colorado  
The James Madison Institute  
The John K. MacIver Institute for Public Policy  
Let Freedom Ring  
Maine Heritage Policy Center  
Mississippi Center for Public Policy  
Montana Policy Institute  
National Taxpayers Union  
Public Interest Institute  
Rhode Island Center for Freedom and Prosperity  
Rio Grande Foundation  
Taxpayers Protection Alliance  
Texas Public Policy Foundation