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Op-Ed: Gridlock for the Clean Power Plan

In June of 2014 the current federal administration hoped they would be in the “home stretch” during the summer of 2016 implementing a regulatory strategy to wean electricity consumers off fossil fuel fired electric power plants, to reduce emissions of carbon dioxide. Much of that effort is now gridlocked in the courts and the states.

The Clean Power Plan was finalized August 3, 2015, directing 46 states to each develop a plan for the years 2022 to 2030 to reduce greenhouse gas emissions by 32 percent. States began holding meetings with stakeholder groups on both sides of the policy fence to develop their own state-specific strategies, just like the Washington leaders envisioned.

And then the plan began to fall apart. Lawsuits challenging the plan’s legality were filed. Not only was that challenge expected, the Environmental Protection Agency had taken the unprecedented step of adding an entire addendum to the draft rule outlining its legal defense and justification for each provision. What caught the regulators off-guard was that in February 2016 the United States Supreme Court issued a stay of the rule, even before they had officially received the case. The deadlines requiring the 46 state plans just vanished overnight.

A significant number of states just stopped working on compliance plans for the rule. In some states, legislatures passed laws prohibiting any activities toward developing the plan. In other cases, it was the Governor who issued a “stop work” order. In a third category, where Missouri finds itself, those involved in the plan development just understood that their work had to stop until the court case was resolved.

The national effort is so gridlocked that even state proponents of this massive change in the nation’s electric power industry, like California and Pennsylvania, have suspended their planning effort.

Has the American public just become irrelevant to this proposed change?

Absolutely not, although the timing and focus is changing. The time for letters to Congress and the EPA are largely passed. Whether the Clean Power Plan survives depends on who is elected the next President of the United States in November this year, and what the U.S. Supreme Court may rule sometime in 2017.

The real place where your voice as a ratepayer will make a difference is now at the state level, where a plan will be drafted by the state, or we’ll have a federal plan forced on all our electric utilities. A new Governor can insure that the state takes a common-sense approach to any requirements approved by the Supreme Court. A new Director for the Department of Natural Resources needs to continue the pattern of listening to solutions offered by people who really understand how the electric system works for the people and businesses of the state. And your local state senator and state representative need to know that you support them in pushing the executive branch of government to develop the most reasonable and least expensive plan possible.

But none of this can start until after November’s election when the players for 2017 and beyond are selected. We’ll have some sample letters then, and we hope we’ll have your enthusiastic involvement in this effort to help you make your voice heard.

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