WISCONSIN LEGISLATURE
P.O. BOX 8952 • MADISON, WI 53708

Monday, December 1, 2014

Administrator Gina McCarthy
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Clean Power Plan Proposed Rule

Dear Administrator McCarthy:

As members of the Wisconsin State Assembly, we are writing to provide public comment on the latest set of proposed EPA mandates on behalf of our constituents whose very jobs and ability to stay in their homes are in great jeopardy under the current "Clean Power Plan" proposal. The edicts set forth in these regulations would not only send utility costs skyrocketing for Wisconsinites of every walk of life, but simultaneously impose a chilling effect on job creators big and small, and play a significant role in forcing many of them to shut their doors permanently.

Reliable estimates of the impact created by these rules place the average increased cost burden on households in additional electricity and natural gas costs alone at several hundred dollars per year, not to mention the catastrophic consequences of the loss of thousands of family-supporting jobs at Wisconsin's coal-fired energy plants. The "Clean Power Plan" would effectively shut down a crippling share of Wisconsin's coal-fired generating capacity as more than 60 percent of our state's baseload generation comes from coal. How unrealistic is the proposed rule in its efficiency standards for existing coal plants? According to a joint response of Wisconsin utilities, "the emission limits that EPA proposes are too stringent, because they cannot be met even by new supercritical units on a net basis."

This significant loss of baseload power generating capacity is extremely worrisome, because the alternative energies proposed to replace coal-fired generation typically provide much smaller output and are less reliable (i.e. wind power, at an average capacity factor of 28%). In other words, a "battery backup" of baseload power generating capacity is needed to sustain peak energy supply for the known demand...and the very coal-fired generation that is currently providing it will have been taken offline by this very rule.

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If the EPA's goal with the "Clean Power Plan" is truly to reduce carbon emissions, why is it using a baseline that penalizes states like Wisconsin that undertook emission-reducing actions at the state level prior to 2012? Further, the EPA's proposed "at-risk" nuclear provision penalizes Wisconsin and similarly situated states with more stringent goals than would be the case if they didn't have any nuclear generation. A utility-owned plant in a rate-regulated state or a plant with a long-term power purchase agreement, such as Wisconsin's Point Beach facility, should not bear this designation, but rather the rule should provide an incentive for nuclear units to continue to operate, and, if possible, to increase their output or capacity factor, such as the 2011 extended power uprate at Point Beach.

Lastly, we would be remiss if we did not question the authority of the EPA to even promulgate this far (over) reaching new rule. It is well established that agencies only have as much power as is granted to them by statute, yet the "Clean Power Plan" is attempting to utilize a very old, obscure provision of the Clean Air Act to essentially force the implementation of a cap-and-trade program on a state-by-state basis, a federal renewable portfolio standard, and an energy efficiency standard, all in one fell swoop.

In the interests of Wisconsin and our nation, we ask you to please reconsider this disastrous policy-by-executive-fiat and go back to the drawing board to work with us and the many legislators like us across the country to create a more sensible path forward.

Sincerely,

Rep. André Jacque | Rep. Mike Kuglitsch | Assembly Speaker Robin Vos

DAVID STEFFEN

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