



**American
Public Power
Association**

Ph: 202.467.2900
Fax: 202.467.2910
www.PublicPower.org

2451 Crystal Drive
Suite 1000
Arlington, VA 22202-4801

April 28, 2015

The Honorable Ed Whitfield
2184 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Whitfield:

On behalf of the American Public Power Association (APPA), I am writing to express our support for the Ratepayer Protection Act. APPA is the national service organization representing the interests of over 2,000 community-owned, not-for-profit electric utilities. These utilities include state public power agencies, municipal electric utilities, and special utility districts that provide electricity and other services to over 48 million Americans.

APPA believes the issue of global climate change needs to be addressed, but not through the existing Clean Air Act (CAA), which was created to address criteria pollutants for human health protection. The CAA is not appropriately designed for regulation of carbon dioxide (CO₂) or other greenhouse gases (GHG). In spite of the obvious problems with regulating GHGs under the Act, the Environmental Protection Agency (EPA) has decided to go forward with its efforts to regulate such gases from existing fossil-fuel fired power plants under Section 111(d) of the Clean Air Act.

APPA believes EPA's proposed rule, the Clean Power Plan, goes well beyond what is permissible under Section 111(d), and is strongly concerned about its potential impacts on public power utilities and their customers. The association is very disappointed that EPA decided to set emissions guidelines that are not achievable at the affected source—the electric generating unit (EGU). APPA is also strongly concerned that the emission reduction goals are “front loaded,” requiring most of the reductions by 2020 to 2022 and that states do not receive full credit for early actions they undertook that resulted in CO₂ emissions reductions. In addition, public power utilities are very concerned that nothing in the rule provides a mechanism to give credit for investments in renewables in one state that serve load in another state. Also of concern, among many others, is the lack of a reliability safety valve to ensure compliance does not impair system reliability.

APPA is pleased you have introduced legislation to delay implementation of the final rule until judicial review has occurred. Given the magnitude of the scope of the proposed rule and the implications for utilities, consumers, and states, as well as its many legal and technical infirmities, it is essential to have the courts review the final Clean Power Plan before states and utilities commit significant time and resources to complying with it. There is no guarantee a court would stay implementation of the rule once it is challenged in federal court. The Ratepayer Protection Act would ensure that timely review occurs prior to state implementation of the final rule.

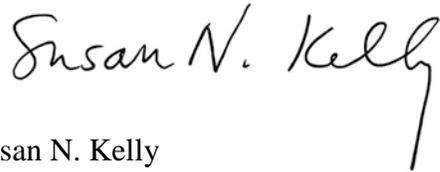
The Honorable Ed Whitfield

Page 2

4/28/2015

Thank you for your leadership on this important issue affecting electric utilities. I hope you will feel free to contact me or the APPA government relations staff with any questions.

Sincerely,

A handwritten signature in black ink that reads "Susan N. Kelly". The signature is written in a cursive style with a long, vertical tail on the letter "y".

Susan N. Kelly
President & CEO

cc: The Honorable Fred Upton
The Honorable Frank Pallone
The Honorable Bobby Rush