

<u>State</u> <sup>1</sup>	<u>Governor</u>	<u>Attorney General</u> <sup>2</sup>	<u>Key Environmental Staff and PUC Chair or Commissioners</u>	<u>Proposed Target (Interim/Final)</u>	<u>Notes, Letters and Other Actions Taken</u>
<b>AL</b>	Robert Bentley (R)	Luther Strange (R)	Lance LeFleur (Dir. ADEM) Ronald Gore (Chief of Air Division ADEM) Twinkle Andress Cavanaugh (PUC Chair; R)	1,147 lbs. CO <sub>2</sub> /Net MWh 1,059 lbs. CO <sub>2</sub> /Net MWh	<p><b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).<sup>3</sup></p> <p><b>SEPTEMBER 9, 2014:</b> Governor Bentley joins with fourteen others (all Republican) in sending the President a letter expressing concerns about the Clean Power Plan. Letter outlines five buckets of concerns – (1) enforcement of state plans, (2) availability and impacts of renewables, (3) building the needed natural gas infrastructure, (4) disposal of nuclear waste and (5) issues pertaining to the importing and exporting of electricity.<sup>4</sup></p> <p>“ . . . even if the Agency did have legal authority to regulate power plants under 111(d), it overstepped this hypothetical authority when it acted to coerce states to adopt compliance measures that do not reduce emissions at the entities EPA has set out to regulate.”</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.<sup>5</sup></p> <p>“The proposed rule regulates or affects the generation, transmission, and use of electricity in every corner of this country. States and stakeholders must have time to fully analyze and assess the sweeping impacts that the proposal will have on our nation’s energy system . . .”</p>
<b>AK</b>	Sean Parnell (R)	Mike Geraghty (R)	Larry Hartig (Commissioner. AK DEC) Lynn Kent (Deputy Commissioner. AK DEC) Robert Pickett (PUC Chair)	1,097 lbs. CO <sub>2</sub> /Net MWh 1,003 lbs. CO <sub>2</sub> /Net MWh	<p><b>AUGUST 28, 2014:</b> <a href="#">Letter</a> from the Alaska Department of Environmental Conservation requesting a 90-day extension of the comment period, and asking for EPA to “produce the modelling and cost information supporting the Regulatory Flexibility Act analysis for Alaska.”</p> <p>“The nature of this proposed rule also requires gathering essential information from our vertically integrated utilities – again, a time consuming endeavor. Simply put, from a purely logistical perspective, the work necessary to participate in a meaningful and constructive manner cannot be complete in the time provided.”</p> <p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>

<p>AR</p>	<p>Mike Beebe (D)</p>	<p>Dustin McDaniel (D)</p>	<p>Elizabeth Sartain (ADEQ) Stuart Spencer (ADEQ) William Thompson (Vice Chair, APC&amp;E) Colette Honorable (PUC Chair; D)</p>	<p>968 lbs. CO<sub>2</sub>/Net MWh 910 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 4, 2014:</b> Letter from Attorney General claims proposed rule would have “devastating” impact on Arkansas, and urges EPA to “reconsider the goals set for [the state].” Highlights the following concerns: (1) deadlines for comments and implementation, (2) barriers to regional planning, (3) “impracticality” of coal-gas fuel switching within timeframe, (4) heat rate improvements and standalone 2012 baseline year, (5) “very limited” potential for wind and other non-hydro renewables and (6) missing modeling runs.</p> <p><b>SEPTEMBER 4, 2014:</b> Teresa Marks, Director of the AR DEQ, joins with five of her fellow energy and environment regulators requesting an extension of the comment period. The <a href="#">letter</a> is prepared by a subset of the Midcontinent States Environment and Energy Regulators, a group aimed at bringing together state officials from fourteen midcontinent states “to explore and assess implementation options” to comply with 111(d).</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>
<p>AZ</p>	<p>Jan Brewer (R)</p>	<p>Tom Horne (R)</p>	<p>Henry Darwin (Dir. ADEQ) Eric Massey (Dir. AZ DEQ Air Quality Div.) Steve Burr (Legal Support Section AZ DEQ Air Quality Div.) Gary Pierce (PUC Chair; R)</p>	<p>735 lbs. CO<sub>2</sub>/Net MWh 702 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 22, 2014:</b> <a href="#">Letter</a> from the AZ DEQ claims “the more Arizona relies on Building Blocks 3 and 4 to achieve compliance with the final goal of 702 lbs. CO<sub>2</sub>/MWh, the farther it gets from compliance with the interim goal (scenarios 2-4).” Goes on to state, “. . . Arizona has no flexibility to shift from one Building Block to another to meet its rate-based goal under the program as proposed.”</p> <p><b>SEPTEMBER 9, 2014:</b> DEQ Director Darwin <a href="#">testifies</a> before the House Energy &amp; Power Subcommittee saying he does not believe EPA has the statutory authority under CAA Section 111(d) to move forward with its proposal. Cites three challenges for Arizona: (1) 52 percent reduction in emissions intensity by 2030 (second steepest in the country), (2) 75 percent of total reductions must be achieved by interim 2020 goal and (3) the energy needed to deliver Colorado River water to central AZ is generated on the Navajo Reservation where there is, at present, no proposed rule or goals. Expresses support for extension of public comment period.</p> <p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p> <p><b>SEPTEMBER 10, 2014:</b> DEQ holds meeting on Clean Power Plan and issues accompanying white paper, discussing the application of the four Building Blocks in the context of Arizona only. Paper notes Arizona has the second highest goal (52%), excluding the Navajo Generating Station. According to the AZDEQ, the proposed application of Building Block Two accounts for 77% of the state’s reduction.</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p> <p><b>SEPTEMBER 17, 2014:</b> Arizona Corporation Commission Chairman Bob Stump joins with seventeen fellow state regulators, past and present, in releasing a statement critical of EPA’s 111(d) rule. Letter stresses the importance of fuel diversity for maintain electric reliability and keeping electricity affordable.</p> <p>“Our concern with the EPA’s proposed carbon rules is that they fail to adequately forecast the serious</p>

					economic and reliability impacts of dramatically reduced or even elimination of coal-fired generation . . . And, unfortunately, the EPA has underestimated how much its proposed rules will increase the cost of electricity to consumers.”
CO	John Hickenlooper (D)	John Suthers (R)	Martha Rudolph (Dir. CDPHE) Mike Silverstein (CDPHE) William Allison (Dir. CDPHE Air Pollution Control Division) Joshua Epel (PUC Chair; D)	1,159 lbs. CO <sub>2</sub> /Net MWh  1,108 lbs. CO <sub>2</sub> /Net MWh	
FL	Rick Scott (R)	Pam Bondi (R)	Herschel Vinyard, Jr. (Sec. FLDEP) Matt Leopold (General Counsel FLDEP) Art Graham (PUC Chair; R)	794 lbs. CO <sub>2</sub> /Net MWh  740 lbs. CO <sub>2</sub> /Net MWh	<b>AUGUST 26, 2014:</b> Florida PSC staff pen briefing memorandum to Commission Executive Director, Barulio Baez, expressing their legal and policy concerns with EPA’s 111(b) rule for modified sources and the Agency’s 111(d) rule for existing coal-fired power plants. Memorandum discusses each of the four Building Blocks in some detail, with particular emphasis paid to how they might impact Florida, specifically. Regarding renewables, memorandum notes that among those States included in the Southeast region, only North Carolina has adopted an RPS requirement. Memorandum also includes “general comments” from Florida utilities.  <b>SEPTEMBER 3, 2014:</b> Florida PSC Commissioner Eduardo Balbis sends memorandum to PSC Chair Art Graham articulating issues the Commission needs to address, and stating, “the Proposed Rules fails to take into account the unique geographic features of Florida and our limited interconnection with other states in the region.” Balbis also stresses the assumptions underlying the heat rate improvements and demand side energy efficiency in Building Blocks One and Four, respectively, “are not supported by historic data from our view.” Also stated EPA’s characterization of Florida’s NGCC fleet operating at a “51 percent capacity factor” in 2012 is “incorrect.”  <b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.
GA	Nathan Deal (R)	Sam Olens (R)	Philip Wilheit, Jr. (Chairman GA DNR) Ray Lambert, Jr. (Vice-Chairman GA DNR) Jane Hurt Yarn (GA Council on Envir. Qual.) Chuck Eaton (PUC Chair; R)	891 lbs. CO <sub>2</sub> /Net MWh  834 lbs. CO <sub>2</sub> /Net MWh	<b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.  <b>SEPTEMBER 16, 2014:</b> Georgia DNR files comments <a href="#">letter</a> requesting EPA remove the “under-construction” nuclear generation input from the BSER calculation and state emissions goals. Letter refutes further EPA’s contention that there are no state policies supporting the development of new nuclear units; cites to single-chamber resolutions passed by state legislature and the PSC construction approval for Vogtle Units 3&4.  “. . . the way nuclear generation ultimately impacts the goal and achievement of the goal is fundamentally different than the other building blocks. If any of the renewable energy, energy efficiency, or heat rate improvements fall short, it is possible to compensate by overachieving in one of

					<p>the other areas. The under-construction nuclear generation has such a significant impact on the goal that any shortfall in ultimate performance would be virtually impossible to overcome.”</p> <p><b>SEPTEMBER 17, 2014:</b> Georgia PSC Chairman Chuck Eaton and Commissioners Doug Everett and Stan Wise join with fellow state regulators, past and present, in releasing a statement critical of EPA’s 111(d) rule. Letter stresses the importance of fuel diversity for maintain electric reliability and keeping electricity affordable. Wise also penned an open letter to Administrator McCarthy warning of the possible impacts the 111(d) rule might have on the State of Georgia.</p> <p><b>SEPTEMBER 17, 2014:</b> Georgia PSC Commissioner Stan Wise submits <a href="#">comment letter</a> stressing how 111(d) proposal exceeds EPA’s authority under the Clean Air Act, and how “the rules will jeopardize reliability and drive-up costs by essentially dictating to [S]tates which generation resources will be deployed and at what time.”</p> <p>“Let me begin by saying the draft rule summarily discards billions of dollars in investment Georgians have made in state-of-the-art emissions controls on coal-fired units . . . EPA’s proposal assumes that Georgia will retire around 3,900 [MWs] of coal-fired generation in response to this rule, thereby stranding the investment in those generating units, including billions of dollars’ worth of environmental controls.”</p>
<b>ID</b>	Butch Otter (R)	Lawrence Wasden (R)	<p>Beth Elroy (Mem. (R) ID DEQ)</p> <p>Kermit Kiebert (Mem. (D) ID DEQ)</p> <p>Marsha Smith (PUC Commissioner; D)</p> <p>Mack Redford (PUC Commissioner, R)</p> <p>Paul Kjellander (PUC Commissioner, R)</p>	<p>244 lbs. CO<sub>2</sub>/Net MWh</p> <p>228 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>
<b>IL</b>	Pat Quinn (D)	Lisa Madigan (D)	<p>Julie Armitage (Bureau Chief; IL EPA)</p> <p>LaMar Hasbrouck , MD (Dir. IL DPH)</p> <p>Doug Scott (ICC Chair; D)</p> <p>Ann McCabe (ICC; D)</p>	<p>1,366 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,271 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 4, 2014:</b> ICC Chairman Scott joins with five of his fellow energy and environment regulators requesting an extension of the comment period. The <a href="#">letter</a> is prepared by a subset of the Midcontinent States Environment and Energy Regulators, a group aimed at bringing together state officials from fourteen midcontinent states “to explore and assess implementation options” to comply with 111(d).</p>

IN	Mike Pence (R)	Greg Zoeller (R)	<p>Thomas Easterly (Comm. IN DEM)</p> <p>James Atterholt (PUC Chair; R)</p>	<p>1,607 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,531 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).</p> <p><b>SEPTEMBER 9, 2014:</b> Commissioner Easterly <a href="#">testifies</a> before the House Energy &amp; Power Subcommittee stating Indiana will be “significantly impacted” by the proposed rule, largely because of the state’s manufacturing-based economy. He points out Indiana is 80% coal, and recommends the Obama administration rethink its approach to balancing economic and environmental goals. Easterly cites report from the Indiana State Utility Forecasting Group that estimates natural gas prices will increase “around 10% in the next six years” and electricity costs will rise 30% due to EPA regulations.</p> <p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p> <p><b>SEPTEMBER 17, 2014:</b> Indiana Utility Regulatory Commission Commissioner Larry Landis joins with fellow state regulators, past and present, in releasing a statement critical of EPA’s 111(d) rule. Letter stresses the importance of fuel diversity for maintain electric reliability and keeping electricity affordable.</p>
IA	Terry Branstad (R)	Tom Miller (D)	<p>Chuck Gipp (Dir. IA DNR)</p> <p>Bruce Trautman (Deputy Dir. IA DNR)</p> <p>Elizabeth “Libby” Jacobs (PUC Chair)</p>	<p>1,341 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,301 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 11, 2014:</b> U.S. Senator Chuck Grassley joins on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>
KS	Sam Brownback (R)	Derek Schmidt (R)	<p>John Mitchell (Dir. KDHE Envir. Division)</p> <p>Shair Feist Albrecht (PUC Commissioner)</p> <p>Jay Scott Emler (PUC Commissioner)</p> <p>Pat Apple (PUC Commissioner)</p>	<p>1,578 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,499 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 21, 2014:</b> Kansas Department of Health &amp; Environment files <a href="#">request</a> asking for a 90-day extension, at minimum, of comment period as well as one-year extension for state plan submittals.</p> <p>“This particular 111(d) plan will be unique in that the emission guidelines encourage reaching beyond the source fence line for compliance with the standard . . . Simply put, it will be a complicated task.”</p> <p><b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p> <p><b>OCTOBER 29, 2014:</b> Kansas Corporation Commission submits comment letter expressing a multitude of concerns, including: (1) the EPA’s proposed approach to the electricity production and dispatch, (2) the</p>

					<p>State’s target, (3) reliability and cost issues and (4) the compliance timelines, among others.</p> <p>“Of particular concern is the extent of the EPA’s proposed regulatory reach into Kansas’ mix of energy resources . . . In its proposed Clean Power Plan, the EPA has inserted itself into a regulatory field occupied by the states for decades in which the states have proven expertise in public utility ratemaking and in understanding the complexity of the electric grid and electric reliability.”</p>
<b>KY</b>	Steve Beshear (D)	Jack Conway (D)	<p>Leonard Peters (Sec. KY E&amp;E Cabinet)</p> <p>David Armstrong (PUC Chair; D)</p> <p>James Gardner (PUC Commissioner; D)</p> <p>Greg White (PUC Commissioner; R)</p>	<p>1,844 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,763 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 25, 2014:</b> Kentucky Attorney General Conway files <a href="#">Request for Notice of Data Availability and Extended Comment Period</a>, citing possible violations of CAA Section 307(d) as the legal impetus for his request. Seeks “immediate action” to rectify missing information, requests EPA produce all information that is critical to meaningful public comment and asks for an extension of the public comment period (but does not specify how many days).</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>
<b>LA</b>	Bobby Jindal (R)	Buddy Caldwell (R)	<p>Peggy Hatch (Sec. LA DEQ)</p> <p>Sanford Phillips (Dir. LA DEQ Envir. Services)</p> <p>Erik Skrmetta (PUC Commissioner)</p> <p>Clyde Holloway (PUC Commissioner)</p>	<p>948 lbs. CO<sub>2</sub>/Net MWh</p> <p>883 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).</p> <p><b>SEPTEMBER 9, 2014:</b> Louisiana PSC sends [letter] requesting a 60-day extension of the public comment period.</p> <p>“Preliminary indications are that the [Clean Power Plan] will require vast changes in traditional public utility regulation and is based on many erroneous assumptions and modeling errors.”</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p> <p><b>SEPTEMBER 12, 2014:</b> Louisiana DEQ sends “initial comments” <a href="#">letter</a> expressing opposition to the proposed rule, and seeks to inform EPA “of errors and omissions in the data used to calculate Louisiana’s state goal.”</p> <p>“ . . . LDEQ opposes EPA’s proposed rule because it unequivocally exceeds the authority provided to EPA by Section 111(d) of the Clean Air Act, and risks undermining our state’s economic development while providing questionable and unsubstantiated environmental benefit.”</p>

MI	Rick Snyder (R)	Bill Schuette (R)	<p>Dan Wyant (Dir. MI DEQ)</p> <p>Dave Fielder (Reg. Affairs Officer. DEQ Executive Division)</p> <p>Vince Hellwig (MI DEQ Air Quality Division)</p> <p>John Quackenbush (PUC Chair; R)</p>	<p>1,227 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,161 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 4, 2014:</b> Vince Hellwig of the MI DEQ joins with five of his fellow energy and environment regulators requesting an extension of the comment period. The <a href="#">letter</a> is prepared by a subset of the Midcontinent States Environment and Energy Regulators, a group aimed at bringing together state officials from fourteen midcontinent states “to explore and assess implementation options” to comply with 111(d).</p> <p><b>SEPTEMBER 12, 2014:</b> Michigan DEQ sends <a href="#">letter</a> requesting an undefined extension of the comment period, citing almost five-week delay in assessing proposed rule due to “difficulties in reproducing the [EPA’s] goal calculation.” Letter goes on to state that “the short time frame does not allow for adequate review of the data the [Agency] used in determining [Michigan’s] emission reduction goal . . .”</p>
MN	Mark Dayton (D)	Lori Swanson (D)	<p>John Linc Stine Commissioner MN Pollution Control Agency)</p> <p>J. David Thornton (Asst. Commissioner MN Pollution Control Agency)</p>	<p>911 lbs. CO<sub>2</sub>/Net MWh</p> <p>873 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 4, 2014:</b> David Thornton joins with five of his fellow energy and environment regulators requesting an extension of the comment period. The <a href="#">letter</a> is prepared by a subset of the Midcontinent States Environment and Energy Regulators, a group aimed at bringing together state officials from fourteen midcontinent states “to explore and assess implementation options” to comply with 111(d).</p> <p><b>SEPTEMBER 16, 2014:</b> Minnesota Pollution Control Agency files <a href="#">comments</a> lauding EPA’s approach to 111(d), stating it “closely matches Minnesota’s policies and programs.” Comment letter requests EPA clarify the definition of affected units thereby exempting smaller generation units (less than 10 percent of its heat input during any three consecutive years) and treating biomass as a carbon-neutral fuel source. Letter requests further EPA provide the States with mass-based calculation of States’ goals, and seeks EPA issue NODA with technical corrections, specifically as they relate to States’ goals.</p>
MS	Phil Bryant (R)	Jim Hood (D)	<p>Trudy Fisher (Exec. Dir. MS DEQ) Shawn Shurden (General Counsel MS PSC)</p> <p>Lynn Posey (PUC Chair; R)</p>	<p>732 lbs. CO<sub>2</sub>/Net MWh</p> <p>692 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 19, 2014:</b> Mississippi Department of Environmental Quality files request seeking 90-day extension of the comment period. Cites complexity and “significant impacts to the [Mississippi-based] utilities and the [state’s] citizens” as its reason for the request.</p> <p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p>
MO	Jay Nixon (D)	Chris Koster (D)	<p>Sean Parker Pauley (Dir. MO DNR)</p> <p>Leanne Tippet Mosby (Dir. MO DNR Environmental Quality Division)</p> <p>Robert Kenney (PUC Chair; D)</p>	<p>1,621 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,544 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 4, 2014:</b> PUC Chair Kenney joins with five of his fellow energy and environment regulators requesting an extension of the comment period. The <a href="#">letter</a> is prepared by a subset of the Midcontinent States Environment and Energy Regulators, a group aimed at bringing together state officials from fourteen midcontinent states “to explore and assess implementation options” to comply with 111(d).</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p> <p><b>SEPTEMBER 17, 2014:</b> EPA fields questions from regulators regarding proposed rule at forum hosted by the Missouri Department of Natural Resources. Highlights from resulting Q&amp;A include: (1) EPA relied on EIA data when determining “at risk” nuclear closings, (2) enforceable measures the “only” way to reduce emissions from highest emitting sources in rate-based scheme and (3) energy efficiency implemented after 2012 and before SIPs will not count towards compliance (but these states will have a “head start”).</p>

<p>MT</p>	<p>Steve Bullock (D)</p>	<p>Tim Fox (R)</p>	<p>Tracy Stone-Manning (Dir. MT DEQ)  David Klemp (MT DEQ Air Resources Management Bureau)  Bill Gallagher (PUC Chair; R)  Bob Lake (PUC Vice Chair; R)  Travis Kavulla (PUC Commissioner; R)</p>	<p>1,882 lbs. CO<sub>2</sub>/Net MWh  1,771 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).</p> <p><b>SEPTEMBER 9, 2014:</b> Commissioner Kavulla <a href="#">testifies</a> before the House Energy &amp; Power Subcommittee stressing the possible reliability impacts of the proposed rule. Claims EPA using a “cookie-cutter formula” to defined BSER based on “untrue generalizations.” Echoes criticism that EPA proposal penalizes “early adopters of pollution controls.”</p> <p><b>SEPTEMBER 15, 2014:</b> Commissioner Kavulla and Ray Brush (NTTG Utility Co-Chair; Northwest Energy Corporation) submit joint <a href="#">comments</a> addressing an “apparent misunderstanding” on the part of EPA pertaining to how the Northern Tier Transmission Grid and ColumbiaGrid control dispatch and seek solutions such as capacity markets and transmission upgrades.</p> <p>“The proposed rule suggests that NTTG exercises a dispatch function, may authorize transmission upgrades, and could implement a capacity market. These functions are not performed by NTTG and [exist] outside of its authority to implement . . . NTTG does not have the authority, nor the responsibility, to provide services for generation dispatch, transmission updates and system reliability that EPA has assumed as a basis for implementation of its proposed rule.”</p>
<p>NC</p>	<p>Pat McCrory (R)</p>	<p>Roy Cooper (D)</p>	<p>Sheila Holman (Dir. NC DENR Air Quality Division)  Edward Finley, Jr. (PUC Chair; D)</p>	<p>1,077 lbs. CO<sub>2</sub>/Net MWh  992 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 12, 2014:</b> North Carolina Department of Environment and Natural Resources Secretary John Skvarla files request seeking 90-day extension.</p> <p>“Affordable and reliable electricity, along with clean air are essential to the economic well-being of our state and the quality of life of our citizens. EPA has an obligation to understand the impacts of these regulations will have on all segments of society, and towards fulfilling this obligation . . .”</p> <p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senator Richard Burr joins on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>
<p>NE</p>	<p>Dave Heineman (R)</p>	<p>Jon Bruning (R)</p>	<p>Shelley Schneider (Division Admin. NDEQ Air Quality Division)  Anne Boyle (PUC Commissioner; R)  Frank Landis, Jr. (PUC Commissioner R)</p>	<p>1,596 lbs. CO<sub>2</sub>/Net MWh  1,479 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>

<p>NV</p>	<p>Brian Sandoval (R)</p>	<p>Catherine Cortez-Masto (D)</p>	<p>Alaina Burtenshaw (PUC Chair; D) Colleen Cripps (Admin. Div. of Envir. Protection. DC&amp;NR)</p>	<p>697 lbs. CO<sub>2</sub>/Net MWh 647 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 10, 2014:</b> Nevada Department of Conservation and Natural Resources sends <a href="#">letter</a> requesting a 60-day extension of the public comment period. <b>SEPTEMBER 11, 2014:</b> U.S. Senator Dean Heller join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>
<p>NM</p>	<p>Susan Martinez (R)</p>	<p>Gary King (D)</p>	<p>Ryan Flynn Sec. Environment Department</p>	<p>1,107 lbs. CO<sub>2</sub>/Net MWh 1,048 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 5, 2014:</b> New Mexico Environment Department sends <a href="#">letter</a> requesting a 90-day extension of the public comment period, and asks EPA to provide states with calculations for mass-based standards in a timely manner.  “ . . . [in the Department’s review it is] finding many areas of potential concern for New Mexico as well as some lack of clarity or incomplete information . . . Because the rule encompasses areas not traditionally in staff’s areas of expertise, they also must spend significant time understanding the complexities of power plant operations, the grid, dispatch decision-making . . . and other related issues.”  <b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p>
<p>NJ</p>	<p>Chris Christie (R)</p>	<p>Hoffman (R)</p>	<p>Bob Martin (Commissioner. NJ DEP) Joseph Fiordaliso (PUC Commissioner) Jeanne Fox (PUC Commissioner) Mary-Ann Holden (PUC Commissioner) Dianne Solomon (PUC Commissioner)</p>	<p>647 lbs. CO<sub>2</sub>/Net MWh 531 lbs. CO<sub>2</sub>/Net MWh</p>	
<p>ND</p>	<p>Jack Dalyrmple (R)</p>	<p>Wayne Stenehjem (R)</p>	<p>Dave Glatt (Dir. ND DH Air Quality Division) Brian Kalk (PUC Commissioner; R) Randy Christmann (PUC Commissioner; R) Julie Fedorchak (PUC Commissioner)</p>	<p>1,817 lbs. CO<sub>2</sub>/Net MWh 1,783 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>OCTOBER 22, 2013:</b> Governor sends letter to EPA Administrator McCarthy expressing “significant concerns” regarding EPA’s “present failure” to engage directly the citizens of North Dakota in its 111(b) and 111(d) NSPS rulemakings. Governor requests EPA hold at least one “listening session” in North Dakota as to allow citizens the opportunity to comment on EPA’s proposals.  <b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).  <b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed</p>

					rule.  <b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.
<b>OH</b>	John Kasich (R)	Mike DeWine (R)	James Zehringer (Dir. OH DNR) William Wright (Section Chief. PUCO)  Thomas Johnson (PUC Chair; R)	1,452 lbs. CO <sub>2</sub> /Net MWh  1,338 lbs. CO <sub>2</sub> /Net MWh	<b>JULY 16, 2014:</b> Ohio EPA Director Craig Butler files request seeking 90-day extension of the public comment period. “Due to the complexity of this proposal and the needed interaction with the various state agencies to prepare comments, we are requesting [this extension],” reads the letter.  <b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).  <b>SEPTEMBER 11, 2014:</b> U.S. Senator Rob Portman joins on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.  <b>SEPTEMBER 17, 2014:</b> Ohio PUC Chairman Todd Snitchler joins with fellow state regulators, past and present, in releasing a statement critical of EPA’s 111(d) rule. Letter stresses the importance of fuel diversity for maintain electric reliability and keeping electricity affordable.
<b>OK</b>	Mary Fallin (R)	Scott Pruitt (R)	Sharon Myers (Chair. OK DEQ Air Quality Advisory Council)  Gerald Butcher (Vice-Chair. OK DEQ Air Quality Advisory Council)  Bob Anthony (PUC Chair; R)	931 lbs. CO <sub>2</sub> /Net MWh  895 lbs. CO <sub>2</sub> /Net MWh	<b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).  <b>AUGUST 28, 2014:</b> Oklahoma DEQ sends EPA <a href="#">letter</a> requesting a 90-day extension of the public comment period, citing “complexity, uniqueness, and the ramifications” of the proposed rule. Letter goes on to note, “ODEQ’s review of the proposed rule reveals it will have a significant impact on the electric generating power companies and consequently, the rate payers for the state of Oklahoma.”  <b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.  <b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.

PA	Tom Corbett (R)	Kathleen Kane (D)	<p>E. Christopher Abruzzo (Sec. PA DEP)</p> <p>James Melia (Counsel PA PUC)</p> <p>Robert Powelson (PUC Commissioner; R)</p>	<p>1,179 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,052 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>August 21, 2014:</b> Governor sends letter to PJM requesting the RTO perform a “reliability analysis for Pennsylvania.” States new EPA rules for both future and existing coal-fired power plants will have a “significant and, as currently proposed, detrimental effect on the Commonwealth’s power generation portfolio.” Proposes list of seven “issues” to PJM, including natural gas pipeline constraints, building new renewables in transmission-deficient areas, reliability impacts from “extreme levels” of power generation retirements and constraints on interregional transmissions, among others.</p> <p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senator Pat Toomey joins on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>
SC	Nikki Haley (R)	Alan Wilson (R)	<p>Myra Reecem (Chief SC DHEC Air Quality Division)</p> <p>Nikiya “Nikki” Hall (PUC Chair)</p>	<p>840 lbs. CO<sub>2</sub>/Net MWh</p> <p>772 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).</p> <p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>
SD	Dennis Daugaard (R)	Marty Jackley (R)	<p>Steven Pirner (Sec. SD DENR)</p> <p>Tim Tollefsrud (Dir. SD DENR Environmental Services)</p> <p>Gary Hanson (PUC Chair; R)</p>	<p>800 lbs. CO<sub>2</sub>/Net MWh</p> <p>741 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>
TN	Bill Haslam (R)	Bob Cooper (D)	<p>Bob Martineau (Commissioner. TN DE&amp;C)</p> <p>Shari Meghreblian, PhD (Deputy Commissioner. DE&amp;C Bureau of Environment)</p> <p>Herbert Hillard (PUC Chair; non-political)</p>	<p>1,254 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,163 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p> <p><b>SEPTEMBER 17, 2014:</b> Tennessee Regulatory Authority Director Kenneth Hill joins with fellow state regulators, past and present, in releasing a statement critical of EPA’s 111(d) rule. Letter stresses the importance of fuel diversity for maintain electric reliability and keeping electricity affordable.</p>

TX	Rick Perry (R)	Greg Abbott (R)	<p>Richard Hyde (Exec. Dir. TX CEQ)</p> <p>Ken Anderson, Jr. (Commissioner TX PUC)</p> <p>Brian Lloyd (Exec. Dir. TX PUC)</p> <p>Milton Rister (Exec. Dir. TX Railroad Commission)</p>	<p>853 lbs. CO<sub>2</sub>/Net MWh</p> <p>791 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 9, 2014:</b> Commissioner Anderson <a href="#">testifies</a> before the House Energy &amp; Power Subcommittee stating he is opposes the proposed rule, because Texas will be “disproportionately affected.” Moreover, he states EPA’s Building Blocks actually work at “cross purpose,” largely because they fail to award credit for improvements made prior to 2005 or recognize how security-constrained economic dispatch works in organized wholesale power markets. Expresses support for extension of public comment period.</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p> <p><b>SEPTEMBER 12, 2014:</b> Executive Directors of the Texas PUC, Commission on Environmental Quality and Railroad Commission, respectively, send joint letter to EPA requesting a 90-day extension of the public comment period. Claims additional time is needed to “ensure all issues, including jurisdictional cross-over and other issues that would prevent efficient implementation, are adequately addressed . . .” Also notes ERCOT will be unable to complete its market-cost impact study of proposed rule until December.”</p>
UT	Gary Herbert (R)	Sean Reyes (R)	<p>Coby Stewart (Energy Advisor to Gov.)</p> <p>Ron Allen (PUC Chair; R)</p>	<p>1,378 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,322 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>
VA	Terry McAuliffe (D)	Mark Herring (D)	<p>Williams Stephens (Dir. State Corporation Commission, Energy Regulation Division)</p> <p>William Chambliss (General Counsel, State Corporation Commission)</p>		<p><b>OCTOBER 14, 2014:</b> Virginia State Corporation Commission submits comment letter expressing concerns with the 111(d) rule, specifically the possible impact on electricity rates and electric reliability. Under the Commission’s “conservative assumptions,” Dominion Virginia Power’s incremental compliance costs run upwards of \$5.5 - \$6 billion.</p> <p>“The Proposed Regulation applies an unprecedented and unsupportable legal interpretation that [BSER] for existing sources can include, among other things, homeowners and retail customers that do not generate any power or produce any emissions.”</p>
WV	Earl Ray Tomblin (D)	Patrick Morrissey (R)	<p>William Durham (Dir. WV DEP Air Quality Division)</p> <p>Michael Albert (PUC Chair; R)</p>	<p>1,748 lbs. CO<sub>2</sub>/Net MWh</p> <p>1,620 lbs. CO<sub>2</sub>/Net MWh</p>	<p><b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senator Joe Manchin joins on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>

WI	Scott Walker (R)	J.B. Van Hollen (R)	Bart Sponseller (Dir. WI DNR Bureau of Air Management)  Cathy Stepp (Sec. WI DNR)  Phil Montgomery (PUC Chair; R)	1,281 lbs. CO <sub>2</sub> /Net MWh  1,203 lbs. CO <sub>2</sub> /Net MWh	<p><b>SEPTEMBER 4, 2014:</b> PSC Commissioner Nowak joins with five of his fellow energy and environment regulators requesting an extension of the comment period. The <a href="#">letter</a> is prepared by a subset of the Midcontinent States Environment and Energy Regulators, a group aimed at bringing together state officials from fourteen midcontinent states “to explore and assess implementation options” to comply with 111(d).</p> <p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p>
WY	Matt Mead (R)	Peter Michael (R)	Todd Parfitt (Dir. WY DEQ)  Alan Minier (PUC Chair; D)	1,808 lbs. CO <sub>2</sub> /Net MWh  1,714 lbs. CO <sub>2</sub> /Net MWh	<p><b>AUGUST 25, 2014:</b> Attorney General joined with twelve others in filing multi-state <a href="#">Request for Withdrawal</a> seeking withdrawal of proposed rule in light of possible violations of CAA Section 307(d).</p> <p><b>SEPTEMBER 9, 2014:</b> Governor joins multi-state letter requesting the Administrator answer specific “. . . urgent and vexing compliance issues inherent in the proposal” or, in the absence of answers withdraw the proposed rule.</p> <p><b>SEPTEMBER 11, 2014:</b> U.S. Senators join on bipartisan <a href="#">letter</a> requesting a 120-day extension of the public comment period. Letter cites complexity and scope of proposed rule as reason for request.</p>

<sup>1</sup> The States listed in this chart may change as new information becomes available.

<sup>2</sup> Highlighted Attorneys General are potential leads in any litigation filed by the States. This is based on expressed interest and staff resources. This list may change as a result of the November elections.

<sup>3</sup> Co-sponsored by West Virginia Attorney General Patrick, Nebraska Attorney General Jon Bruning and Oklahoma Attorney General Scott Pruitt, the request states EPA’s approach to proposing this rule violates repeatedly Section 307’s “unambiguous requirements.” Requests missing modeling runs as well as “vital” net heat rate and emissions data. Requests – at minimum – EPA publish immediately the missing data and extend the comment period 120 days from the date of publication. The following states joined on the request: **WV, NE, OK, AL, IN, KS, LA, MT, ND, OH, SC, SD and WY.**

<sup>4</sup> Letter signed by fifteen Governors from the following states: **AL, AK, AZ, ID, IN, MS, NM, NC, ND, OK, PA, SC, UT, WI and WY.** Letter does NOT request an extension of the comment period, but rather highlights the “more urgent and vexing compliance issues inherent in the proposal.” Undersigned Governors ask the Administration to provide “informed plans” to address the issues raised regarding state compliance prior to the close of the October 16 comment deadline. In the absence of answers to these issues, the Governors’ request the proposed rule be withdrawn.

<sup>5</sup> Co-authored by U.S. Senator Deb Fischer (R) and Heidi Heitkamp (D), letter – signed by fifty-three (total) U.S. Senator representing the following states: **AL, AK, AZ, AR, GA, ID, IN, IA, KS, KY, LA, MS, MO, NE, NV, ND, OH, OK, PA, SD, TN, TX, UT, WV, WI, WY, VA** – requests a 120-day extension of the public comment period.