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Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mail code 28221T
Attn: Docket ID No. EPA-HQ-OAR-2013-0602
1200 Pennsylvania Ave. NW.
Washington, DC 20460

To Whom It May Concern:

I am strongly opposed to the proposed rule, “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,” not only because it will burden my constituents and individuals all across the nation with crippling price increases for electricity, but also because of its potential to destabilize our nation’s power grid, putting many individuals and businesses in the awkward position of wondering if the power will still come on when they flip a light switch. This rulemaking is an unprecedented expansion of the EPA’s rulemaking authority under the Clean Air Act; the policy changes it envisions would be more properly handled by Congress.

Electricity is no longer a luxury item, or a privilege; it is now required by our modern lives for maintaining our standard of living and supporting the businesses and industry that employ my constituents. Hardly any of us can imagine a normal day that does not include electricity.

The electric grid can be surprisingly fragile, especially when operated in a manner outside of its original design. The EPA’s own scientific reports have noted that between 108 and 134 gigawatts of electricity from existing power plants would necessarily be retired by 2020 under this proposed rule. NERC, the North American Electric Reliability Corporation, a not-for-profit international regulatory authority whose mission is to assure the reliability of the bulk power system in North America, has called the EPA’s retirement estimates “conservative,” noting more retirements could be required.¹

¹ Accessed online on 12/1/2014 at:

http://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/Potential_Reliability_Impacts_of_EPA_Proposed_CPP_Final.pdf

The Southwest Power Pool (SPP) noted in a study it performed that this rule could force them to violate the NERC reliability standards that ensure that the grid is not overloaded. As they stated in their comments, “If the proposed CPP remains as is, the bulk electric system will be at serious risk of violating these limits. The likelihood that this outcome occurs dramatically increases if the timing of the issuance of the final rule effectively prevents the construction of electric system infrastructure necessary to facilitate compliance with the state goals being contemplated under the proposed CPP.”²

When base load generation is retired, electricity from other parts of the grid is required to cover the electricity that was lost due to the plant retirement. As electricity moves around the grid in ways that it was not designed to support, parts of the grid could become overloaded, sparking fires, explosions, and causing widespread grid failures. The NERC guidelines were designed to prevent this from happening – but as this rule threatens to close down so much base-load generation, it will put utilities in the awkward situation of deciding whether to keep the lights on or complying with regulations.

The widespread loss of electricity in the past has led to significant damages. The August 14th Blackout of 2003 was estimated by the governments of the United States and Canada to have cost between 4 and 10 billion dollars – in just two days³. Without providing adequate time for utilities to deal with the effects of retiring considerable amounts of base load generation, the EPA and this administration may be artificially creating conditions that will lead to future problems with reliability. As the SPP stated, “Unless the proposed CPP is modified significantly, SPP’s transmission system impact evaluation indicates serious, detrimental impacts on the reliable operation of the bulk electric system in the SPP region, introducing the very real possibility of rolling blackouts or cascading outages that will have significant impacts on human health, public safety and economic activity within the region.”⁴

In addition to causing problems with reliability, this rulemaking threatens to increase the cost of electricity for my constituents by a considerable amount. Various groups have estimated the potential for cost increases from between 20⁵ - 35⁶ percent. Over 84% of the electricity provided to my constituents is generated by coal power plants, and my district is the 18th poorest in Congress, containing the poorest counties in the State of Missouri. For example, the per capita income in Oregon County, Missouri, as figured in the 2010 census, was \$15,093 a year. The median income per household in Missouri’s 8th Congressional District in 2013 was \$37,617. Increasing the price of electricity on those who can least afford to pay for it is not only regressive, it is wrong.

² Accessed online on 12/1/2014 at: http://www.spp.org/publications/2014-10-09_SPP%20Comments_EPA-HQ-OAR-2013-0602.pdf

³ Accessed online on 12/1/2014 at: <http://www.ferc.gov/industries/electric/indus-act/reliability/blackout/ch1-3.pdf>

⁴ Accessed online on 12/1/2014 at: http://www.spp.org/publications/2014-10-09_SPP%20Comments_EPA-HQ-OAR-2013-0602.pdf

⁵ Accessed online on 12/1/2014 at: <http://www.ercot.com/content/news/presentations/2014/ERCOTAnalysis-ImpactsCleanPowerPlan.pdf>

⁶ Accessed online on 12/1/2014 at: <http://evainc.com/2014/11/epa-carbon-plan-power-plant-regulations-will-cause-energy-prices-soar/>

Many of the good-paying jobs in my district are in manufacturing. This sector has the potential to be hit hardest by increases in the price of electricity, as many modern processes are highly dependent on electricity. If this proposed rule were to become final, it has the potential to close many of the major employers in my district and threaten individuals not only with higher electric bills, but also with unemployment.

Lastly, I want to join the numerous commentators who have called attention to the unprecedented expansion of the EPA's authority that this rule-making represents. The Edison Electric Institute stated, "EPA's novel approach to regulation of CO2 from existing EGUs under CAA section 111(d) raises numerous legal questions. . . The existence of these issues, many of which EPA has not addressed, raise the possibility that some portions of the guidelines may not survive the inevitable legal challenges."⁷ I would also like to highlight the National Rural Electric Cooperative Association's comments: "This Proposed Rule is illegal, imprudent and impossible to implement."⁸

Thus, the appropriate realm to make these kinds of fundamental policy choices is not a regulatory agency, but the institution that our founders invested with legislative authority, the United States Congress. The House has spoken on this issue several times, passing legislation I supported to nullify, delay, defund, and cancel these proposed regulations. I am hopeful that these efforts will continue, and that the people's elected representatives, Congress, will continue to be the branch of government invested with wide-sweeping legislative changes. This rule should be withdrawn immediately, not only because of its potential to irreparably harm individuals and businesses, but also because of the dangerous precedent it sets regarding the separation of powers.

Sincerely,



Jason Smith
MEMBER OF CONGRESS

⁷ Accessed online on 12/1/2014 at: http://www.eei.org/issuesandpolicy/testimony-filings-briefs/Documents/EEI_111%28d%29_Comments_Final_12012014.pdf

⁸ Accessed online on 12/1/2014 at: http://www.nreca.coop/wp-content/uploads/2014/12/NRECA_111_d_Comments.pdf