**NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**

Resolution 2014-03

**Urging the Environmental Protection Agency (EPA) to Require State-Level Authorities Implementing any Final Version of the “Clean Power Plan” to Seek Input from Local NASUCA Members**

**WHEREAS,** the National Association of State Utility Consumer Advocates (NASUCA) is an association of 44 consumer advocates in 40 states and the District of Columbia, who are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts;

**WHEREAS,** on June 26, 2012, Resolution 2012 – 05 was passed by NASUCA “Urging the Environmental Protection Agency to Establish Compliance Timelines that Provide Sufficient Time to Consider Appropriate Least Cost Responses so as to Avoid Rate Shock to Electric Utility Customers.” NASUCA urged the EPA and other relevant policy makers to implement environmental regulations taking into account the following considerations:

* Compliance timelines must make reasonable allowance for the physical, financial, and regulatory challenges associated with the engineering, procurement, construction, and regulatory review of new demand-side resources, supply-side resources and/or upgrades at existing electric generation plants;
* Compliance timelines must allow state regulators sufficient time to fully evaluate utility compliance proposals in evidentiary hearings;
* Compliance timelines must provide sufficient time and flexibility to maintain the integrity and reliability of the existing electric system;
* Compliance timelines must take into account the impact of rate increases that can result as utilities seek recovery from customers;

**WHEREAS,** on June 2, 2014, pursuant to Section 111(d) of the Clean Air Act, the EPA released its proposed emissions performance guidelines for reducing CO2 from existing fossil fuel power plants. The EPA has stated that its 111(d) rule—known as the “Clean Power Plan”— will reduce greenhouse gas emissions from these existing sources by 30 percent below 2005 levels by 2030. According to the EPA, meeting the emission reductions proposed in the Clean Power Plan will require electric utilities and electric generators to, in some mixture, increase generation efficiency, change generation fuel mix, which may include building new natural gas fired generators and/or closing existing coal fired generators, increase the use of renewable energy generating sources and increase the use and availability of energy efficiency and/or conservation measures.

**WHEREAS,** state-level implementation of any final version of the proposed Clean Power Plan will generally reside at a state-level environmental agency. In most cases, the state-level environmental agency in charge of implementing the Clean Power Plan will have different objectives, obligations and expertise than the state-level agency that regulates electric utility resource planning and rates (i.e., Public Utilities Commission), and whereas such state-level environmental agencies are not primarily focused on identifying and promoting lowest reasonable cost solutions to ratepayers,

**WHEREAS,** the number of NASUCA member offices that have clear jurisdiction to participate before a state-level environmental agency is less than the number of NASUCA members that have jurisdiction to participate before the state-level agency that regulates electric utility resource planning and rates. As such, many NASUCA member offices, and the utility customers they represent, may be specifically excluded from participating in important decisions affecting changes to electric utility resource planning, the resources used to meet customer energy needs, the cost of these resources and impacts on customer rates that result from these resources changes.

***NOW THEREFORE NASUCA RESOLVES***

Without specifically taking a position on the merits, mechanics or requirements of the proposed EPA Clean Power Plan, NASUCA urges the EPA and other relevant policy makers to:

1. Ensure that NASUCA members, and the utility customers they represent, are included in the state-level implementation process, and resource decisions required thereby, envisioned in any final version of the Clean Power Plan, including at minimum, that the EPA should require any state-level environmental agency charged with implementation of any final version of the Clean Power Plan to seek input from the state NASUCA member concerning the components of a state-level compliance plan prior to finalizing its terms.

2. Conform any final version of the Clean Power Plan to the considerations listed in NASUCA Resolution 2012-05.

***BE IT FURTHER RESOLVED*** that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking such action, if possible.  In any event, the Executive Committee shall notify its membership of any action taken pursuant to this resolution.

Approved by NASUCA:

Submitted by:

Place: San Francisco, CA NASUCA Electric Committee

Date: November 18, 2014

Abstained Votes: Michigan