

Jackson, Tricia

From: Anna Weeks <annaw@arpanel.org>
Sent: Wednesday, February 17, 2016 10:26 AM
To: 111d
Subject: Clean Power Plan Stay: Next Steps

Thank you for the opportunity to respond to some of the questions the agencies are facing as the next steps are determined for work on the Clean Power Plan. I have provided my brief thoughts on questions 4-7. Please let me know if you have any follow up questions.

4) How do we, in our respective agencies, maximize the value of the resources already invested by the Agencies and stakeholders with respect to this rule and energy and environmental policy?

It would be in the best interest of Arkansans for the agencies to continue planning a path forward to reduce carbon emissions, spur clean energy investments and advance the inevitable shift away from coal fired power plants to cleaner energy sources. To maximize the value of the resources already invested by the Agencies and stakeholders it would best to continue the engagement, discussions and research to chart a path forward for compliance with the CPP.

5) What is our obligation under Act 382 of 2015 (Ark. Code Ann. 8-3-203(b)(2))? Is the State required to suspend activity during the stay?

The State is not required to suspend activity during the stay.

Ark. Code Ann. 8-3-203(b)(2)- If the federal emission guidelines are not adopted or are adopted and subsequently suspended or held to be contrary to law, a state agency shall suspend or terminate, as appropriate, further action to implement or enforce the state plan.

The federal emission guidelines have been issued and subsequently suspended, however at this time it is not appropriate to suspend or terminate further action to create a state plan. The state is currently not implementing or enforcing a state plan. The State still needs to be prepared with a state plan to comply should the CPP be upheld. It is the responsibility of the State to be prepared if compliance is required and the State should continue planning for compliance. At this point in time it would be premature and irresponsible, therefore not appropriate to suspend activity.

6) How does the stay impact the obligation of the Arkansas Public Service Commission to provide a cost estimate for the Arkansas Clean Power Plan strategy?

The APSC should still be prepared to provide a cost estimate for the Arkansas Clean Power Plan strategy if the CPP is upheld. It seems likely that many components of a state plan would simply be building on trends that are already occurring. It seems it would still be a wise use of PSC resources to provide cost estimates components that will likely occur or would be beneficial to occur independent of CPP.

7) How will the stakeholder group function during the stay, and are there benefits that may be derived from discussing energy and environmental policy implicated by other EPA rules?

I encourage the stakeholder group to continue sharing information and meeting regularly to discuss the best path forward to advance Arkansas's energy policies.

Sincerely,

Anna Weeks
Environmental Policy Associate
Arkansas Public Policy Panel
1308 W. 2nd Street
Little Rock, AR 72201
(501) 376.7913 ext. 19
annaw@arpanel.org