

Minnesota Senate



Minnesota House of Representatives

ATTORNEY GENERAL SWANSON

Attorney.General@ag.state.mn.us

1400 Bremer Tower
445 Minnesota Street
St. Paul, MN 55101

Re: Request that Minnesota intervene to *support* the Clean Power Plan

Dear General Swanson:

The undersigned elected officials represent thousands of Minnesotans who care about our environment, our natural resources, and our energy future. We believe that addressing climate change is a moral imperative of our time, and we support international, national, state, and local efforts to reduce greenhouse gas emissions. We support the Clean Power Plan (CPP), and we formally request that you, on behalf of the State of Minnesota, intervene in the upcoming challenge in support of the CPP. The States of New York, New Mexico, California, Maine, Delaware, Oregon, Rhode Island, Vermont, Washington, Massachusetts, and Connecticut, as well as the District of Columbia and New York City, have already signaled their intention to do so, and we ask that you join that effort.

Minnesota has been a regional and national leader in clean energy development, and that leadership long predates the adoption of these federal rules. This leadership has resulted in good-paying jobs for more than 15,000 Minnesotans. The wind, solar, and energy efficiency industries have generated billions of dollars of investment in our state.

Minnesota has been a leader in energy policy in many arenas. A strong example of past leadership to defend Minnesota's interests in this regard was your office's participation as *amicus curiae* in the pivotal climate litigation *Massachusetts v. EPA*, and later as an intervenor in the challenge to the EPA's endangerment finding, *Coalition for Responsible Regulation v. EPA*. In briefs filed in those cases, your office wisely highlighted the importance of preserving state authority to address climate change.

Unfortunately other states have lagged behind, including many of our neighbors. Those states have refused to make the forward-thinking energy choices we have already made. The CPP now levels the playing field so states like Minnesota can fully realize the benefits of their early actions. That is one critical reason why states like Minnesota should be involved in defeating legal challenges to the CPP. Minnesota's largest utility, Xcel Energy, supports the CPP, as do such major industrial players as General Mills.

As an upper Midwestern state, heavily dependent on coal for its electric power, Minnesota is in a unique position to refute the arguments of our border states who plan to challenge the rule. They are wrong when they contend that the CPP will cause states irreparable harm. To the contrary, Minnesota would be disadvantaged by stopping or delaying implementation of the CPP. Striking down the CPP is not in our state or national interest and only rewards surrounding states for delaying the important transition away from fossil fuels.

The arguments against the CPP do not hold water. Contrary to what some states argue, the CPP does not intrude on state sovereignty. Instead it follows the model of cooperative federalism that has driven environmental law for 45 years. The federal government sets minimum goals and delegates the authority to states to develop their own cost-effective plans for meeting the goals. Minnesota is already working on its plan and is well on its way to meeting its CPP target.

The CPP will not raise rates on Minnesota customers. While the cost of doing nothing is high in terms of impact on public health, our agriculture industry, our infrastructure, and the environment, the CPP is likely to lower energy rates for Minnesotans. Because the plan encourages energy efficiency, individual customers will experience a net savings as their usage goes down, even considering start-up costs and investment in new technologies. Innovation is making renewable energy cost competitive with, and increasingly significantly cheaper than, existing energy sources. Minnesota consumers will benefit from the CPP with lower bills and cleaner air—not to mention the potential of mitigating the projections of the worst impacts of climate change in the future.

While Minnesota is required to achieve a greater reduction on a percentage basis than the national average in the CPP, this is because Minnesota still depends on coal for approximately half of its power needs. Minnesota has a higher target because it is in a position to do more than states that use more hydropower or nuclear than we do. Indeed, Minnesota's 41% CPP target is not especially ambitious considering our emissions trajectory because of our previous foresighted energy policy decisions and particularly in light of Xcel Energy's public commitment to its own 60% reduction by 2030. While some believe Minnesota was not treated fairly in the first draft of the CPP, the adjustments made by the EPA in response to comments ensure that Minnesota receives credit for the work it has already done.

The Clean Power Plan by itself will not solve the problem of climate change. However, the national commitment embodied by the Clean Power Plan is critical to the United States meeting its responsibility to reduce climate pollution and to persuading other nations in the world to do their part as well.

We therefore urge you to intervene in this litigation to protect Minnesota's interests and to defend the Administration's position.

Sincerely,

Senator John Marty

Representative Melissa Hortman

Senator Sandy Pappas

Representative Frank Hornstein

Senator Kevin Dahle

Representative Phyllis Kahn

Senator Scott Dibble

Representative Paul Rosenthal

Senator Katie Sieben

Representative Sandra Masin

Senator Charles Wiger

Senator Terri Bonoff

Senator Chris Eaton

Senator Jim Carlson

Senator Kathy Sheran

Senator Ann Rest

Senator Patricia Torres Ray

Senator Richard Cohen

Senator Greg Clausen

Senator Bev Scalze

Senator Barb Goodwin

Representative Yvonne Selcer

Representative Jean Wagenius

Representative Raymond Dehn

Representative John Persell

Representative Erik Simonson

Representative Rick Hansen

Representative JoAnn Ward

Representative Kim Norton

Representative Barb Yarusso

Representative Jennifer Schultz

Representative Mike Freiberg

Representative Alice Hausman

Representative Linda Slocum

Representative David Bly

Representative Diane Loeffler

Representative Tina Liebling

Representative Ben Lien

Representative Joe Mullery

Representative Laurie Halverson