

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

R. BRUCE JOSTEN  
EXECUTIVE VICE PRESIDENT  
GOVERNMENT AFFAIRS

1615 H STREET, N.W.  
WASHINGTON, D.C. 20062-2000  
202/463-5310

April 20, 2015

The Honorable Ed Whitfield  
Chairman  
Subcommittee on Energy and Power  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Bobby Rush  
Ranking Member  
Subcommittee on Energy and Power  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Whitfield and Ranking Member Rush:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, strongly supports the "Ratepayer Protection Act of 2015." This draft legislation would preserve states' longstanding responsibility for electricity system oversight and protect American households and businesses from the economic and electricity reliability threats posed by power plant carbon regulations proposed by the Environmental Protection Agency (EPA).

Proposed under executive direction from President Obama and expected to be finalized this summer, EPA's "Clean Power Plan" would dramatically transform the generation, transmission, distribution, and use of electricity across America. States, which would be responsible for implementing EPA's far-reaching regulation, have detailed widespread shortcomings with EPA's proposal.

A recent review of official state comments on EPA's rule prepared by the Chamber quantified the extent and magnitude of these objections. The review found that 32 states raised fundamental concerns with the legal foundations of the rule, 28 raised significant concerns regarding compliance costs and economic impacts, 32 warned of electricity reliability problems, and 34 objected to EPA's rushed regulatory timelines.

Consistent with these concerns, many states have noted that the development of state implementation plans for such a complex and expansive regulation will require a massive and costly undertaking. Accordingly, and given the myriad legal and practical concerns that must be resolved in order to allow for effective planning, states should not be required to expend limited resources on implementation until judicial review is complete. The "Ratepayer Protection Act of 2015" would allow states to preserve their resources and ensure that compliance planning efforts by states and stakeholders alike would not be exhausted on a regulation that may ultimately be found unlawful.

Equally important, the “Ratepayer Protection Act of 2015” would ensure governors are empowered to protect their states from the potentially significant economic and electricity reliability impacts of EPA’s rulemaking. This important provision would maintain states’ authority to regulate electricity within their own borders, consistent with foundational principles of the Federal Power Act and the Clean Air Act’s framework of cooperative federalism.

For these reasons, and in order to protect the countless benefits that affordable and abundant domestic energy resources provide to our economic development and security, the Chamber strongly supports the “Ratepayer Protection Act of 2015.” We applaud the Subcommittee for its leadership on this important issue, and look forward to working with you as it advances through Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first name "R." and last name "Josten" being the most prominent parts.

R. Bruce Josten

cc: Members of the Committee on Energy and Commerce