

NEWS ADVISORY
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FOR IMMEDIATE RELEASE
October 23, 2015

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**ATTORNEY GENERAL LUTHER STRANGE ANNOUNCES ALABAMA JOINS
MULTI-STATE LAWSUIT TO HALT EPA'S FLAWED CLEAN POWER PLAN**

(MONTGOMERY) - Attorney General Luther Strange announced today that Alabama and 23 other states have filed a federal lawsuit challenging the Obama Administration's so-called Clean Power Plan which would drive up energy costs while devastating thousands of energy jobs across the country.

"Today, Alabama joins nearly half of all U.S. states in challenging the Environmental Protection Agency's plan to force millions of Americans to pay higher electric bills in order to satisfy the political agenda of the Obama Administration's war on coal," said Attorney General Strange.

"The EPA under the guise of a so-called Clean Power strategy is actually attempting a radical transformation in the way electricity is generated in this country, forcing many to suffer higher heating and cooling costs and thousands more to lose their jobs all because it pleases the Obama Administration's political supporters. Arbitrary downsizing of cost-effective coal-generated electricity in many states, including Alabama, could cost over \$25 billion nationally per year with consumers left to foot the bill."

Opposition among the states to the EPA's so-called Clean Power Plan has doubled since the first lawsuit was filed in August 2014. In June 2015, the DC Circuit Court of Appeals set aside that lawsuit, which was filed by 12 states including Alabama, because it was filed before the EPA had officially released its Clean Power Plan rule. Today's lawsuit which includes 24 states was filed in the same DC Circuit Court of Appeals.

In the multi-state lawsuit, the states make clear that EPA has no legal authority to promulgate or enforce its new rule. The EPA lacks the power under Section 111(d) of the Clean Air Act to force states to fundamentally restructure their electric grids by requiring them to use less coal-fired energy and build costly wind and solar facilities. The rule is also illegal because it seeks to require states to regulate coal-fired power plants under Section 111(d) of the Clean Air Act, even though EPA already regulates those same plants under Section 112 of the Act, double regulation that is flatly prohibited by the Clean Air Act.

Alabama is joined by Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, North Carolina, Ohio, South Carolina, South Dakota, Texas, Utah, West Virginia, Wisconsin and Wyoming in filing the lawsuit.

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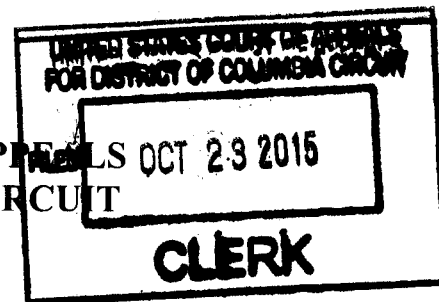
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IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT



STATE OF WEST VIRGINIA,
STATE OF TEXAS,
STATE OF ALABAMA,
STATE OF ARIZONA CORPORATION
COMMISSION,
STATE OF ARKANSAS,
STATE OF COLORADO,
STATE OF FLORIDA,
STATE OF GEORGIA,
STATE OF INDIANA,
STATE OF KANSAS,
COMMONWEALTH OF KENTUCKY,
STATE OF LOUISIANA,
STATE OF LOUISIANA DEPARTMENT
OF ENVIRONMENTAL QUALITY
ATTORNEY GENERAL BILL SCHUETTE,
People of Michigan,
STATE OF MISSOURI,
STATE OF MONTANA,
STATE OF NEBRASKA,
STATE OF NEW JERSEY,
STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL
QUALITY,
STATE OF OHIO,
STATE OF SOUTH CAROLINA,
STATE OF SOUTH DAKOTA,
STATE OF UTAH,
STATE OF WISCONSIN, and
STATE OF WYOMING,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,
and REGINA A. MCCARTHY, Administrator,
United States Environmental Protection Agency,

PETITION FOR REVIEW

Case No. 15-1363

Respondents.

The States of West Virginia, Texas, Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, Ohio, South Carolina, South Dakota, Utah, Wisconsin, Wyoming, and the Commonwealth of Kentucky, the Arizona Corporation Commission, the State of Louisiana Department of Environmental Quality, and the State of North Carolina Department of Environmental Quality hereby petition this Court, pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure, Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), and 5 U.S.C. § 702, for review of the final rule of the United States Environmental Protection Agency published in the Federal Register at 80 Fed. Reg. 64,662 (October 23, 2015) and titled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units.” This Court has jurisdiction, and is a proper venue for this action, under 42 U.S.C. § 7607(b)(1).

Petitioners will show that the final rule is in excess of the agency’s statutory authority, goes beyond the bounds set by the United States Constitution, and otherwise is arbitrary, capricious, an abuse of discretion and not in accordance with law. Accordingly, Petitioners ask the Court to hold unlawful and set aside the rule, and to order other such relief as may be appropriate. *See* 42 U.S.C. § 7607(d).

Dated: October 23, 2015

Respectfully submitted,



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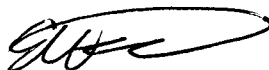
CERTIFICATE OF SERVICE

I hereby certify that I will cause to be served a true copy of the Petition for Review via U.S. mail on the 23rd day of October, 2015, upon the following:

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