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## PRESS RELEASES

10/23/2015 12:00:00 AM

**AG Caldwell Files Suit Challenging Illegal EPA Section 111(d) Rule***Louisiana DEQ, other states join in effort to block costly new regulation*

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Attorney General James D. "Buddy" Caldwell announced today that he has filed suit challenging a flawed and illegal EPA rule that would radically restructure how the state produces its electricity, while risking jobs and resulting in higher utility bills for Louisiana consumers.

10-23-15 Petition

The Obama administration's new regulation would require states to reorganize their energy grids in order to reduce carbon emissions from power plants. The "Clean Power Plan" could carry a price tag of more than \$25 billion annually, and consumers could see their electric bills increase by 10 percent or more.

Attorney General Caldwell, the Louisiana Department of Environmental Quality and 23 other states are asking the U.S. Court of Appeals for the District of Columbia Circuit to block implementation of the rule, which was published today in the Federal Register.

"Bureaucrats in Washington are attempting to impose an unfair and illegal standard on all of us, without recognizing each state's unique situation and its needs," Caldwell said. "This overreaching federal regulation will require utility companies and state agencies to spend billions of dollars, expenses that will ultimately be borne by taxpayers and consumers. Not only that, this unconstitutional mandate will result in less reliable electrical service for our homes, our schools, our hospitals and our small businesses."

Attorney General Caldwell and his counterparts from across the country have argued for more than a year that the rule is illegal for a variety of reasons. Specifically, the EPA lacks authority under the Clean Air Act to force states to fundamentally change their power grids. The rule would require states to reduce the amount of reliable coal power used to produce electricity and instead implement costly and less-reliable alternatives such as wind and solar power.

The rule effectively puts in place a "cap-and-trade" regime, though Congress has never given the EPA the statutory authority to create such a scheme. Further, the rule seeks to require states to regulate coal-fired power plants under Section 111(d) of the Clean Air Act, even though the EPA already regulates those same plants under another section of the act. That type of double-regulation is prohibited by law.

A bipartisan group of attorneys general joined Attorney General Caldwell in the lawsuit. Including Louisiana, states challenging the rule are: Alabama, Arizona, Arkansas,

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# KEN PAXTON

## General Paxton Files Suit Against Federal Government to Halt Illegal EPA Power Plan

*Friday, October 23, 2015 – Austin, Texas*

Texas Attorney General Ken Paxton today announced that Texas and West Virginia are leading a 24-state coalition that filed a lawsuit challenging the Obama Administration's Section 111(d) Rule, an unlawful plan to radically restructure the way electricity is produced and consumed throughout the country. The Rule, as promulgated by the Environmental Protection Agency (EPA), would result in dramatically higher electricity bills and significantly less reliable service for families, businesses, hospitals and schools across America.

"Once again, President Obama and his EPA have overstepped their legal authority and enacted a regulation that will dramatically raise Texans' electric bills and threaten the reliability of the electric grid," said Texas Attorney General Ken Paxton. "The Texas Attorney General's Office is leading a nationwide coalition, along with West Virginia, to prevent massive increases in electric bills that would hurt hard-working families, the elderly and the poor."

EPA is seeking to reduce carbon emissions from electric-generating plants by 32 percent below 2005 levels by 2030. To achieve these reductions, EPA will require states to shut down coal plants prematurely and invest billions of dollars in new renewable generation.

On Oct. 16, the Electric Reliability Council of Texas (ERCOT) released a report that said EPA's Rule would increase retail electric prices by up to 16 percent by 2030, not including costs for new transmission lines and other costs needed to comply with the Rule.

ERCOT's report can be found at: [http://www.ercot.com/news/press\\_releases/show/76880](http://www.ercot.com/news/press_releases/show/76880).

As explained in the documents the States filed with the U.S. Court of Appeals for the District of Columbia Circuit, EPA has no legal authority to promulgate or enforce the 111(d) Rule.

Other states participating include: Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, North Carolina, Ohio, South Carolina, South Dakota, Utah, Wisconsin and Wyoming.

The filings will be made available at <http://texasattorneygeneral.gov>.