

Chapter No. 2211
15/SS02/R1115
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SENATE
CONCURRENT RESOLUTION
No. 637

Originated in Senate

Liz Welch

Secretary

SENATE CONCURRENT RESOLUTION NO. 637

A CONCURRENT RESOLUTION URGING THE FEDERAL ADMINISTRATION TO WITHDRAW AND RECONSIDER THE PROPOSED CLEAN POWER PLAN; SUPPORTING THE COMMENTS SUBMITTED TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) BY THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ), AND THE MISSISSIPPI PUBLIC SERVICE COMMISSION (PSC) ON THE CLEAN POWER PLAN; ENCOURAGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ENACT LEGISLATION DELAYING IMPLEMENTATION OF THE FINAL CLEAN POWER PLAN UNTIL CERTAIN CRITERIA ARE MET; AND FOR RELATED PURPOSES.

WHEREAS, affordable and reliable electric power is critical to the everyday lives of Mississippians, the stability of the state's economy and Mississippi's future economic development; and

WHEREAS, the United States Environmental Protection Agency's (EPA) Clean Power Plan is the most complicated and far-reaching energy and environmental rulemaking ever; and

WHEREAS, the EPA's proposed Clean Power Plan is designed to transform the electric power sector in ways that will impact the reliability and affordability of electric power in Mississippi; and

WHEREAS, EPA's proposed Clean Power Plan would establish binding statewide CO2 emission targets under Section 111(d) of the

federal Clean Air Act based on this transformation of the electric sector in each state; and

WHEREAS, Mississippi and other states have already seen significant reductions in CO2 emissions since 2005; and

WHEREAS, EPA's proposed Clean Power Plan not only fails to credit early reductions but also penalizes states, including Mississippi, that took early action to invest and support nuclear power in the state; and

WHEREAS, EPA's Clean Power Plan penalizes Mississippi for already achieving a comparably low CO2 emission rate utilizing an existing natural gas-fired power generating fleet, new innovative clean coal technology and nuclear power generation; and

WHEREAS, the proposed Clean Power Plan establishes a target for Mississippi that is more stringent than most other states; and

WHEREAS, the proposed Clean Power Plan threatens the state's core interests and authority over energy policy and energy resources; and

WHEREAS, electric system reliability is a critical component of power production and delivery that is beyond the EPA's expertise and thus not properly accounted for in the Clean Power Plan; and

WHEREAS, the development of a state plan to comply with the final Clean Power Plan will require a substantial investment of already limited resources by the Mississippi Department of

Environmental Quality (MDEQ) and the Mississippi Public Service Commission (PSC); and

WHEREAS, such expenses required for the Clean Power Plan's implementation result in an unfunded mandate by the federal government through EPA; and

WHEREAS, any effort to fully comply with the Clean Power Plan would likely require significant investment by Mississippi consumers into infrastructure, fuel, equipment, overhead and/or retrofits to transform Mississippi's electric power sector through increased electric rates; and

WHEREAS, the MDEQ, PSC and the Governor all submitted comments in opposition to the Clean Power Plan that express the State of Mississippi's concerns; and

WHEREAS, numerous attorneys general, legal scholars, and numerous others have called into question the legality of the proposed Clean Power Plan; and

WHEREAS, the proposed Clean Power Plan is already being challenged in federal court and further challenges are likely once the rule is final; and

WHEREAS, even if the Clean Power Plan is deemed legal, it does not allow enough time to develop a state plan and properly prepare for the substantial investments that will be needed for compliance:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That

we hereby urge the federal Environmental Protection Agency and the President of the United States to withdraw and reconsider the proposed Clean Power Plan.

BE IT FURTHER RESOLVED, That the Senate and House of Representatives support the comments on the Clean Power Plan submitted to the Environmental Protection Agency by the Mississippi Department of Environmental Quality, the Public Service Commission and the Governor.

BE IT FURTHER RESOLVED, That even if EPA does not withdraw the Clean Power Plan, the final rule should give states full credit for CO2 reductions from 2005 forward and should not penalize Mississippi for early action to develop and support natural gas and nuclear power generation.

BE IT FURTHER RESOLVED, That even if EPA does not withdraw the Clean Power Plan, the final rule should include nonbinding guidelines that can be modified by states, which are primarily responsible for managing their economic, energy and environmental resources.

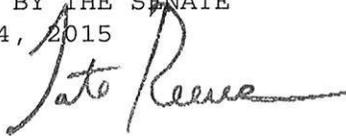
BE IT FURTHER RESOLVED, That if EPA does not withdraw the Clean Power Plan, the members of this body further urge EPA to allow additional time for states to develop state plans and to comply with the emission guidelines, requirement compliance no earlier than 2030.

BE IT FURTHER RESOLVED, That to avoid the potentially unnecessary and substantial expenditure of limited state

resources, the members of this body urge the United States Congress and the President of the United States to enact legislation to prohibit the Clean Power Plan from taking effect unless and until any and all legal challenges to the Clean Power Plan have been fully resolved and no appeals remain.

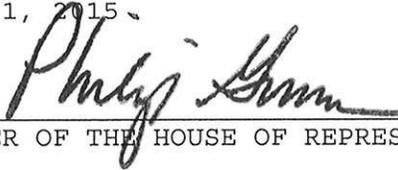
BE IT FURTHER RESOLVED, That the Secretary of the Senate of the State of Mississippi is authorized and directed to transmit an appropriate copy of the resolution to the President of the United States, the United States Environmental Protection Agency, the United States Department of the Energy, the National Governors Association, the National Association of Regulatory Utility Commissioners, members of the Mississippi congressional delegation and made available to other relevant organizations, including all governors, all state utility regulatory commissions, state energy officials and all state environmental commissioners and all states' legislative leadership.

ADOPTED BY THE SENATE
March 24, 2015



PRESIDENT OF THE SENATE

ADOPTED BY THE HOUSE OF REPRESENTATIVES
April 1, 2015



SPEAKER OF THE HOUSE OF REPRESENTATIVES