

AEA AMERICAN ENERGY ALLIANCE

Washington, DC Office 1155 15th Street NW · Suite 900 · Washington, DC 20005 · Phone 202.621.2940

16 September 2015

Office of Governor Nikki R. Haley
1205 Pendleton Street
Columbia, SC 29201

Dear Governor Nikki R. Haley,

Enclosed please find a letter signed by over 30 state and national groups concerning the President's Clean Power Plan regulation. The letter, addressed to Gov. Snyder of Michigan, highlights the negative impacts of the regulation and outlines why it is important for state leaders to resist prematurely implementing this rule before full legal resolution.

As governor, you have the responsibility to protect the interests of your citizens from federal overreach. We hope you find this letter informative and helpful in your policy process regarding this important issue. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



Tom Pyle
President

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MADISON
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The Constitution • Non-Profit

**PALMETTO
INSTITUTE**

The Honorable Rick Snyder
P.O. Box 30013
Lansing, Michigan 48909

ATTN: Attorney General Bill Schuette
525 W. Ottawa St.
P.O. Box 30212
Lansing, MI 48909

September 14, 2015

Dear Governor Snyder:

We, the undersigned organizations, are deeply concerned about your decision to implement President Obama's destructive carbon dioxide regulation, the so-called "Clean Power Plan." Your decision will lock-in fewer jobs and higher electricity rates for Michiganders already suffering from higher-than-average electricity rates.

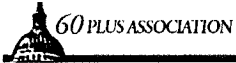
As you know, Michigan recently joined sixteen other states suing EPA over the carbon rule. As Michigan Attorney General Schuette explained, the regulation is "yet another executive action taken by President Obama and the EPA that violates the Clean Air Act and causes the price of electricity to increase, placing jobs at risk and costing Michigan families more."

Choosing to submit a state plan before legal resolution of this regulation relinquishes state control of electricity and ultimately empowers federal bureaucrats. Once a state plan is accepted, the state is legally bound to comply and these harmful actions are difficult to roll back when the court finds fault with the law. The Supreme Court recently found in *Michigan v. EPA* that EPA's Mercury regulation was flawed, but for American families and businesses, dozens of gigawatts of affordable, reliable power production already closed to comply with the regulation.

Rushing to implement the rule now leaves Michigan with fewer options. The Clean Air Act allows states to submit state plans after EPA's due date and even after EPA has imposed a federal plan. Yet EPA is only giving states one year to submit draft plans, an unprecedented short amount of time to comply with such a sweeping regulation. Waiting not only preserves state options, but it also allows the courts to examine the important legal issues raised by this mandate.

Michigan submitting a plan does not guarantee that EPA will accept the plan. On 52 occasions with previous regulations, the Obama administration has rejected state plans and turned them into federal plans—this happened a total of 7 times over the previous three administrations. There is a reason constitutional scholar and Obama mentor Laurence Tribe has said the rule relegates states to "marionettes dancing to the tune of a federal puppeteer." History shows President Obama's EPA will try to get what it wants, regardless of what the states think is best for their citizens.

Submitting a state plan is not a "model" for other states to follow, but a cautionary tale. EPA is luring state officials into signing away their rights to federal bureaucrats.



A state plan only provides the illusion of control. Instead of helping President Obama implement the rule, we believe the best approach is for states to reject state plans until the courts decide whether Obama even has the authority to impose his national energy takeover. For the sake of Michiganders and all Americans, it is worth the wait.

Sincerely,

American Energy Alliance
 Mackinac Center for Public Policy
 Competitive Enterprise Institute
 Americans for Prosperity
 FreedomWorks
 Texas Public Policy Foundation
 Americans for Tax Reform
 Freedom Partners Chamber of Commerce
 MacIver Institute
 Montana Policy Institute
 Pelican Institute
 Buckeye Institute
 Mississippi Center for Public Policy
 James Madison Institute
 Palmetto Promise Institute
 Commonwealth Foundation
 Hispanic Leadership Fund
 Taxpayers Protection Alliance
 American Commitment
 National Black Chamber of Commerce
 60 Plus Association
 Energy and Environmental Legal Institute
 Platte Institute for Economic Research
 Tea Party Patriots
 Federalism in Action
 State Budget Solutions
 Energy Makes America Great
 Campaign to Free America
 Americans for Limited Government
 Institute for Liberty
 Frontiers of Freedom
 National Center for Public Policy Research