

KEVIN CRAMER  
NORTH DAKOTA

WASHINGTON D.C. OFFICE:  
1032 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
202-225-2611

BISMARCK OFFICE:  
220 EAST ROSSEY AVENUE  
ROOM 328  
BISMARCK, NORTH DAKOTA 58501  
701-224-0355



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

FARGO OFFICE:  
3217 FIECHTNER DRIVE SOUTH, SUITE D  
FARGO, NORTH DAKOTA 58103  
701-356-2216

MINOT OFFICE:  
315 MAIN STREET SOUTH, SUITE 203  
MINOT, NORTH DAKOTA 58701  
701-839-0255

GRAND FORKS OFFICE:  
CENTER FOR INNOVATION FOUNDATION BUILDING  
4200 JAMES RAY DRIVE, OFFICE 600  
GRAND FORKS, NORTH DAKOTA 58202  
701-738-4880

April 21, 2015

Dear Governor Dalrymple,

This week the U.S. House of Representatives Energy and Commerce Subcommittee on Energy and Power is expected to favorably markup the Ratepayer Protection Act. This legislation will allow for judicial review of any final rule issued by the Environmental Protection Agency (EPA) addressing carbon dioxide (CO<sub>2</sub>) emissions from existing fossil fuel fired electric generating units before requiring compliance with the rule, and also allow States to protect households and businesses from significant adverse effects on electricity ratepayers or reliability.

While we don't know what the EPA's final Clean Power Plan rule will look like, the draft announced on June 2, 2014 is the most significant overreach of EPA authority to date. States are required to meet their specific CO<sub>2</sub> reduction goals prescribed by the EPA under four "building blocks" or any additional measures a State chooses. As I know you are aware, significant legal issues have been raised, including the EPA's lack of authority to regulate emissions outside the physical boundaries of emitting sources and express language of the Clean Air Act prohibiting the EPA from regulating CO<sub>2</sub> emissions from existing power plants under section 111(d) if pollutants from those sources are already being regulated under section 112.

It is my belief the president's administration is aware of this and hoping enough States will voluntarily cede their rights by proposing CO<sub>2</sub> reduction plans beyond the fence in order to meet their given goals. If you are to submit a plan to the EPA, I urge you to only consider commercially feasible improvements within the fence of an emitting source. I am aware this will not likely reach EPA's goal, but it's an unreasonable goal given the timeline of infrastructure construction, the availability of commercially feasible and reliable low-carbon power, and again, ceding States' rights to the Federal government. I believe in the ingenuity of Americans and North Dakotans to achieve a lower-carbon economy if they so choose, but this is not the plan to do it for many reasons beyond those I have touched on here.

I expect the Ratepayer Protection Act, which anticipates the virtual certainty of lawsuits in the D.C. Circuit, to move swiftly through the full Energy and Commerce Committee of which I serve and the greater House. We will face significant challenges in the Senate and this is why it is so crucial for you and other governors to protect your rights and citizens by not legitimizing this EPA overreach.

Sincerely,

A handwritten signature in black ink that reads "Kevin Cramer".

Kevin Cramer  
U.S. Congressman