To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Tue 11/28/2017 3:03:23 PM
Subject: POLITICO's Morning Energy: Clean Power Plan fever takes hold today in West Virginia — Keystone pipeline restarts today after spill — McCaskill has more questions on Whitefish

By Anthony Adragna | 11/28/2017 10:00 AM EDT

With help from Emily Holden

HEARING TIME! Some of the Clean Power Plan's biggest critics will urge EPA to replace the regulation at hearings beginning today in West Virginia - a message that conflicts with political pressures Administrator Scott Pruitt faces from conservative interests who want him to deny man-made climate change. The National Rural Electric Cooperative Association, U.S. Chamber of Commerce and representatives of major utilities that all opposed the rule will nonetheless call for EPA to write a new one that will stand up to lawsuits and provide planning certainty.

What they're thinking: The Electric Reliability Coordinating Council, which represents heavyweight utilities such as Southern, Duke and Ameren, says EPA should write flexible standards aimed at improving coal plant efficiency. NRECA, which speaks for many coal-reliant, consumer-owned co-ops, wants EPA to draft a rule and defend it through lengthy legal battles before the end of this administration. "The swing of the pendulum back and forth doesn't make it any easier to keep power costs affordable and power reliable," said Kirk Johnson, NRECA's senior vice president of government relations. "We've urged EPA to advance the ball on replacing the Clean Power Plan. We do think it's worth moving expeditiously to craft a replacement regulation." The U.S. Chamber of Commerce, which has repeatedly attacked the Clean Power Plan as job-killing, will argue for "durable and achievable standards," according to prepared remarks.

But that's not the only take: The influential companies lobbying for a new rule could run up against climate change-denying groups like the Heartland Institute and coal CEO Bob Murray, who want Pruitt to fight a science-based endangerment finding requiring climate regulations and would see a new rule as tacit acceptance that the finding is unbeatable. EPA will have to address the issue in its advanced notice of proposed rulemaking, which is expected to raise questions about whether EPA should work on a replacement rule at all. And coal miners will appear today to support withdrawing the rule.

Greens out in force too: The Sierra Club will host its own alternative hearing at the nearby University of Charleston. Bill Price, a regional Sierra Club staffer, said EPA is holding the sole hearing in West Virginia to try to make it look like there's support for the repeal. But he says many West Virginians welcomed the rule because of the job opportunities it could create in energy efficiency and renewable power.

Reminder: EPA will accept comment on its proposed repeal through Jan. 16.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and Glover Park Group's Hayley Moller correctly guessed that approximately 42 percent of Americans have valid

passports (There were 136,114,038 valid passports in circulation in 2017, per the State Department, and the U.S. population at the start of the year was 324,309,805, according to the Census). For today: Who was the most recent House lawmaker to posthumously win reelection? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

KEYSTONE BACK IN (REDUCED) BUSINESS: TransCanada announced Monday its Keystone pipeline would resume operations today at "reduced pressure" as it recovers from a South Dakota spill. "We are communicating plans to our customers and will continue working closely with them as we begin to return to normal operating conditions," the company said. TransCanada said plans to restart the line have been reviewed and cleared by PHMSA.

ICYMI, the company also asked the Nebraska Public Service Commission to "address questions" raised by its decision approving an alternate route for a proposed expansion of the Keystone pipeline through the state, Pro's Ben Lefebvre reports.

LATEST IN ENCRYPTED APP PROBE: Cause of Action is today filing a lawsuit in federal court seeking to compel the release of records from EPA about its efforts to scan for whether encrypted messaging apps, especially Signal, had been installed on agency equipment by employees. A prior lawsuit related to unfilled FOIA requests revealed records showing the agency was probing the use of encrypted apps by career staff following a POLITICO story detailing how a small group of employees had resorted to encrypted communications as they figured out how to respond to the Trump administration.

HOW TO KEEP THE GOVERNMENT RUNNING: Congressional leaders meet with President Donald Trump today on the thorny issue of how to keep the government open but there are just 12 days left until funding runs out, Pro Budget & Appropriations Brief reports. But Washington is no longer wondering if Congress will need to lean on another stopgap spending bill - the question is: For how long?

KEEP AN EYE HERE: Supreme Court justices seemed divided Monday on a case focusing on two rival oil companies that challenged the constitutionality of the Patent and Trademark Office's system for handling patent challenges outside the courts, POLITICO's Sarah Karlin-Smith reports. Oil States Energy Services argued that the existing agency process, known as inter partes review, is unconstitutional because patents are private property that can only be taken away through the court system.

ACCESS DENIED: The 9th Circuit Court of Appeals said Monday it won't transfer a lawsuit over one of the agency's implementation rules under the reformed Toxic Substances Control Act to another court, Pro's Alex Guillén reports. The decision means the 4th Circuit, which said it would wait to decide its path forward until the 9th Circuit had ruled, could choose to transfer its evaluation rule lawsuit to the 9th Circuit or instead to keep it.

SCIENCE PANEL LOOKS AT WOTUS: The House Science Committee subpanel hears perspectives on states' role in the future of the waters of the U.S. regulation today at 10 a.m. Arguably the most interesting witness to appear is Ken Kopocis, who served for years as the top

water official at EPA during the Obama administration but never got a vote in the Senate.

FERC, DOE BRASS SPEAK THIS MORNING: FERC Chairman Neil Chatterjee delivers remarks to the Consumer Energy Association's "Future of Electricity Forum" today at 9:20 a.m., followed by DOE Under Secretary for Energy Mark Menezes. Other notables expected to speak include Reps. Richard Hudson and Bill Flores.

TAKING STOCK: The Environmental Defense Fund has completed an analysis of the Senate's proposed EPA and Interior spending package that it deems "a quiet assault" on public health and the environment. Of particular concern are provisions in the chairman's mark that would eliminate the Integrated Risk Information System, a chemical safety program, and significant cuts to enforcement and various Clean Air Act programs. "The White House, House and Senate budget cuts all would require EPA to continue to lay off public health experts, scientists, environmental engineers as well as staff that manage grants to state and local communities," EDF notes.

MAIL CALL! TIME'S OF THE ESSENCE! A bipartisan group of 11 senators sent a letter to the Army Corps of Engineers expressing serious concerns about potential delays in completing an action-plan for keeping Asian carp from reaching the Great Lakes. "It is imperative that the [Army Corps] meet the original timeline for completing the Chief's Report by January 2019," the letter, led by Debbie Stabenow and Rob Portman , wrote. "This timeline is particularly concerning given recent findings that demonstrated new ways for Asian carp to enter the Great Lakes."

Whitefish probes continues: Sen. Claire McCaskill, ranking member on the Homeland Security Committee, sent a letter Monday seeking a briefing on what, if any, role FEMA played in reviewing a draft contract from Whitefish Energy from grid repair work in Puerto Rico. "Recently released documents appear to indicate that FEMA attorneys in the local office and at headquarters reviewed versions of the draft contract by PREPA and Whitefish," she wrote.

SOLAR CAPACITY'S BIG YEAR: Bloomberg New Energy Finance is out with new research finding 34 gigawatts of new solar-power generating capacity came online in 71 emerging market countries last year. China, at 27 gigawatts, accounted for the bulk of the new capacity, but India, Brazil, Chile, Jordan, Mexico and Pakistan all reported strong installations as well.

NRDC HITS COMSTOCK: The Natural Resources Defense Council is out with a six-figure ad on television and social media urging Rep. Barbara Comstock to oppose the finished version of congressional tax legislation. The Virginia Republican backed the House-passed version H.R. 1 (115) previously. Watch it here.

HEADS UP: The Center for Climate and Energy Solutions and The Climate Registry will today announce Bloomberg Philanthropies as the replacement sponsor for their Climate Leadership Conference to be held next February in Denver. It'll fill the void left after EPA pulled out of sponsorship earlier this year.

NOW PRESENTING: New DOE Assistant Secretary for Fossil Energy Steve Winberg makes

his first public appearance since confirmation this morning as the Global CCS Institute releases its annual report on the status of carbon capture and sequestration technologies. Watch here.

TAKE A GLANCE! The Competitive Enterprise Institute is out with a paper today backing Pruitt's pledge red team - blue team climate science debate. Read here.

BIG PENALTY IN STORE: Fines stemming from the emissions cheating scandal may cost Fiat Chrysler up to ???9.6 billion in France, POLITICO Europe's Sara Stefanini reports, citing documents posted by Le Monde.

LIGHTER CLICK: Beatles legend Paul McCartney tweeted his support for climate action and NRDC on Monday. "Climate change is a real issue and no effort is too small when it comes to protecting and preserving our planet," he wrote.

MOVER, SHAKER: Melisa Klem has left her position as executive director of the Society of Environmental Journalists. The organization will immediately launch a search for a replacement.

QUICK HITS

- Environmentalists sue Forest Service to overturn Rosemont Mine approval. Arizona Daily Star.

- Wind Power Capacity Moves Past Coal in Texas. AP.

- U.S. oil falls on Keystone restart, doubts about Russia's resolve. Reuters.

- Stakes Are High for Solar Power as Puerto Rico Rebuilds. WNYC.

- Everglades oil well application rejected. Sun-Sentinel.

- Venezuela's military is reportedly taking over the country's state oil giant. CNBC.

THAT'S ALL FOR ME!

To view online:
https://www.politico.com/newsletters/morning-energy/2017/11/28/clean-power-plan-fever-takes-hold-today-in-west-virginia-033969

To change your alert settings, please go to https://secure.politico.com/settings

---

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Please click here and follow the steps to unsubscribe.

.