APPROVED
DATE: 10-12-16

MOTION

October 12, 2016

North Dakota v. United States E.P.A.
Carbon Pollution Emission Guidelines, Final Rule
Information

Case No. PU-15-702

Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources

Whereas, the United States Environmental Protection Agency (EPA) has issued a Final Rule entitled "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units; Final Rule," 80 Fed. Reg. 64,510 (Oct. 23, 2015); and

Whereas, The State of North Dakota immediately initiated litigation in the United States Court of Appeals for the District of Columbia Circuit challenging the EPA rule, *State of North Dakota v. Environmental Protection Agency, et al.*, No. 15-1381 (and consolidated cases);

I move the Commission endorse the content and filing of the declaration of Commissioner Randel D. Christmann as the official position of the Public Service Commission, for use in the litigation initiated by the State of North Dakota, *State of North Dakota v. Environmental Protection Agency, et al.*, No. 15-1381 (and consolidated cases), in Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources Carbon Pollution Emission Guidelines, North Dakota v. United States E.P.A., Carbon Pollution Emission Guidelines, Information, Case Number PU-15-702.

3 **PU-15-702** Filed: 10/12/2016 Pages: 1
Commission Motion to endorse declaration

Public Service Commission