

## *Notes to Co-op Nation*

May 2, 2014

TO: NRECA Board of Directors  
Distribution CEOs  
Statewide Managers  
G&T Managers

FROM: Jo Ann Emerson

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### ***Stage Set for Legislative Conference and Your Hill Visits***

We're all ready for the [Legislative Conference](#) that starts with a reception Sunday night. It'll be a great time with 2,500 from across Co-op Nation gathered to take our issues to the Hill! We have work to do on core co-op issues, including Environmental Protection Agency (EPA) carbon regulations, large electric water heater standards, Endangered Species Act reform, Federal Emergency Management Agency disaster relief, and the Electrify Africa Act. We could see action on several of these issues next week. You can start gearing up now by downloading our mobile app for [iPhone](#) and [Android](#). NRECA Action. You'll have quick access to our agenda, talking points, event locations and maps. There's also an NRECA Twitter feed, videos, calendar download, congressional directory and a section to provide your feedback on Hill visits.

### ***Supreme Court Upholds EPA's Cross-State Emissions Rule, EPA's Next Steps Unknown***

We're reviewing the U.S. Supreme Court's 6-2 [decision](#) to uphold the EPA's flawed Cross-State Air Pollution Rule (Cross-State) on interstate power plant emissions. The decision reverses a lower court's ruling to block the rule in response to our 2012 lawsuit and a joint lawsuit with other utility groups and several states. Our position was that EPA took a flawed approach and overstepped its authority under the Clean Air Act – unfortunately the court disagreed.

Co-op generators in 28 states could be significantly impacted if forced to comply with some parts of the rule. EPA has not said what it will do now. Ours and other Cross-State rule lawsuits are still open to address remaining issues not settled by the Supreme Court's decision. EPA's data to develop the rule is outdated, and air quality has significantly improved without it. The agency has been working on a revised interstate emissions rule with plans to issue it about the time an existing plant greenhouse gas emissions proposal is expected in June. Stay tuned...

### ***'All-of-the-Above' Campaign Update: Get Ready for Round Two in Fight on GHG Plans***

You've sent nearly 429,000 comments on EPA's climate change agenda through your grassroots effort on [Action.coop](#) and local partner groups on [TellEPA.com](#)! You can check out how we're doing by total [messages](#) and breakdowns by [state](#) and each [co-op](#). We're making one last hard push to get 500,000 messages to EPA before the new plants rule comment period closes next Friday – May 9. The next day, May 10, Action.coop and TellEPA.com will switch over to collecting comments on EPA's existing plants rule – even though EPA is expected to release it in

June. New materials will be posted for you on [Cooperative.com](http://Cooperative.com) and [Cooperative Action Network](http://CooperativeActionNetwork) to support you in this critical phase of the campaign.

### ***House Committee Clears ESA Reform Bills, Action Moves to Floor***

We applaud the House Natural Resources Committee for approving Endangered Species Act (ESA) reform [legislation](#) and sending it to the House floor. The four bills (H.R. 4315, H.R. 4316, H.R. 4317, H.R. 4318) would bring greater transparency to the species listing process. We'll be working this issue on the Hill during Legislative Conference. These bills could go to the House floor in May.

### ***Majority of House Members Sign Letter Opposing Proposed Waters Rule!***

We worked with industry stakeholders to get 231 House members to sign a bipartisan letter (list attached) urging EPA and the Army Corps of Engineers to back off their flawed proposal to expand their jurisdiction under the Waters of the U.S. rule. We thank Reps. Collins (R-NY) and Schrader (D-OR) for their strong leadership in this effort. This proposal is an overreach of EPA's Clean Water Act jurisdiction and would have significant utility sector impacts. It includes a new definition of bodies of waters and expands Clean Water Act jurisdiction to cover ditches, flood plains, wetlands and seasonal streams.

### ***Letter to Congress Urges Broader Look on Freight Rail Reforms***

NRECA joined Consumers United for Rail Equity and other industry groups on a letter (attached) to Congress highlighting the need for freight railroad reforms to increase service competition and improve the Surface Transportation Board's effectiveness in addressing rail shipper concerns. While the current focus is on safety, we're urging Congress and regulators to take a broader look at the need for railroad reforms to ensure policies are updated and balanced.

### ***LaFleur to be Renominated for FERC***

President Obama late last night announced his intent to renominate acting Federal Energy Regulatory Commission (FERC) Chairman Cheryl LaFleur for a second five-year term as a commissioner. She has served as acting Chairman since last November and will continue in that role until the next chairman's nomination is confirmed. In late January, President Obama nominated Norman Bay, the Director of FERC Enforcement, to the chairman position. Acting Chairman LaFleur is a considered a consensus builder and has more than 20 years in the electric and natural gas sectors.

### ***OSHA Official to Explain New Utility Standards in Special NRECA Webinar***

Sign up now for our special [webinar](#) on May 7 on the new Occupational Safety and Health Administration's (OSHA) utility workplace rules on May 7 (1 p.m. Eastern). Senior OSHA staff member David Wallis, the primary author of the rule, will discuss the new requirements on fall protection, information sharing, minimum approach distance and arc protection. Many of these requirements go into effect on July 1, 2014; key sections on fall protection, minimum approach distance and arc protection take effect in 2015.

**Attached:** Collins-Schrader letter list, railroad reform letter.