

Attorney General Morrisey, Large Bipartisan Coalition Asks U.S. Supreme Court to Stop Illegal EPA Rule

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CHARLESTON — West Virginia Attorney General Patrick Morrisey and Texas helped lead officials from 29 states and state agencies today in urging the U.S. Supreme Court to immediately halt the ongoing damage caused by the Environmental Protection Agency's Power Plan.

The rule illegally forces states to overhaul their energy portfolio and does so without congressional authority, costing countless jobs, increasing electricity prices and jeopardizing energy reliability.

Attorney General Morrisey estimates a final ruling from D.C. Circuit Court could take at least six months and perhaps stretch into 2017. Meanwhile, a stay by the Supreme Court could freeze EPA's Power Plan and protect workers as arguments on the merits of the case move forward.

“Without Supreme Court intervention, West Virginia and other states will suffer irreparable harm as job creators and state agencies spend untold resources to comply with a rule that is likely to be struck down as illegal,” Attorney General Morrisey said.

The D.C. Circuit Court, which declined to take similar action last week, will hear oral arguments June 2 on the merits of the states' case.

The states' application for stay, filed today, argues that a majority of the Supreme Court would likely side with the states in finding the Power Plan illegal.

“While we know a stay request to the Supreme Court isn't typical at this stage of the proceedings, we must pursue this option to mitigate further damage from this rule,” Attorney General Morrisey said. “Real people are hurting in West Virginia and it's my job to fight for them.”

West Virginia and Texas helped lead 23 other states Oct. 23, 2015, in filing suit against the Power Plan, the very day it was published by President Obama's EPA. They argue the rule exceeds EPA's authority by double regulating coal-fired power plants and forcing states to fundamentally shift their energy portfolios away from coal-fired generation among other reasons.

Those joining West Virginia and Texas seeking a stay from the Supreme Court are Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana,

Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, Ohio, Oklahoma, South Carolina, South Dakota, Utah, Wisconsin and Wyoming, along with the Mississippi Department of Environmental Quality, Mississippi Public Service Commission, North Carolina Department of Environmental Quality and Oklahoma Department of Environmental Quality.

View a copy of the application at <http://1.usa.gov/1nwvfmA>

View the application appendix A at <http://bit.ly/1P1lra5>

View the application appendix B at <http://1.usa.gov/1nwvoGF>

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