

State of North Carolina
Department of Justice

Roy Cooper
Attorney General

August 7, 2015

P. O. Box 629
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The Hon. Tim Moore, Speaker
N. C. House of Representatives

The Hon. Phil Berger
President Pro Tempore
N. C. Senate

The Hon. Larry Hall
Minority Leader
N.C. House of Representatives

The Hon. Dan Blue
Minority Leader
N.C. Senate

Dear Speaker Moore, Senator Berger, Rep. Hall, and Sen. Blue:

I am writing to you to express my concern regarding Section 4 of Amendment 1 to the Implement Clean Power Plan (HB 571) approved by the North Carolina Senate yesterday, August 6, 2015 and now before the North Carolina House of Representatives for a concurrence vote. This section requires the Secretary of Environment & Natural Resources to bring a federal court action to challenge the EPA Clean Power Plan.

Although this legislation poses constitutional questions, I am even more concerned that this action will risk North Carolina's well-deserved reputation for protecting the quality of our air, recruiting businesses that produce cutting-edged technologies and offering leadership around the world on energy issues.

North Carolina's Clean Smokestacks Act, our renewable energy standard and other forward-thinking efforts were forged by collaboration among interested parties such as utilities, environmentalists, businesses and consumer advocates. Our state is in a great position to bring these and other stakeholders together once again to work with the EPA to devise our own plan to protect North Carolina's air and promote economic growth.

I believe all of these stakeholders and others would be willing to sit down and talk about this matter in order to find a solution. Of course, the Department of Environment & Natural Resources and its Secretary Don van der Vaart would play a key role in devising a plan that would be acceptable to everyone.

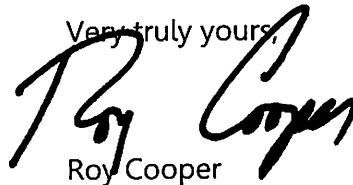
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North Carolina has made great strides in ensuring cleaner air and encouraging healthier populations while promoting entrepreneurial growth. I encourage you to avoid the path of litigation and instead work on a cooperative effort we can all be proud of. Piecemeal litigation like this can significantly harm our effort to implement our own clean power plan along with risking a federal takeover of North Carolina energy policy that we could otherwise avoid.

I, or my staff, would be glad to answer any questions about this matter.

With kind regards, I am

Very truly yours,



Roy Cooper

RAC/sm

CC: Sec. Don van der Vaart, DENR
Lynne Goode, Duke Energy
David Fountain, Duke Energy
Lew Ebert, NC Chamber of Commerce
Thomas F. Farrell II, Dominion Energy
Molly Diggins, Sierra Club
Jim Rogers, Nature Conservancy
David Yarnold, Audobon Society
Carrie Clark, NC League of Conservation Voters
Thomas Skains, Piedmont Natural Gas
David Doctor – E4
Alan Townsend – Nichols School of Environment