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## **NEWS RELEASE**

### **Wisconsin Argues Clean Power Plan Case Before United States Court of Appeals for the D.C. Circuit**

September 27, 2016

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WASHINGTON, D.C. – Wisconsin Solicitor General Misha Tseytlin is before the United States Court of Appeals for the D.C. Circuit today, arguing *State of West Virginia, et al. v Environmental Protection Agency (EPA), et al.* on behalf of Wisconsin Attorney General Brad Schimel and the State of Wisconsin, along with a bipartisan group of states and state agencies, as well as trade groups and industry representatives. The unique technical expertise of both Solicitor General Tseytlin and Wisconsin Assistant Deputy Attorney General Delanie Breuer have proven instrumental to this lawsuit.

“I am incredibly proud of our top-tier team at the Wisconsin Department of Justice that is helping to lead this crucial challenge against the federal government,” said Attorney General Brad Schimel. “Not only has the EPA exceeded its authority in finalizing emissions standards that are unattainable in Wisconsin, but these new regulations will cause irreparable harm to manufacturing in our state and result in incredible job loss.”

In February, the Supreme Court of the United States granted a stay of the Clean Power Plan to Wisconsin and a coalition of states and industry. This stay blocked the implementation of the EPA’s unconstitutional rule that forces states’ energy grids to fit the Obama Administration’s agenda, until the challenge is resolved in court.

The states argue the rule is unlawful because it allows the EPA to set state energy policy by manipulating the electricity market and controlling the electric grid, a role previously reserved for state regulators. The rule is an illegal expansion of EPA’s authority, beyond what is permitted by the Clean Air Act.

Solicitor General Tseytlin is arguing the following technical record-based issues of the case. First, the EPA should have based the state goals on achievability inside each state’s borders (rather than applying a rate based on regional and national averages). And second, the calculations behind the goals are technically flawed because they do not take into account the realities of the electric grid and the goals were never shown by the EPA to be achievable while maintaining reliability.

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