

# ATTORNEY GENERAL

## STATE OF MONTANA

Tim Fox  
Attorney General



Department of Justice  
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June 5, 2013

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Re: New Source Performance Standards

Dear President Obama:

I'm writing to express my concerns about the new source performance standards (NSPS) proposed by the EPA for new electrical generating facilities. As it is proposed, the rule would be practically impossible for new coal-fired electrical generators to meet. The result of excluding coal from our nation's energy mix in the future would have real consequences for consumers, who could face spikes in energy prices, and for the workers in labor-intensive industries like coal.

The proposed rule is especially concerning for Montana for a number of reasons. Our coal industry is one of the most important industries in the state, employing thousands and responsible for a great deal of our economic activity and tax revenue. With the largest coal reserves in the nation, we have a unique opportunity to enjoy economic benefits from expanding coal production from our state, creating new jobs along the way.

I am confident that our nation can achieve the equally important objectives of lowering emissions and providing affordable energy at the same time. Our nation's scientists and engineers are the best in the world, and we need to give them the opportunity to develop the technology for a cleaner future. But that opportunity won't exist if we put in place EPA regulations that effectively prevent the construction of new coal generators. Montanans are eager to lead the nation and the world in developing clean coal technology—but we need the chance to do it.

America is fortunate that we have such a great diversity of abundant fuel sources available—it is a powerful strategic advantage that other countries can only envy. The one-size-fits all approach to the EPA's NSPS rule ignores the diversity of our energy supply. It makes no sense to treat two different fuel sources, like natural gas and coal, with the exact same rule.

On behalf of every Montanan that benefits so much from our coal industry, I respectfully request that the EPA amend the proposed rule to reflect the diversity of our energy supply and to ensure that the opportunity exists for the development of new technology.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Fox', with a stylized flourish at the end.

TIM FOX  
Attorney General