

From: Bob Van Heuvelen <bob@vhstrategies.com>
Sent: Friday, September 20, 2013 6:58 PM
To: perciasepe.bob@epa.gov
Cc: Bittleman, Sarah;Goffman, Joseph;Stephen Ward;Cordon Smart
Subject: October 4th Meeting Request
Attachments: Meeting Request Robert Perciasepe.pdf

The Honorable Robert Perciasepe
Deputy Administrator
U.S. Environmental Protection Agency

Dear Bob:

Attached please find a formal meeting request for Dr. Peter Mertens, Senior Vice President of Research & Development of Volvo Car Corporation. He will be in Washington, D.C. for a Volvo event at the Swedish Embassy next month, and is very interested in meeting with you the morning of Friday, October 4th, if you are available. Dr. Mertens is most interested in discussing the Corporate Average Fuel Economy (CAFE) midterm review and regulatory harmonization in relation to the Transatlantic Trade and Investment Partnership (TTIP).

Below please find a brief biography for Dr. Mertens. Thank you for considering this request, and please feel free to let me know if you would like any additional information.

Sincerely,

Bob Van Heuvelen

--

Robert Van Heuvelen
Founder and CEO
VH Strategies, L.L.C.
300 New Jersey Avenue NW, Suite 601
bob@vhstrategies.com

[202-534-4920](tel:202-534-4920) (main)

[202-534-4954](tel:202-534-4954) (direct)

[202-384-2400](tel:202-384-2400) (cell)

Dr. Peter Mertens
Senior Vice President, Research and Development, Volvo Cars Corporation

Dr. Mertens joined Volvo as Senior Vice President of R&D in 2011. Prior to joining Volvo Car Corporation, Dr. Mertens was the Head of Corporate Quality for Jaguar Cars Plc/Tata Motors India and a member of the management board of Jaguar/Land Rover.

Dr. Mertens worked as an apprentice toolmaker before earning a Master's degree in Industrial Engineering and Operations Research at the Virginia Polytechnic Institute in 1985. He then completed his doctorate in

Production Engineering and Industrial Engineering at the University of Kaiserslautern, Germany in 1990. While earning his doctorate, he was also the Head of the Technology Transfer Institute at the University.

Starting in 1993 Dr. Mertens spent six years at Daimler Chrysler AG, including three years as Project leader for Mercedes A-Class in Stuttgart, Germany, and three years as Head of Aftersales Engineering. For the next seven years, he was the Managing Director of Tegarom Telematics GmbH in Bonn, Germany.

Beginning in 2002, Dr. Mertens served as the Vehicle Line Executive and Executive Director at Adam Opel AG then moved into the same position at General Motors Europe from 2004 to 2005. Immediately following, Dr. Mertens became Global Vehicle Line Executive and Executive Director of General Motors Worldwide in Russelsheim, Germany, where we served until 2010.

From: Adm13McCarthy, Gina
Sent: Friday, September 20, 2013 4:23 PM
To: Goffman, Joseph
Subject: Re: EEI Statement On EPA's Proposed Greenhouse Gas New Source Performance Standards

No. He was out of pocket.

Gina McCarthy
Administrator

From: Goffman, Joseph
Sent: Friday, September 20, 2013 3:31 PM
To: Adm13McCarthy, Gina
Subject: Re: EEI Statement On EPA's Proposed Greenhouse Gas New Source Performance Standards

Not at all. September 5 message got through. Have you managed to get through to Kuhn?

From: Adm13McCarthy, Gina
Sent: Friday, September 20, 2013 3:22:59 PM
To: Goffman, Joseph
Subject: Re: EEI Statement On EPA's Proposed Greenhouse Gas New Source Performance Standards

Not so bad.

Gina McCarthy
Administrator

From: Goffman, Joseph
Sent: Friday, September 20, 2013 1:19 PM
To: Adm13McCarthy, Gina; Porterfield, Teri
Subject: Fw: EEI Statement On EPA's Proposed Greenhouse Gas New Source Performance Standards

From: Wolff, Brian <BWolff@eei.org>
Sent: Friday, September 20, 2013 9:38:48 AM
To: Goffman, Joseph
Subject: FW: EEI Statement On EPA's Proposed Greenhouse Gas New Source Performance Standards

Per our conversation.



FOR IMMEDIATE RELEASE
FOR INFORMATION CONTACT:
Jeff Ostermayer, 202-508-5683

EEI STATEMENT ON EPA'S PROPOSED GREENHOUSE GAS NEW SOURCE PERFORMANCE STANDARDS

Washington, DC (Friday, September 20, 2013) – EEI President Tom Kuhn issued the following statement today on the Environmental Protection Agency’s (EPA’s) proposed New Source Performance Standards (NSPS) for greenhouse gas emissions from new power plants.

“EPA’s proposed NSPS rule for new sources and its pending proposal for existing sources likely will affect the price of electricity for all Americans and our industry’s ability to enhance the electric generation fleet and grid, underscoring the vital need to get both rules right.

“The rule issued today includes several important changes from the original proposal on the natural gas standard, consistent with recommendations EEI made in comments last year. Given the growing reliance on natural gas to meet a larger share of electricity demand, it is critical for EPA to set standards for natural gas-based units that are achievable over a range of operating conditions, and we appreciate the changes.

“EEI continues to support an explicit exemption for combustion turbines, which are not efficient or economic to operate except when needed. We will closely evaluate the proposal, its potential impact and the steps that EPA has taken to ensure natural gas combined-cycle plants can comply. EPA must develop appropriate standards for both combustion turbine and combined-cycle units, and ensure that the proposed combined-cycle standard is achievable by every new unit.

“The new proposal sets a separate standard for coal-based units and requires the use of carbon capture and storage (CCS) technology, which is neither adequately demonstrated nor economically feasible. As proposed, this rule would hinder efforts to develop cost-effective CCS—a critical technology for mitigating greenhouse gas emissions going forward—because it effectively prevents the building of new clean coal plants. We cannot afford to take generation sources out of the mix, as fuel diversity guards against potential supply disruptions and is key to affordable and reliable electricity.

“We look forward to continuing to work with EPA throughout the rulemaking process on the proposed rule. While the nation’s electric companies strongly support the goals of our environmental laws and are working to ensure that they are fully met, it is important that any new regulations or policies to curb greenhouse gas emissions from power plants contain achievable compliance limits, minimize costs to customers, and are consistent with the electric power industry’s investment and transition to a cleaner generation fleet and enhanced electric grid over the next decade.”

###

EEI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for 220 million Americans, operate in all 50 states and the District of Columbia, and directly employ more than 500,000 workers. EEI has 70 international electric companies as Affiliate Members, and 250 industry suppliers and related organizations as Associate Members.

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(It may be necessary to cut and paste the above URL if the line is broken)

or send a blank email to leave-122974-1114604.ba737608374c073b236382b19160149d@ls.eei.org

From: Lewis, Josh
Sent: Friday, September 20, 2013 3:39 PM
To: Goffman, Joseph; Ashley, Jackie; Tsirigotis, Peter; Culligan, Kevin
Subject: Re:

Thanks, will send to her shortly

From: Goffman, Joseph
Sent: Friday, September 20, 2013 3:34:27 PM
To: Ashley, Jackie; Tsirigotis, Peter; Culligan, Kevin
Cc: Lewis, Josh
Subject: Re:

Good to go. Thank you.

From: Ashley, Jackie
Sent: Friday, September 20, 2013 3:14:40 PM
To: Tsirigotis, Peter; Goffman, Joseph
Cc: Lewis, Josh
Subject:

Peter/Joe – Can Josh send this answer and the attached NSPS and court case over to Laura Haynes?

-Jackie

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5)

A large black rectangular redaction covers the top portion of the page, starting from the left margin and extending across most of the width. The text "(b) (5)" is printed in red at the top left corner of this redacted area.

Jackie Ashley
Office of Air Quality Planning and Standards
US EPA
ashley.jackie@epa.gov
919-541-7664

Weinstock, Larry

From: Goffman, Joseph
Sent: Friday, September 20, 2013 3:32 PM
To: Culligan, Kevin
Subject: Fw:
Attachments: 1998_DaDb_NFR_09-16_revisions to NOx_63FR.PDF; Lignite-Energy_DC-Cir-1999.doc

From: Ashley, Jackie
Sent: Friday, September 20, 2013 3:14:40 PM
To: Tsirigotis, Peter; Goffman, Joseph
Cc: Lewis, Josh
Subject:

Peter/Joe – Can Josh send this answer and the attached NSPS and court case over to Laura Haynes?

-Jackie

(b) (5)
(b) (5)



Jackie Ashley
Office of Air Quality Planning and Standards
US EPA

ashley.jackie@epa.gov

919-541-7664

From: Dan Weiss <dweiss@americanprogress.org>
Sent: Friday, September 20, 2013 3:00 PM
To: Goffman, Joseph
Subject: RE: nice picture!!

You give me a comb, and I will never part with it....

Wrt Wald (who could probably build his own power plant), the key issue is to make the most compelling case possible that CCS is “adequately demonstrated.” I was sent a list of CCS projects by one of your colleagues yesterday, but what is needed is a table that lists the project, company that owns it, location, level of co2 capture, and most importantly – pct of completion/estimated start date. Links to the projects would be useful to. It could be sent to reporters who want to dig deeper into the question of “is this technology real?” Since the strategy of opponents seem to be cast doubt on the technology, the more evidence that it is on its way, the stronger the case. There are some of these details starting on Page 19 of the draft rule, but its not in a format that can easily be shared with a reporter. Anyway, my 2 cents based on what I am hearing from reporters other than Matt.

Keep up the great work! Dan W

Daniel J. Weiss
Senior Fellow and Director of Climate Strategy
Center for American Progress
Center for American Progress Action Fund
202-481-8123 O
202-390-1807 M
dweiss@americanprogress.org
dweiss@americanprogressaction.org
[@DanJWeiss](#)

From: Goffman, Joseph [mailto:Goffman.Joseph@epa.gov]
Sent: Friday, September 20, 2013 2:47 PM
To: Dan Weiss
Subject: Re: nice picture!!

Not even enough time to buy a comb. Thanks for the note on Matt Wald. We're on it.

From: Dan Weiss <dweiss@americanprogress.org>
Sent: Friday, September 20, 2013 9:17:01 AM
To: Goffman, Joseph
Subject: nice picture!!

Too busy writing rules to get a haircut?



Daniel J. Weiss
Senior Fellow and Director of Climate Strategy
Center for American Progress
Center for American Progress Action Fund
202-481-8123 O
202-390-1807 M
dweiss@americanprogress.org
dweiss@americanprogressaction.org
[@DanJWeiss](https://www.instagram.com/DanJWeiss)

From: Goffman, Joseph
Sent: Friday, September 20, 2013 2:45 PM
To: Reynolds, Thomas;Hutson, Nick
Subject: Re: nick - need your help on ccs issue

We are getting a note to Nick now.

From: Reynolds, Thomas
Sent: Friday, September 20, 2013 2:39:45 PM
To: Hutson, Nick
Cc: Goffman, Joseph
Subject: nick - need your help on ccs issue

Tied to new source rollout.
Can you call me asap please?
202-566 0717

Tom Reynolds
EPA Associate Administrator for External Affairs
reynolds.thomas@epa.gov
202-566-0717 - direct
202-568-0750 - cell

From: POLITICO Pro Energy <politicoemail@politicopro.com>
Sent: Friday, September 20, 2013 2:30 PM
To: Goffman, Joseph
Subject: Afternoon Energy, presented by The American Petroleum Institute: EPA releases greenhouse gas rule for new power plants — McCarthy says rule will help secure future of coal — Coal State Democrats distance themselves from EPA

By Talia Buford | 9/20/13 2:25 PM EDT

With help from Erica Martinson, Darius Dixon, Darren Goode and Andrew Restuccia.

IT'S HERE: EPA released its proposed rule to limit greenhouse gases emitted by new power plants. Check out the full rule here: <http://1.usa.gov/18g2MFT>. For fact sheets and EPA's Regulatory Impact Analysis, check here: <http://1.usa.gov/19KIHMM>. The rule is the first of two major climate regulations that EPA has in the works. A second, more sweeping draft rule due in June will take aim at carbon pollution from the nation's thousands of existing power plants — the largest source of U.S. greenhouse gas emissions. EPA Administrator Gina McCarthy said that today's proposed rule should not be taken as an indication as to what requirements will be imposed upon existing power plants in the regulation to come.

McCARTHY: PROPOSED RULE WILL HELP COAL STAY 'IN THE ENERGY MIX': "I believe that this proposal, rather than killing future coal, actually sets out a pathway forward for coal to continue to be part of the diverse mix in this country," McCarthy said at the National Press Club Friday. "Look, we know that coal is going to be part of the energy generation that we rely on substantially over the next few decades. Why wouldn't we now acknowledge and invest in the kind of technologies that will allow coal a future long beyond that?" McCarthy said, noting that U.S. coal production protects us from "international concerns."

— **Related:** McCarthy sat down for a Q&A with Grist to discuss what coal will have to do to survive in a "carbon-constrained" future: <http://bit.ly/15aYReM>

Welcome to Afternoon Energy. I'm your host, Talia Buford. We were so excited about the EPA power plant rule rollout, when it was ready to drop, we were all like <http://bit.ly/16etVuY> and then proceeded to give you all the news you needed. Word. For more awesome reporting, follow the whole team on Twitter: [@POLITICOPro](https://twitter.com/POLITICOPro), [@Morning_Energy](https://twitter.com/Morning_Energy) and the Best Energy Policy Team in the Land — <http://bit.ly/1aaggCf>.

COAL STATE DEMS DISTANCE THEMSELVES FROM EPA: Coal-state Democrats wasted no time Friday in denouncing EPA's proposed new greenhouse gas rule for power plants. West Virginia Democrats Sen. Joe Manchin and Rep. Nick Rahall both issued statements denouncing the rules, and Alison Lundergan Grimes, the Kentucky Democrat challenging Senate Minority Leader Mitch McConnell said the rule left her "deeply disappointed." The rule could cause problems for Dems like Rep. Ann Kirkpatrick, whose Arizona district is home to the largest coal plant in the west, and Rep. Bill Enyart, whose Illinois district counts coal among its major employers. "This is bad, bad news for House Democrats in 2014," National Republican Congressional Committee spokesman Daniel Scarpinato said in an email. "Democrat incumbents and challengers are going to be forced to explain this move by the Obama administration." More from Andrew Restuccia: <http://politico.pro/16uKPzx>

OBAMA: EPA RULE IS COMMON SENSE: President Barack Obama said in a statement included in a blog post <http://1.usa.gov/1aRagzp> by his top climate adviser Heather Zichal: "By building on the leadership of states and cities that are moving to cleaner energy sources, and many power companies that are already working

to modernize their plants, we can spur innovation and investment to help create new jobs and new industries and be better stewards of the world we leave to our children.”

** A message from The American Petroleum Institute: The oil & natural gas industry supported 9.8 million American jobs in 2011 — an increase of 600,000 new jobs over two years. In fact, new data from the U.S. Energy Information Administration shows the industry created jobs 40 times faster than the broader economy from 2007-2012. <http://bit.ly/1aFi7U3> **

GORE: NEW EPA RULE PUTS U.S. ON PATH TO SOLVE CLIMATE CRISIS: Former Vice President Al Gore said on his blog today that EPA’s regulations for future power plants are a major step toward putting the United States “on the path toward solving the climate crisis.” Andrew Restuccia: <http://politico.pro/18G4Wka>

DOE WORKING TO IMPROVE CCS AND POWER PLANT EFFICIENCY: Energy Secretary Ernest Moniz today said the Energy Department will continue pushing for improved carbon capture technologies and power plant efficiency. He highlighted DOE’s efforts to finalize an \$8 billion federal loan guarantee solicitation aimed at fossil energy technologies, including CCS.

NOTABLES ON THE RULE, AND REACTIONS

— During her speech [<http://politico.pro/18Iy0kU>], McCarthy cited the story of Daniel Dolan-Laughlin, who, six months after receiving a double lung transplant, was at the EPA hearing in Chicago urging them to finalize carbon standards for new power plants and get to work on standards for existing plants.

— **Frank O’Donnell, Clean Air Watch:** “For critics who claim this will hurt the coal industry, I say ‘baloney.’ It is time for the ‘clean coal’ lobby to put up or shut up. EPA is actually giving the coal industry a shot to compete in the future. But EPA is asking ‘clean coal’ to live up to that description. And it’s about time.”

— **Robert Duncan, President and CEO of the American Coalition for Clean Coal Electricity:** “EPA regulations have already contributed to shutting down coal plants in 33 states. Unfortunately, it looks like the administration also wants to make sure no new coal plants are ever built again in the United States, so it’s almost certain the courts will have to settle this issue.”

— While congressional climate hawks lauded EPA’s rule [<http://politico.pro/19kKVvO>], House Energy and Commerce Chair **Fred Upton** said [<http://politico.pro/14qG50e>] he plans a hearing on the “unnecessary” regulation.

— Senate Minority Leader **Mitch McConnell** promised to file a resolution of disapproval under the Congressional Review Act “to ensure a vote to stop this devastating EPA rule.” The CRA allows Congress to essentially veto recently completed agency regulations. However, the EPA rule released today is not final — just proposed.

— **Sen. Jay Rockefeller** used the regulations to call for increased investment and advancement of technology to reduce emissions at coal plants. “West Virginia and America have overcome far greater technological obstacles than this one, and I refuse to believe we can’t do it again,” the retiring West Virginia Democrat said in a statement.

MCCARTHY, MONIZ PLAN WHITE HOUSE GOOGLE+ HANGOUT: McCarthy and Moniz will discuss President Barack Obama’s Climate Action Plan [<http://1.usa.gov/16lbsG1>] Monday in a White House Google+ Hangout, the agency will announce today. The pair will answer questions from the public about progress on the climate change plan in a panel moderated by Grist Senior Editor Lisa Hymas. People can submit

questions on Grist.org or with the hashtag #ActOnClimate on Twitter. Watch on WhiteHouse.gov/ClimateHangout or on the White House Google+ page [<http://bit.ly/16uJgll>] at 12:15 EDT Monday, Sept. 23.

HOUSE PASSES CR, DEFUNDS OBAMACARE: The House passed a bill, 230-189, Friday to keep the government running until Dec. 15 while defunding Obamacare. The bill now heads to the Senate, where the Democratic majority will amend it — likely restoring Obamacare funding — and send it back to the House. The government will shut down Oct. 1 if Democrats and Republicans can't find consensus.

BOLOS FOR BINZ: Former Interior Secretary Ken Salazar said fellow Coloradan Ron Binz deserves Senate confirmation to head the Federal Energy Regulatory Commission. “From my own experience with Ron Binz in Colorado, I’ve seen him as a pragmatist person,” Salazar said when he stopped by POLITICO’s offices today. “I think if confirmed, I think he should be confirmed, and I think he would be a practical voice as chairman of FERC.” Salazar — who represented Colorado in the Senate before joining the Obama administration — lamented that “it’s unfortunate that so many of the nominations end up getting caught up in this kind of gridlock in a way that his nomination appears to be headed right now.”

QUICK LINKS

— What David Vitter got wrong about the EPA and methane — an op-ed from EDF’s Elizabeth Thompson. RollCall: <http://bit.ly/16uxMyd>

— Trade is good when it’s fair, write Sierra Club Executive Director Michael Brune and Teamsters President James Hoffa in The Hill: <http://bit.ly/18In7Q9>

— Obama renews support for Binz, despite Senator’s concerns. Bloomberg: <http://bit.ly/1aRg6AV>

— Central Arkansas Water intends to sue Exxon over ruptured pipeline. The Arkansas Times: <http://bit.ly/15cnjab>

— Oil trains bring Dakota crude, jobs and safety concerns to Philadelphia. StateImpact PA: <http://n.pr/1finGXV>

WIDE WORLD OF POLITICS

— 2016 is years away, but Hillary keeps running: <http://politi.co/16unu0M>

— The ‘meh’ of a salesman: <http://politi.co/16kSpf7>

— GOP battles boost Obama: <http://politi.co/18fNH7c>

** A message from The American Petroleum Institute: America’s oil & natural gas industry supports 8 percent of the U.S. economy, contributing \$1.2 trillion to U.S. GDP in 2011. Game-changing innovations in hydraulic fracturing and horizontal drilling have enhanced not only America’s energy security, but our economic security, creating hundreds of thousands of jobs in all 50 states. States at the forefront of this shale energy revolution have seen their economies transformed: North Dakota enjoys the nation’s lowest unemployment rate while Pennsylvania has added more than 100,000 jobs supported by shale energy in 2012 alone. Smart policies that increase access to energy resources can keep this energy jobs revolution going strong. <http://bit.ly/1aFi7U3> **

Stories from POLITICO Pro

[Coal-state Dems distance themselves from EPA](#)

Coal-state Dems distance themselves from EPA [back](#)

By Andrew Restuccia | 9/20/13 12:06 PM EDT

Coal-state Democrats wasted no time Friday in denouncing EPA's proposed new greenhouse gas rule for power plants.

Sen. Joe Manchin (D-W.Va.) shot out a statement Friday morning declaring that the regulation "will have devastating impacts to the coal industry and our economy."

Rep. Nick Rahall (D-W.Va.), who faces a tough reelection campaign in 2014, quickly followed suit in a statement that rivaled even many Republicans in denouncing the proposal.

"I am dead-set against the EPA and their scheme to issue emissions standards that would make it next to impossible for new coal-fired power plants to be constructed," Rahall said. He added, "This callous, ideologically driven agency continues to be numb to the economic pain that their reckless regulations cause. Today's rule is just the latest salvo in the EPA's war on coal, a war I have unwaveringly soldiered against, and I will work tirelessly to prevent such an ill-conceived and illogical plan from moving forward."

Alison Lundergan Grimes, the Kentucky Democrat seeking to unseat Senate Minority Leader Mitch McConnell, said the EPA rule left her "deeply disappointed."

"Yet again President Obama's administration has taken direct aim at Kentucky jobs," Grimes said. "Kentuckians deserve better than out-of-touch Washington regulation that further devastates an already ravaged region."

But Republicans are convinced that coal-state Democrats will have trouble distancing themselves from EPA.

"This is bad, bad news for House Democrats in 2014," National Republican Congressional Committee spokesman Daniel Scarpinato said in an email. "Democrat incumbents and challengers are going to be forced to explain this move by the Obama administration."

Manchin said [the proposed rule](#), which would impose strict pollution standards requiring future coal-burning plants to capture and store about 40 percent their carbon emissions, holds the coal industry to "impossible standards." To meet the rule's emissions limits, future coal plants would have to install expensive technology to capture and store their carbon dioxide. And that technology has not yet been adopted on a large scale.

"Never before has the federal government forced an industry to do something that is technologically impossible," Manchin said.

Manchin vowed to "continue to fight EPA overreach."

Rahall went beyond talk, introducing a [resolution](#) Friday expressing opposition the rule.

Rahall has emerged as a top 2014 target for Republicans, who have tried to tie him to Obama's climate agenda and attacked him in NRCC ads. One [ad](#) hit Rahall for attending a July ceremony renaming EPA's headquarters

after former President Bill Clinton — although Rahall later [told](#) POLITICO that he used the visit to speak bluntly to Administrator Gina McCarthy about the agency’s impact on his state.

His Republican opponent, Evan Jenkins, said Rahall shares the blame for EPA’s policies.

“Surely Rahall will feign outrage at EPA’s latest attack on West Virginia, but the facts speak for themselves: he helped President Obama get elected and he’s voted multiple times in support of EPA’s job-killing agenda,” Jenkins said in a statement.

McCarthy insisted Friday that the regulation will help the coal industry, not hurt it.

“Look, we know that coal is going to be part of the energy generation that we rely on substantially over the next few decades,” she said. “Why wouldn’t we now acknowledge and invest in the kind of technologies that will allow coal a future long beyond that?”

One West Virginia Democrat, retiring Sen. Jay Rockefeller, embraced EPA’s regulation as “a daunting challenge” but also a “call to action.”

“West Virginia and America have overcome far greater technological obstacles than this one, and I refuse to believe we can’t do it again,” the retiring West Virginia Democrat said in a statement.

Rockefeller used the regulations to call for increased investment and advancement of technology to reduce emissions at coal plants. “These rules will only work if we act now to strengthen our investment in clean coal technology and to advance public-private partnerships more seriously than ever,” he said.[back](#)

Gore: EPA on path to ‘solving the climate crisis’ [back](#)

By Andrew Restuccia | 9/20/13 10:51 AM EDT

Former Vice President Al Gore said EPA’s [regulations for future power plants](#) are a major step toward putting the United States “on the path toward solving the climate crisis.”

“Today’s announcement by EPA Administrator Gina McCarthy is an important step forward for our nation and our planet. From now on, future coal- and gas-fired power plants must take responsibility for their global warming pollution by reducing or capturing their overall emissions,” Gore, a vocal advocate for action on climate change, [wrote on his blog](#) Friday.

But he stressed that Congress still needs to take action, and he called for lawmakers to levy a price on carbon.

“The policies announced today, combined with the rest of the President’s Climate Action Plan, will put us on the path toward solving the climate crisis, but Congress must also soon face the reality of the situation,” he said, referring to the broad plan the president announced in June that includes several actions aimed at cutting the country’s greenhouse gas emissions.

The EPA is expected to propose regulations for existing power plants in June 2014 in a move greens say will be the biggest step the administration can take to tackle climate change. But experts believe Congress will eventually need to take action in order to achieve the deep cuts needed over the long term.

“Three years ago, Congress failed to put a price on carbon and, in doing so, allowed global warming pollution to continue unabated,” Gore wrote. “We have seen the disturbing consequences that the climate crisis has to offer — from a drought that covered 60 percent of our nation to Superstorm Sandy, which wreaked havoc and

cost the taxpayers billions, from wildfires spreading across large areas of the American West to severe flooding in cities all across our country — we have seen what happens when we fail to act. We need a price on carbon. We need it now.”

But Congress is very unlikely to take serious action to address climate change any time soon. Republicans remain opposed to imposing a price on carbon, and the Senate has been unable to approve even uncontroversial energy bills.

Still, activists remain hopeful that Republican opposition to climate legislation will soften over time, as the public experiences the consequences of a warming planet.[back](#)

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From: POLITICO Pro Whiteboard <politicoemail@politicopro.com>
Sent: Friday, September 20, 2013 2:18 PM
To: Goffman, Joseph
Subject: Donnelly 'frustrated' with 'extreme' EPA rule

9/20/13 2:14 PM EDT

Sen. Joe Donnelly added his voice to the chorus of criticism from coal-state Democrats today to EPA's proposed power plant rule.

"We can all agree that we need clean, affordable energy in this country, but I continue to be frustrated by the EPA's extreme proposals that fail to recognize the impact these regulations will have on Hoosier families and businesses," the Indiana Democrat said in a statement.

He said carbon capture and sequestration technology is unproven in industry and that carbon dioxide emissions can be reduced without "excessive burdening" of consumers and businesses. "The regulations proposed today fail to meet this basic, common-sense objective," he said. Coal plants would have to use CCS technology, while natural gas plants can use existing technology, he argued.

Donnelly and Sen. Roy Blunt filed an amendment to bipartisan energy efficiency legislation "that would ensure that EPA efforts to regulate carbon dioxide emissions are reflective of existing technology and do not negatively impact our economy," Donnelly said.

— *Darren Goode*

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From: E&E Publishing, LLC <ealerts@eenews.net>
Sent: Friday, September 20, 2013 1:30 PM
To: Goffman, Joseph
Subject: September 20 -- Greenwire is ready



AN E&E PUBLISHING SERVICE

GREENWIRE -- FRI., SEPTEMBER 20, 2013 -- [Read the full edition](#)

1. **CLIMATE:** EPA's new carbon rule sparks battle over CCS, with legal challenges likely

U.S. EPA's just-released proposal that for the first time would require all future coal-fired power plants to capture and store a share of their carbon dioxide emissions has set off an immediate war of words between industry groups, which oppose it, and environmentalists and their political allies, who embrace it.

TOP STORIES

2. **CLIMATE:** Power plant rule will spur industrial growth, keep coal in energy mix -- McCarthy
3. **APPROPRIATIONS:** House passes stopgap spending bill, setting up showdown with Senate
4. **FORESTS:** House votes to more than double logging on federal lands

CONGRESS

5. **CLIMATE:** Senate GOP uses new EPA rule to attack Dems in 7 competitive races
6. **COAL:** House Republicans float bill to block EPA power plant emissions rule

POLITICS

7. **BIOFUELS:** Nothing to see here, biodiesel industry says of latest fraud case
8. **TRANSPORTATION:** White House nominates acting DOT general counsel to fill role permanently
9. **NEWSMAKER:** 12-year-old Coloradan urges Congress to forgo plastic straws

NATURAL RESOURCES

10. **SOLAR:** Large-scale Nev. project revised to avoid tortoise, produce less power
11. **ENDANGERED SPECIES:** NMFS delays listing decision for 68 coral species
12. **COSTA RICA:** Pesticides from banana plantations linked to problems in caimans -- study
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From: Goffman, Joseph
Sent: Friday, September 20, 2013 1:19 PM
To: Adm13McCarthy, Gina;Porterfield, Teri
Subject: Fw: EEI Statement On EPA's Proposed Greenhouse Gas New Source Performance Standards

From: Wolff, Brian <BWolff@eei.org>
Sent: Friday, September 20, 2013 9:38:48 AM
To: Goffman, Joseph
Subject: FW: EEI Statement On EPA's Proposed Greenhouse Gas New Source Performance Standards

Per our conversation.



FOR IMMEDIATE RELEASE
FOR INFORMATION CONTACT:
Jeff Ostermayer, 202-508-5683

EEI STATEMENT ON EPA'S PROPOSED GREENHOUSE GAS NEW SOURCE PERFORMANCE STANDARDS

Washington, DC (Friday, September 20, 2013) – EEI President Tom Kuhn issued the following statement today on the Environmental Protection Agency's (EPA's) proposed New Source Performance Standards (NSPS) for greenhouse gas emissions from new power plants.

"EPA's proposed NSPS rule for new sources and its pending proposal for existing sources likely will affect the price of electricity for all Americans and our industry's ability to enhance the electric generation fleet and grid, underscoring the vital need to get both rules right.

"The rule issued today includes several important changes from the original proposal on the natural gas standard, consistent with recommendations EEI made in comments last year. Given the growing reliance on natural gas to meet a larger share of electricity demand, it is critical for EPA to set standards for natural gas-based units that are achievable over a range of operating conditions, and we appreciate the changes.

"EEI continues to support an explicit exemption for combustion turbines, which are not efficient or economic to operate except when needed. We will closely evaluate the proposal, its potential impact and the steps that EPA has taken to ensure natural gas combined-cycle plants can comply. EPA must develop appropriate standards for both combustion turbine and combined-cycle units, and ensure that the proposed combined-cycle standard is achievable by every new unit.

"The new proposal sets a separate standard for coal-based units and requires the use of carbon capture and storage (CCS) technology, which is neither adequately demonstrated nor economically feasible. As proposed, this rule would hinder efforts to develop cost-effective CCS—a critical technology for mitigating greenhouse gas emissions going forward—because it effectively prevents the building of new clean coal plants. We cannot afford to take generation sources out of the mix, as fuel diversity guards against potential supply disruptions and is key to affordable and reliable electricity.

"We look forward to continuing to work with EPA throughout the rulemaking process on the proposed rule. While the nation's electric companies strongly support the goals of our environmental laws and are working to ensure that they are fully met, it is important that any new regulations or policies to curb greenhouse gas emissions from power plants contain achievable compliance limits, minimize costs to customers, and are consistent with the electric power industry's investment and transition to a cleaner generation fleet and enhanced electric grid over the next decade."

###

EEI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for 220 million Americans, operate in all 50 states and the District of Columbia, and directly employ more than 500,000 workers. EEI has 70 international electric companies as Affiliate Members, and 250 industry suppliers and related organizations as Associate Members.

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From: POLITICO Pro Whiteboard <politicoemail@politicopro.com>
Sent: Friday, September 20, 2013 11:55 AM
To: Goffman, Joseph
Subject: Three new non-CCS coal plants may slide pass EPA rule

9/20/13 11:50 AM EDT

EPA may give a pass to three yet-to-be-built coal-fired power plants as part of its proposed regulation requiring carbon capture at future coal plants.

The rule proposed today eliminates the 15-coal-plant “transitional” list included in its earlier iteration. Six of those projects have since been canceled, and three switched to natural gas.

But the limits do not apply to the proposed Wolverine plant in Rogers City, Mich. The Wolverine project appears to be the only coal or natural gas-fired power plant in development that may be able to begin construction before the rule goes final within a year, but could not meet the limits in the proposed rule, the rule says.

“At the time of finalization of this proposal, if the Wolverine project remains under development and has not either commenced construction or been canceled, we anticipate proposing that the project either be made subject to the 1,100 lb CO₂/MWh standard or be assigned to a subcategory with an alternate CO₂ standard,” the rule says.

There are two projects that were on EPA’s original “transitional” list that are far enough along that they won’t be subject to the proposed rule, the rule says. They are the Washington County project in Georgia and the Holcomb project in Kansas. “Based solely on the developers’ representations, the projects would be existing sources, and thus not subject to this proposal,” the rule says.

The developers will have to seek “a formal EPA determination of [New Source Performance Standard] applicability,” however, to determine that they have officially already begun construction. If that’s the case, they would be “similarly situation to the Wolverine Project.”

The proposed Plant Washington would be an 850 megawatt “supercritical” coal-fired power plant. Lead company Power4Georgians estimates the plant will cost \$2.1 billion to build, not including financing costs.

The Holcomb Sunflower plant in Kansas would be an 895 MW supercritical pulverized coal plant, which the company estimates will cost around \$2.2 billion. Holcomb is also awaiting a ruling from the state supreme court on the validity of its air permit.

— *Erica Martinson*

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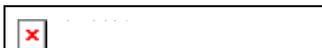
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From: Vickie Patton <vpatton@edf.org>
Sent: Friday, September 20, 2013 11:16 AM
To: Goffman, Joseph
Subject: Setting the record straight: EPA has ample authority to protect us from carbon pollution

http://www.edf.org/blog/2013/09/20/setting-record-straight-epa-has-ample-authority-protect-us-carbon-pollution?utm_source=twitter&utm_medium=social-media&utm_campaign=main

Setting the record straight: EPA has ample authority to protect us from carbon pollution

[Megan Ceronsky](#) / Published September 20, 2013 in [Legal](#)



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(This post was co-authored by Tomas Carbonell and Peter Heisler.)

Even though they account for 40 percent of U.S. emissions of harmful carbon pollution, fossil fuel-fired power plants are currently subject to no national limits on the amount of such pollution they emit. Drawing on the same Clean Air Act tools it has previously used to regulate other pollutants, the U.S. Environmental Protection Agency (EPA) is working to put in place common-sense standards for carbon pollution from new and existing power plants.

Recently, a group of state attorneys general^[1] issued a White Paper challenging EPA's authority to establish minimum emission performance standards for carbon pollution from existing power plants under Section 111(d) of

the Clean Air Act, and to issue rigorous standards for new power plants that are based on advanced technologies such as carbon capture and storage. This attack on EPA's well-established authority to administer the Clean Air Act is legally unfounded and a misguided attempt to obstruct urgently-needed and long-delayed limits on carbon pollution from our nation's largest source.

Background

On June 25, 2013, President Obama called on EPA to exercise well-established authority under Section 111 of the Clean Air Act to establish common-sense limits on carbon pollution from both new and existing power plants. A proposed rule that would implement the nation's first limits on carbon pollution for new plants under Section 111(b) is due to be released for public comment by September 20th. At the same time, EPA has been reaching out to a diverse group of stakeholders—including state policy makers and energy regulators, industry, and the environmental community—to seek input as they begin to develop proposed emission guidelines for existing power plants under Section 111(d). These emission guidelines will set out the environmental performance criteria that state plans to implement Carbon Pollution Standards for existing power plants must meet to satisfy the Clean Air Act.

EPA's authority to establish environmental performance criteria for state plans under Section 111(d) is firmly grounded in the statute and no longer open to legal attack.

The argument that Section 111(d) authorizes EPA to issue only procedural requirements for state plans to implement emission standards for existing pollution sources is not new; it revives an industry interpretation of the Act that EPA considered and rejected in 1975, when the Agency first undertook a rulemaking to implement Section 111(d). There, EPA carefully analyzed the language, purpose and legislative history of Section 111(d),[\[2\]](#) and concluded that all of these authorities supported its responsibility to ensure that states plans meet environmental performance targets. The Agency has consistently adhered to this interpretation for almost 40 years while putting in place Section 111(d) emission guidelines for a number of major sources of harmful air pollution including municipal solid waste landfills, municipal waste combustors, and sulfuric acid plants.[\[3\]](#) EPA's authority to issue environmental performance requirements for state plans is no longer open to question or legal attack.[\[4\]](#)

EPA's longstanding interpretation of Section 111(d) as providing for EPA to establish substantive criteria for state plans is firmly anchored in the statutory language and the structure of Section 111. The White Paper's assertion that States select the "best system of emission reduction" misreads the plain language of section 111(a)(1) of the statute, which specifically directs the EPA Administrator to identify the most effective ("best") system of emission reduction that has been "adequately demonstrated," considering cost, effects on energy, and other environmental effects. The Act further provides that the standards of performance for existing sources must "reflect[] the degree of emission limitation achievable" under that best system.[\[5\]](#)

Under Section 111(d), EPA is directed to review state plans to determine whether or not the plans are "satisfactory." EPA's assessment during this review is based on whether the state plans meet the statutory criteria of establishing a "standard for emissions" that "reflects the degree of emission limitation achievable" under the "best system of emission reduction" that "the Administrator determines has been adequately demonstrated."[\[6\]](#) The emission guidelines issued by EPA lay out the information States will need to establish plans and standards of performance that will satisfy the statutory criteria, identifying the "best system of emission reduction" and the emission reductions achievable through application of that system. Although states have the flexibility to use other systems, they must achieve equal or greater emission reductions as the "best" system would achieve. Section 111(d) sets up a

carefully balanced framework of cooperative federalism, in which EPA establishes emission guidelines and works with states to achieve emission reductions consistent with those guidelines. As the Supreme Court recently explained, States issue Section 111(d) standards “in compliance with [EPA] guidelines and subject to federal oversight.” [7]

Section 111(d)’s direction that EPA put in place a process like that in Section 110 for the submittal and review of state plans likewise confirms EPA’s role in setting emission reduction performance requirements. Under Section 110, States submit state implementation plans to achieve National Ambient Air Quality Standards for specified pollutants. The safe level of ambient pollution is an expert, science-based determination made by EPA, and the efficacy of state plans in achieving that safe level of air quality is the critical basis for EPA review and approval of state implementation plans. [8] EPA’s long-standing role under Section 111(d) in establishing the environmental performance criteria for state plans parallels the structure of Section 110, consistent with the statutory cross-reference to that provision. And under both of these provisions, States are granted considerable flexibility to determine how best to meet those criteria. [9]

EPA has broad flexibility in assessing systems of emission reduction, including cutting-edge technologies that Section 111 was designed to stimulate.

The White Paper asserts that carbon capture and storage (CCS) is not yet widely deployed and that it therefore cannot be the “best system of emission reduction” for new coal-fired power plants. But as the Senate committee that voted on Section 111 stated, Section 111 was designed to promote “constant improvement in techniques for preventing and controlling emissions from stationary sources, [10] and an emerging technology used as the basis for standards of performance need not “be in actual routine use somewhere.” [11] In the 1970’s, Section 111 standards for sulfur dioxide emissions from power plants played a key role in driving the development and deployment of flue gas “scrubbers” — which was a novel technology installed at only three power plants at the time those standards were established. [12] Projects such as Southern Company’s Plant Barry, Plant Daniel, and Kemper County facilities, [13] as well as AEP’s Mountaineer plant, [14] have shown that CCS is a viable control technology in the power sector. Indeed, the core technologies involved in CCS have been applied in other industries for decades.

Furthermore, contrary to the assertions of the White Paper, a “best system of emission reduction” for new power plants need not be identical to that for existing power plants – and EPA has flexibility to consider a variety of “systems,” not just technological end-of-pipe solutions, in crafting emission guidelines under section 111(d). Although EPA was at one time limited to considering “technological” systems when setting standards for new sources, Congress has consistently used broad, flexible language in describing systems of emission reduction for existing sources. It is consistent with this flexible language for EPA to consider cost-effective systems that reflect the unified nature of the electric grid by treating all fossil fuel fired power plants as an interconnected group, averaging emissions across plants, and recognizing changes in plant utilization that reduce emissions. These strategies are not only valid “systems of emission reduction” under Section 111, they are also “adequately demonstrated” by the tremendous success that states and companies across the country have already shown in reducing carbon pollution through investing in low-carbon generation, harvesting demand-side energy efficiency, and utilizing lower-emitting fossil fuel-fired units.

Conclusion

We agree with the attorneys general that the States have a vital role in achieving emissions reductions under Section 111. So does the Environmental Protection Agency. Indeed, the leadership of both EPA and the states will be essential in cutting carbon pollution from existing fossil fuel power plants, EPA in establishing protective emission reduction requirements for carbon pollution and the States in deploying innovative solutions to secure these emission reductions. EPA's fulfillment of its long-overdue statutory responsibilities will establish the foundation for a vibrant partnership between EPA and the states, consistent with the Clean Air Act's time-tested model of cooperative federalism, to finally place limits on the carbon pollution emitted by power plants and support the transition to cleaner, safer power for our nation, our states and our communities.

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***** ATTACHMENT NOT DELIVERED *****

From: Vaught, Laura
Sent: Friday, September 20, 2013 10:58 AM
To: Goffman, Joseph;Bond, Brian;Reynolds, Thomas
Subject: FW: About to go out..

Southern statement.

From: Jhwolak [mailto:jhwolak@yahoo.com]
Sent: Friday, September 20, 2013 10:56 AM
To: Vaught, Laura
Subject: About to go out..

Southern Company statement on the Sept. 20 announcement of the Environmental Protection Agency's New Source Performance Standards

“Southern Company believes best meeting customers’ electricity needs with clean, safe, reliable and affordable power requires the full portfolio of energy resources – nuclear, 21st century coal, natural gas, renewables and energy efficiency. Environmental regulations should balance the desire to reduce emissions with the need to avoid dampening an already challenged economy. Instead of encouraging the development of all of America’s energy resources, the revised new source performance standards essentially eliminate coal as a future generation option and potentially restrict the operation of new natural gas combined-cycle units.

The proposed emissions standards for new coal-fired power plants appear to be based on CCS and the anticipated performance of the Kemper County Energy Facility. The first-of-its-kind power plant will deliver customer value by combining innovative technology with a location ideal for obtaining low-cost fuel and repurposing captured carbon. Because the unique characteristics that make the project the right choice for Mississippi cannot be consistently replicated on a national level, the Kemper County Energy Facility should not serve as a primary basis for new emissions standards impacting all new coal-fired power plants.

We look forward to thoroughly reviewing the proposed rule.”

Sent from my iPad

From: POLITICO Pro Whiteboard <politicoemail@politicopro.com>
Sent: Friday, September 20, 2013 10:42 AM
To: Goffman, Joseph
Subject: Moniz: DOE working to improve CCS and power plant efficiency

9/20/13 10:41 AM EDT

EPA's draft rule for new power plants is “a significant step” in implementing President Barack Obama’s climate action plan, Energy Secretary Ernest Moniz said today, and the Energy Department will continue pushing for improved carbon capture technologies.

"To continue implementing the President’s Plan, the Department of Energy will work with our partners to further increase power plant efficiency across the range of generation types, promote advanced fossil energy technologies such as carbon capture, utilization, and storage (CCUS), and deploy more clean energy,” Moniz said in a statement released after EPA chief Gina McCarthy’s remarks at the National Press Club.

Moniz highlighted DOE’s efforts to finalize an \$8 billion federal loan guarantee solicitation aimed at fossil energy technologies, including CCS.

He added: “We are continuing to build on the Administration’s successful energy efficiency standards, which are cutting energy bills for small businesses and families while also cutting carbon pollution. These programs are part of a real all-of-the-above clean energy strategy for a low carbon future where efficiency, coal, natural gas, nuclear and renewable sources all have an important role to play, and can successfully compete in a global marketplace.”

-- *Darius Dixon*

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From: POLITICO Pro Whiteboard <politicoemail@politicopro.com>
Sent: Friday, September 20, 2013 10:05 AM
To: Goffman, Joseph
Subject: McCarthy: Proposed rule will help coal stay 'in the energy mix'

9/20/13 10:04 AM EDT

EPA's proposed rule for new power plants is a way to keep coal-fired power viable in the future, rather than sink it, agency chief Gina McCarthy said today.

"I believe that this proposal, rather than killing future coal, actually sets out a pathway forward for coal to continue to be part of the diverse mix in this country," she said at the National Press Club.

"Look, we know that coal is going to be part of the energy generation that we rely on substantially over the next few decades. Why wouldn't we now acknowledge and invest in the kind of technologies that will allow coal a future long beyond that?" McCarthy said, noting that U.S. coal production protects us from "international concerns."

She added: "We believe that this does that and we believe that over time, you'll be able to see that there's a reasonable, cost-effective strategy, as we move forward, to keep coal in the energy mix."

McCarthy had been asked whether the agency's proposed rule unveiled today was "an effective ban on new coal plants" because carbon capture and storage technologies hadn't taken off yet.

"Who wrote that question?" she shot back, jokingly. "Were they listening to my speech?"

"Clearly not. I really appreciate that question and I'm actually glad it came up first because CCS is a technology that is feasible and it's available today. We know that," she said.

McCarthy added: "How do we know that? Because it's been demonstrated to be effective. We know that it's been demonstrated and it's being actually constructed on real facilities today, not just unconventional facilities but coal facilities. Those unconventional and conventional coal facilities are actually being invested in. They're being constructed and the designs are now available for others that are coming."

— *Darius Dixon*

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From: Goffman, Joseph
Sent: Friday, September 20, 2013 9:57 AM
To: Millett, John;Drinkard, Andrea;Tsirigotis, Peter;Hutson, Nick;Culligan, Kevin
Cc: McCabe, Janet
Subject: Kemper

Plan to nail down the story on this - for follow-up press and the Hill briefings - given the question that came up and the Admin's references to the project's distinctive features. Thanks.

From: Morning Transportation <morningtransportation@politico.com>
Sent: Friday, September 20, 2013 9:38 AM
To: Goffman, Joseph
Subject: POLITICO's Morning Transportation, presented by the U.S. Travel Association: Bipartisan WRRDA cleared for October floor action - T&I outreach continues

By Adam Snider

Featuring Kevin Robillard and Scott Wong

WHAT'S THE WRRDA? The ship might have sailed a bit later than in the Senate, but the House's water bill looks to have a safe voyage. The House T&I Committee has unanimously approved its version of water resources legislation and Chairman Bill Shuster told MT he's still been promised floor time in "early October," possibly the second week. And so far, at least, conservative groups with lots of sway in the House Republican conference are largely holding their fire against the bill. It's been smooth sailing for the measure so far, but Shuster and others are readying for some possible choppy waters in the form of the Congressional Budget Office.

C-B-No: "I'm always concerned about how the CBO scores a bill," Shuster said after the bill passed by voice vote. One potential hang-up involves how it scores a provision ordering the secretary of the Army to deauthorize \$12 billion worth of Corps projects sitting in the current backlog. Since many authorized Corps projects are decades old and unlikely to ever be funded, it's not clear if the CBO will count all \$12 billion as deficit reduction. That could result in bill that, at least on paper, increases the deficit - a death sentence for a bill in House. Kevin wraps up the markup for Pros: <http://politico.pro/18dMKfx>

BLAST FROM THE PAST: "WRRDA was just great to see. That's the way the committee used to work. We came together and we got things done after agreement on that," T&I Democrat Daniel Lipinski told MT after the bill cleared committee. Lipinski would know a thing or two about that - his father Bill, who served in Congress from 1983 until Daniel took over in 2005-- was also on the committee. "We have some tougher issues that are going to come up, but I think this sets a precedent for working together."

Drink up: At the end of the markup, Democrat Steve Cohen proposed a toast to the bill - using the small water bottles provided to each committee member.

Members only meeting: The Transportation Committee will brief staffers on the bill at a special staff-only meeting on Tuesday, according to an invite obtained by MT. "The briefing will provide background, an overview of the program, and the program's legislative history," the email reads. But don't even think about sneaking in - the invite says that congressional IDs will be checked at the door and interns aren't allowed. The committee has been doing a lot of outreach lately as it sells the first water bill in six years. The staff briefing follows the whiteboard video and Twitter town hall with Shuster.

MARKUP TWEET OF THE DAY - Club T&I: Rep. Trey Radel (@treyradel): "Packed @Transport! Standing room only! We r like hottest club in South Beach. All for #wrrda. Learn bout it. pic.twitter.com/wzFLgxxrCl"

FRIDAYS ARE FULFILLING. Thanks for reading POLITICO's Morning Transportation, your daily tipsheet on trains, planes and automobiles, where today we're remembering President John F. Kennedy's call, 50 years

ago today, for a joint American-Soviet mission to the moon. Communication is the key to a good relationship - so stay in touch: asnider@politico.com. And on Twitter: @[AdamKSnider](#) and @[POLITICOPro](#).

"You're gonna walk that endless highway ..." <http://bit.ly/UJ2v4L>

NO NAP BREAK FOR THIS BILL: The tale of a sleep apnea bill shows what just might be the most efficient Congress has been in years. In a few short weeks, two House members went from writing a simple two-page bill to seeing the Federal Motor Carrier Safety Administration commit to using a formal rulemaking on sleep apnea testing and treatment for professional drivers. Along the way, Reps. Larry Bucshon and Daniel Lipinski secured the support of major industry groups and dozens of their House colleagues. House T&I unanimously passed their bill yesterday, just a week after it was introduced. "The speed surprised me a little bit. But I think it shows that things can happen quickly, can get done here," Lipinski told MT.

But... The sleep apnea bill is child's play compared with the heavy legislative lifts the committee faces next year with writing a new surface transportation bill just as the Highway Trust Fund is going broke and needs tens of billions of extra dollars just to maintain current spending levels. Chairman Shuster, however, isn't too worried. "We have some tougher issues that are going to come up, but I think this sets a precedent for working together," he told MT. Your host has the Pro story: <http://politico.pro/1aX0nUg>

CR WATCH - Veto threat: Surprising absolutely nobody in D.C., the White House is threatening to veto the House's CR over its Obamacare defunding. The bill is up for a House vote this morning. Not that that matters much - it was a DOA in the Senate anyways. See the Statement of Administration Policy: <http://1.usa.gov/157QrEX>

COMING...EVENTUALLY: DOT is not sure when it will complete a study - due in less than two weeks - on the 34-hour restart part of new hours-of-service rules for truckers, Transportation Secretary Anthony Foxx said in a letter obtained by MT. Writing Rep. Richard Hanna, who spearheaded a previous note to Foxx asking for more information, the secretary said that the data collection part of the study was finished in July and DOT is "committed to a robust and thorough analysis." But "at this time I cannot predict the date on which the full report will be completed and submitted to Congress, but I assure you that we are working as expeditiously as possible," Foxx wrote. The study is due by Sept. 30, though it's common for federal agencies to miss such deadlines.

RAGE CAGE: Safety advocates are hopping mad over FMCSA withdrawing a long-awaited rule on training for entry-level truck and bus drivers. Henry Jasny, VP and general counsel of Advocates for Highway and Auto Safety, said the FMCSA move is "is yet another example of the agency's failure to protect the safety of commercial drivers and the public." The rule was first proposed in 2007. "During the past five years, this agency's dismal track record is to either issue weak safety standards or issue no safety standard at all in defiance of courts and Congress," said Joan Claybrook, a former NHTSA head and current chair of Citizens for Reliable and Safe Highways.

YOUR WEEKEND ON METRO: Isn't too bad at all, barring any unplanned delays. The Orange and Red lines have some work but no stations are closed. It's clear sailing on the Blue, Green and Yellow lines. WMATA has more: <http://bit.ly/1gEKIGo>

GOLDEN STATE REGULATES UBER: California regulators have unanimously approved statewide rules regulating Uber and other popular ride-sharing services that link passengers to drivers with the touch of a smartphone. The new regs would legitimize ride-sharing companies, including Uber, Lyft and Sidecar, but also subject them to a new regulatory regime - including requiring drivers to undergo criminal background checks, a training program, agree to a zero-tolerance policy on drugs and alcohol, and carry an insurance policy with a \$1 million coverage minimum. The L.A. Times has more: <http://lat.ms/16rQF4J>

**** A Competitive Edge:** U.S. global competitors are modernizing airports, expanding high-speed rail, improving transit and increasing highway performance. While the rest of the world is speeding up, the U.S. is slowing down. Join the debate on how to revitalize America's travel infrastructure at the **U.S. Travel Association's [Connecting America Through Travel Conference](http://bit.ly/CATTtrav)**. (<http://bit.ly/CATTtrav>) **

CAUCUS TIME: The Congressional Public Transportation Caucus held its first meeting Thursday with good attendance from a wide range of transit interests, several people in the know told MT. Both Lipinski and Republican Michael Grimm, the duo who formed the caucus, spoke at the kick-off meeting. One MT source in the room said it "seemed like an early attempt to get the ball rolling" on next year's big highway and transit bill.

NOM NOM NOM: The White House has nominated Kathryn Thomson to be DOT's general counsel. Currently the department's acting counsel, she also held the same post at the FAA. And over the Senate Commerce Committee, members approved the renominations of Deborah Hersman and Christopher Hart to the NTSB, sending them to the floor.

TRANSPORT STAFF NEWS: The Intelligent Transportation Society of America announced that "transportation innovator" Leo McCloskey is the group's new senior VP for technical programs. And J. Thomas Schieffer, a former U.S. ambassador to Japan and Australia and president of the Texas Rangers baseball team, has joined the Texas Central High-Speed Railway as a senior advisor.

PRO EDUCATION IS NOW LIVE: The first of three new policy sections coming to POLITICO Pro this fall is officially live. Pro Education offers subscribers access to high-impact, high-velocity coverage of education, delivering exclusive real-time news and analysis and an early-bird edition of Morning Education. Interested? Email info@politicopro.com or call (703) 341-4600. Read more about the launch here: <http://politi.co/1eL4Afu>

THE AUTOBAHN (SPEED READ)

- Starting Oct. 1, Metro requires at least negative \$1.50 on a SmarTrip to exit a station, at least \$1.20 to enter. <http://bit.ly/14mSi6g>
- One of many interesting Census results: Biking up 9 percent in 2012. Streetsblog: <http://bit.ly/1duhLxc>
- Houston's two airports take home \$1 million of \$6.4 million in FAA environmental grants. Houston Chronicle: <http://bit.ly/1594EBq>
- Reagan National Airport to hold an emergency response drill on Saturday. WaPo: <http://wapo.st/1917sXT>
- DOE's ARPA-E program gives \$66 million for transportation-related projects. See a list of the 33 projects: <http://1.usa.gov/1fdEaAM>
- Students and staff at Embry-Riddle Aeronautical University have created an autonomous SUV that does airport security patrols. AVweb: <http://bit.ly/16jcQsW>

THE COUNTDOWN: DOT funding and passenger rail policy both run out in 11 days. Surface transportation policy is up in 376 days and FAA policy in 741 days. The mid-term elections are in 410 days.

CABOOSE - 'Always be careful': It's a good motto for transportation safety - and it also appears twice on the front of a locomotive in the Illinois Central rail yard in this simple black and white picture from 1942. Shorpy: <http://bit.ly/18EIsQs>

** Travel contributes \$2.0 trillion to the U.S. economy and is an essential part of life. America's travel experience and the businesses that support it are inextricably linked to the condition of our nation's infrastructure. Yet, with chronic underinvestment in high-performing modes, policy barriers to connectivity and declining federal revenue, travel in America is changing. While the rest of the world is speeding up, the U.S. is slowing down.

On November 20, the U.S. Travel Association will host travel and transportation leaders at the Newseum for the first-ever [Connecting America Through Travel Conference](http://bit.ly/CATTtrav)(bit.ly/CATTtrav).

Join us and help shape the discussion on how to revitalize America's travel infrastructure.

At the conference: Discover new research examining the links between infrastructure investment and growth in the travel sector; hear from national leaders on the challenges to maintaining and building efficient, connected transportation systems; and forge new allies for advocacy efforts in Washington and beyond. **

Go to POLITICO Morning Transportation Now >> <http://www.politico.com/morningtransportation>

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From: Goffman, Joseph
Sent: Friday, September 20, 2013 9:41 AM
To: Wolff, Brian
Subject: Re: EEI Statement On EPA's Proposed Greenhouse Gas New Source Performance Standards

Thanks, Brian. Appreciate it. Talk, again, soon.

From: Wolff, Brian <BWolff@eei.org>
Sent: Friday, September 20, 2013 9:38:48 AM
To: Goffman, Joseph
Subject: FW: EEI Statement On EPA's Proposed Greenhouse Gas New Source Performance Standards

Per our conversation.



FOR IMMEDIATE RELEASE
FOR INFORMATION CONTACT:
Jeff Ostermayer, 202-508-5683

EEI STATEMENT ON EPA'S PROPOSED GREENHOUSE GAS NEW SOURCE PERFORMANCE STANDARDS

Washington, DC (Friday, September 20, 2013) – EEI President Tom Kuhn issued the following statement today on the Environmental Protection Agency's (EPA's) proposed New Source Performance Standards (NSPS) for greenhouse gas emissions from new power plants.

"EPA's proposed NSPS rule for new sources and its pending proposal for existing sources likely will affect the price of electricity for all Americans and our industry's ability to enhance the electric generation fleet and grid, underscoring the vital need to get both rules right.

"The rule issued today includes several important changes from the original proposal on the natural gas standard, consistent with recommendations EEI made in comments last year. Given the growing reliance on natural gas to meet a larger share of electricity demand, it is critical for EPA to set standards for natural gas-based units that are achievable over a range of operating conditions, and we appreciate the changes.

"EEI continues to support an explicit exemption for combustion turbines, which are not efficient or economic to operate except when needed. We will closely evaluate the proposal, its potential impact and the steps that EPA has taken to ensure natural gas combined-cycle plants can comply. EPA must develop appropriate standards for both combustion turbine and combined-cycle units, and ensure that the proposed combined-cycle standard is achievable by every new unit.

"The new proposal sets a separate standard for coal-based units and requires the use of carbon capture and storage (CCS) technology, which is neither adequately demonstrated nor economically feasible. As proposed, this rule would hinder efforts to develop cost-effective CCS—a critical technology for mitigating greenhouse gas emissions going forward—because it effectively prevents the building of new clean coal plants. We cannot afford to take generation sources out of the mix, as fuel diversity guards against potential supply disruptions and is key to affordable and reliable electricity.

"We look forward to continuing to work with EPA throughout the rulemaking process on the proposed rule. While the nation's electric companies strongly support the goals of our environmental laws and are working to ensure that they are fully met, it is important that any new regulations or policies to curb greenhouse gas emissions from power plants contain

achievable compliance limits, minimize costs to customers, and are consistent with the electric power industry's investment and transition to a cleaner generation fleet and enhanced electric grid over the next decade."

###

EEI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for 220 million Americans, operate in all 50 states and the District of Columbia, and directly employ more than 500,000 workers. EEI has 70 international electric companies as Affiliate Members, and 250 industry suppliers and related organizations as Associate Members.

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or send a blank email to leave-122974-1114604.ba737608374c073b236382b19160149d@ls.eei.org

From: Wolff, Brian <BWolff@eei.org>
Sent: Friday, September 20, 2013 9:39 AM
To: Goffman, Joseph
Subject: FW: EEI Statement On EPA's Proposed Greenhouse Gas New Source Performance Standards

Per our conversation.



FOR IMMEDIATE RELEASE
FOR INFORMATION CONTACT:
Jeff Ostermayer, 202-508-5683

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or send a blank email to leave-122974-1114604.ba737608374c073b236382b19160149d@ls.eei.org

From: POLITICO Pro Energy <politicoemail@politicopro.com>
Sent: Friday, September 20, 2013 5:49 AM
To: Goffman, Joseph
Subject: Morning Energy, presented by The American Petroleum Institute: Climate day — Shaheen-Portman update — Pro-Keystone Dems wary of debt ceiling gambit

By Andrew Restuccia | 9/20/13 5:45 AM EDT

With help from Erica Martinson and Darius Dixon

CLIMATE DAY: EPA is set to unveil a highly anticipated climate change regulation for future power plants today. And the POLITICO Pro energy team will be flooding the zone.

WHAT WE KNOW: The regulation will impose strict pollution standards requiring future coal-burning plants to capture and store at least 40 percent of their carbon emissions, according to a source outside the administration who was briefed on the rule. The agency is proposing separate standards for coal-fired power plants and natural gas facilities. Coal-fired power plants will either have to limit their carbon dioxide emissions to 1,100 pounds per megawatt-hour, or to 1,000-1,050 pounds per megawatt-hour over an 84-month period. Larger natural gas units will have to limit their carbon dioxide emissions to 1,000 pounds per megawatt-hour, and smaller units to 1,100 pounds. Read more about the rule from the tireless Erica Martinson:

<http://politico.pro/158LBXW>

THE BIG REVEAL: EPA Administrator Gina McCarthy is set to officially unveil the rule at 9 a.m. today at the National Press Club. And sources tell POLITICO that the administration plans to heavily promote it on social media and in events around the country in the coming weeks.

WHAT SHE'LL SAY: Via prepared text of McCarthy's remarks obtained by POLITICO: "Less than three months ago, President Obama stood outside in sweltering heat to unveil a new national plan to confront the growing threat of climate change. He delivered, in my opinion, one of the most important speeches of his Presidency. He laid out his vision and a plan for protecting our kids and families from pollution and fighting climate change. He asked a question we should all ask ourselves: do we have the courage to act before it's too late? How we answer will have a profound impact on the world that we leave behind for our children." The remarks continue, "We are here today to announce that EPA is taking one of those important steps, with a proposal to limit carbon pollution from new power plants."

EARLY REACTION: Statements for and against the rule were pouring into our inboxes all day. Two examples:

- **Michael Brune, Sierra Club executive director:** "Big polluters have been getting a free ride for decades, while Americans foot the bill in the form of asthma attacks, respiratory illness, floods, wildfires, and superstorms. The EPA's proposed carbon pollution protections today show that President Obama is serious about fighting climate disruption. ... We look forward to working with the Administration to ensure strong final standards for both coal and gas plants, as well as a strong proposal for EPA's upcoming carbon pollution protections for existing power plants."
- **Senate Minority Leader Mitch McConnell:** "The President is leading a war on coal and what that really means for Kentucky families is a war on jobs. And the announcement by the EPA is another back door attempt by President Obama to fulfill his long-term commitment to shut down our nation's coal

mines. Sadly, it does not come as a shock given his failed attempt at getting Congress to pass a cap and tax bill designed to hike utility rates and bankrupt the coal industry.”

THE BIG PICTURE: Today’s rule is just one part of a longer-term climate change strategy that will unfold in the coming years. Your morning host explains what to expect next and why it matters:

<http://politico.pro/16cb3ws>

HAPPY THURSDAY and welcome to Morning Energy. I’m your host Andrew Restuccia. Alex Guillén will be back on Monday. And I’d like to take this opportunity to publicly thank him for all the hard work he does to make Morning Energy great. As I was reminded this week, it’s not easy to write an informative and engaging newsletter every day. And Alex makes it look effortless. Send tips to aguillen@politico.com, and follow us on Twitter @[AndrewRestuccia](https://twitter.com/AndrewRestuccia), @[alexguillen](https://twitter.com/alexguillen), @[Morning_Energy](https://twitter.com/Morning_Energy) and @[POLITICOPro](https://twitter.com/POLITICOPro).

DAILY SHAHEEN-PORTMAN UPDATE: The prospects for Senate passage of the bipartisan energy-efficiency legislation authored by Sens. Jeanne Shaheen and Rob Portman just got a whole lot dimmer. A Democratic leadership aide confirmed Thursday that Senate Majority Leader Harry Reid will move next week to a government funding measure, a step that will further delay consideration of the efficiency legislation. And it’s not even a sure bet that the Senate will come back to the efficiency bill, which has been plagued by delays for almost two weeks. Still aides, who are growing increasingly frustrated over the delay, said they’ll continue working on an elusive agreement to narrow down the list of amendments, which has emerged as the main sticking point holding the legislation back. Your morning host has more for Pros: <http://politico.pro/1aX4WOg>

** A message from The American Petroleum Institute: The oil & natural gas industry supported 9.8 million American jobs in 2011 — an increase of 600,000 new jobs over two years. In fact, new data from the U.S. Energy Information Administration shows the industry created jobs 40 times faster than the broader economy from 2007-2012. <http://bit.ly/1aFi7U3> **

BINZ NOMINATION AT RISK: Ron Binz’s nomination for FERC chairman is officially a tie, at best, in the Senate Energy and Natural Resources Committee after a Thursday whip count by POLITICO found that every Republican on the panel plans to vote against the president's pick. Sens. Lamar Alexander, Jim Risch, Rob Portman, John Barrasso, John Hoeven, Mike Lee, Jeff Flake and Tim Scott said Thursday they would vote “no” on the nomination. Democratic Sen. Joe Manchin and GOP Sens. Lisa Murkowski and Dean Heller earlier in the week said they’d vote “no.” Senate Minority Leader McConnell also laid down the gauntlet Thursday on Binz, saying he would “work to defeat” the nomination and calling him “another foot soldier” in the Obama administration's “war on coal.” Democratic Sen. Mary Landrieu said she is still mulling over Binz's record and statements, but at this point her options are to either support Binz — helping to maintain the tie and sinking the nomination anyway — or voting against Binz and pushing him over the edge into the losing category.

PRO-KEYSTONE DEMS WARY OF DEBT CEILING GAMBIT: Senate Democrats who favor building the Keystone XL pipeline won’t necessarily support a House GOP effort to tack the project onto a must-pass debt ceiling strategy. “We’ve got to be careful about tethering because then we’ll tether what next?” Sen. Mark Begich (D-Alaska) said. “Historically the debt ceiling has been clean, simple, be done with it. Because it is the economics of this country that we’re playing with.” Darren Goode has more for Pros:

<http://politico.pro/1etiX6W>

STATE PUSHES BACK ON KEYSTONE ANNIVERSARY: The State Department has a message for all the congressional Republicans celebrating the fifth anniversary of the Keystone XL pipeline application: Check your math. “This Keystone Pipeline permit application has not been pending for five years,” a State Department official told POLITICO Thursday. “That is inaccurate.” Though the first application was submitted five years ago, the State Department is now considering a newer application that TransCanada submitted in May 2012 after President Barack Obama denied the permit for the project. “The State Department’s goal has always been

to conduct the review the right way, not in a rushed way,” the official said. “As part of this review, we are looking at existing information, new information, and responding to public comments. We are committed to a review that is objective, transparent, and rigorous.”

LCV TALKS CLIMATE AND LATINOS: The League of Conservation Voters held a conference call Thursday with Reps. Raúl Grijalva and Ben Ray Lujan to discuss how climate change is affecting the Latino community. “The Latino community understands the urgent need to address climate change,” Grijalva said in a statement. “Our young people overwhelmingly say this is something we need to deal with to reduce our risks for the future. Climate change is going to have the most severe impacts on poor people and people of color, not just in the United States but all over the world.”

PERSONNEL WATCH: The White House announced Thursday that Obama intends to appoint Jim Powell, a former Energy Department official, as the representative of the United States to the Southern States Energy Board.

OTHER FRIDAY HAPPENINGS:

— At 10 a.m. a House Natural Resources subcommittee will hold a hearing on the Interior Department’s “proposal to use a Categorical Exclusion under the National Environmental Policy Act (NEPA) for adding species to the Lacey Act’s list of injurious wildlife.” Details: <http://1.usa.gov/18jmb4H>

— Sacramento Mayor Kevin Johnson will “outline his vision for a national movement that will safeguard our communities, adapt to a changing climate and transform adversity into economic opportunity.” 11:30 a.m. at the National Press Club. Details: <http://bit.ly/19itnQW>

— At 11:45 a.m., the National Association of Manufacturers will host a conference call with reporters on EPA’s climate rule.

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QUICK HITS:

— The Denver Post editorial page editor calls out Binz’s “tall tales.” <http://bit.ly/169fji>

— State and federal regulators are tracking a series of oil and gas spills in flooded areas of Colorado. The Denver Post: <http://bit.ly/19kuqym>

— Australia’s conservative government got rid of a climate change commission established by the previous administration. AFP: <http://f24.my/16oZ6Of>

— The Senate approved legislation Thursday aimed at preventing a helium shortage. AP: <http://abcn.ws/1aX2aIY>

— Former Republican hill aide Brian Walsh writes in an op-ed that the “war on coal puts Democrats on defense.” U.S. News and World Report: <http://bit.ly/1fdQ8tW>

THAT'S ALL FOR ME. Have a great weekend.

** A message from The American Petroleum Institute: America's oil & natural gas industry supports 8 percent of the U.S. economy, contributing \$1.2 trillion to U.S. GDP in 2011. Game-changing innovations in hydraulic fracturing and horizontal drilling have enhanced not only America's energy security, but our economic security, creating hundreds of thousands of jobs in all 50 states. States at the forefront of this shale energy revolution have seen their economies transformed: North Dakota enjoys the nation's lowest unemployment rate while Pennsylvania has added more than 100,000 jobs supported by shale energy in 2012 alone. Smart policies that increase access to energy resources can keep this energy jobs revolution going strong. <http://bit.ly/1aFi7U3> **

Stories from POLITICO Pro

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[EPA rule signals Obama's long game on climate](#)

[Shaheen-Portman back on the back burner](#)

[Some Keystone supporters wary of House debt ceiling gambit](#)

Coal in Obama's climate cross hairs [back](#)

By Erica Martinson | 9/19/13 10:40 PM EDT

The Obama administration is preparing to draw a red line against coal pollution, with a proposal that for the first time would limit climate-changing emissions from all future power plants.

The Environmental Protection Agency's proposed rule, set to come out Friday morning, fulfills a key promise to President Barack Obama's environmental base — while offering a potent line of attack for Republicans in 2014. It kicks off a major effort by Obama's agencies to tackle climate change without waiting for help from Congress.

The White House-vetted proposal would impose strict pollution standards requiring future coal-burning plants to capture and store at least 40 percent their carbon emissions, according to information provided to POLITICO late Thursday.

Obama's critics say the emerging technology is too expensive and amounts to a ban on building coal plants. The administration argues it has invested unprecedented amounts of money in advanced coal technology, and it's time for the industry to step up and cut down greenhouse gas pollution.

The rule is the first of two major climate regulations that EPA has in the works. A second, more sweeping draft rule due in June will take aim at carbon pollution from the nation's thousands of existing power plants — the largest source of U.S. greenhouse gas emissions.

Obama [ordered](#) the EPA to take the steps in his climate policy speech at Georgetown University this summer, saying that "I refuse to condemn your generation and future generations to a planet that's beyond fixing." But the agency has been headed in this direction ever since it established its first greenhouse gas regulations in 2009, including tightening fuel economy standards on cars. In 2010, EPA agreed to tackle power plants after settling a lawsuit by environmentalists.

The administration hopes the rules will bolster the United States' credibility in global climate talks that are aimed at crafting a treaty by 2015.

In her speech announcing the rule Friday morning, EPA Administrator Gina McCarthy will call Obama's Georgetown speech "one of the most important speeches of his Presidency," according to excerpts of the speech obtained by POLITICO.

"Less than three months ago, President Obama stood outside in sweltering heat to unveil a new national plan to confront the growing threat of climate change," McCarthy will say, announcing that the agency is now "taking one of those important steps, with a proposal to limit carbon pollution from new power plants."

"Power plants are the single largest sources of carbon pollution," McCarthy's speech says. "New power plants — both natural gas and coal-fired — can minimize their carbon emissions by taking advantage of modern technologies. These technologies offer them a clear pathway forward today and in the long term."

Environmental groups have long been pushing Obama to take this kind of action, while Republican lawmakers and coal industry supporters have warned it would boost both energy prices and unemployment.

"The President is leading a war on coal and what that really means for Kentucky families is a war on jobs," Senate Minority Leader Mitch McConnell (R-Ky.) said in a statement late Thursday, as details of the proposal began to leak out. "And the announcement by the EPA is another back door attempt by President Obama to fulfill his long-term commitment to shut down our nation's coal mines."

Just about everyone acknowledged that the rule's fate will be decided in court — industry-backed lawsuits are inevitable.

"These limits on carbon pollution are so common sense that most Americans assume they're already in place," said League of Conservation Voters President Gene Karpinski. "Carbon pollution is already increasing rates of asthma attacks and extreme weather like floods, heat waves, and droughts nationwide. Any attempts by Congress to block implementation of these limits would go against the majority of Americans who support these common sense steps and would only benefit the country's biggest polluters."

Opponents argue that the standards are unachievable, carbon capture is too expensive and the technology isn't adequate to meet Clean Air Act requirements. Setting such tight standards will "destroy, not encourage, the development" of new carbon capture projects, said Mike Duncan, CEO of the American Coalition for Clean Coal Electricity.

While it won't affect existing plants, EPA's proposal would put the squeeze on coal: Any coal-burning power plant built in the future would be limited to 1,100 pounds per megawatt hour of CO₂ emissions, according to McCarthy's planned speech. That means a state-of-the-art coal plant would have to employ expensive and thus far uncommonly used technologies to capture around 40 percent of its carbon emissions.

Obama's critics say it would make building any coal plant a non-option. With scores of older coal plants expected to close in the next several years, that would be yet another hit to a coal mining industry that is hemorrhaging jobs in states like West Virginia, Ohio, Kentucky and Indiana. The rule is already a political talking point for 2014 races in coal-heavy states like Kentucky and West Virginia.

The rule also imposes separate, slightly tighter carbon limit on new power plants fueled by natural gas. But those plants aren't expected to have trouble meeting it — the standard is set to match a top-flight natural gas plant's carbon output. Large natural gas plants would be capped at 1,000 pounds per megawatt hour of CO₂. Smaller natural gas plants get a little more leeway, with an 1,100 pounds per megawatt hour limit.

The rule wouldn't affect nuclear plants or wind or solar power, which produce no greenhouse gases.

By law, the proposal is due to be finished in a year, after which industry groups are certain to challenge the standards in court.

The new rule is a second swing for the EPA. It's a rewrite of an initial draft the agency put out in March 2012, which appeared more vulnerable to court challenges.

But the idea behind the new proposal remains the same: No longer will coal-fired power plants be free to be the greenhouse gas giant of the energy world.

Though it will take a year to finalize the rule, under the Clean Air Act's requirements it will have an immediate effect on the construction of any new power plants.

EPA's 2012 proposal listed 15 planned coal plants already holding air permits that might be allowed dispensation from the rule. At least six of those projects have since been canceled, three switched to natural gas projects, and several more are unlikely to come to fruition. Ten of the 15 proposed plants either included carbon capture or were to be built in such a way that the technology could be added later.

The sharp fall-off in active projects may bolster EPA's argument that nobody is really planning on any new coal-fired power plants without carbon capture in the near future, particularly given the nation's natural gas boom.

But Republicans are spreading the message that coal isn't the EPA's only target.

"A War on Coal is only the first phase of the radical left's plan," the National Republican Senatorial Committee said in an email blast Wednesday, warning that a "war on oil" will follow. "The dirty little secret is that they want electricity costs to skyrocket."

The NRSC said consumers and workers will feel the pinch in "states like Alaska, Kentucky, West Virginia, Louisiana, Michigan, North Carolina, Michigan and Iowa" — not coincidentally, all crucial states in the 2014 Senate electoral calendar.

Some coal-state Democrats will also be unhappy with EPA's efforts, especially in West Virginia, where Democratic Sen. Joe Manchin [complained](#) this week that his state is "having the living crap beat out of us by this administration."

The EPA proposal could create electoral discomfort for Democrats facing voters this year, like Virginia gubernatorial candidate Terry McAuliffe, as well as in 2014.

EPA argues that the coal industry is shifting blame, as the industry faces mounting competition from low natural gas prices and improvements in wind and solar, and as costs mount for aged power plants kept open well past their economic prime.

"I take the administration at their word when they say they're not motivated by a war on coal," said Paul Bledsoe, a former official on a Clinton White House climate change task force. "What they're motivated by is an effort to reduce emissions across the U.S., specifically in the power sector, in the cheapest way, but also in a way that can help generate new technologies that can have broad applicability."

He questioned, however, whether regulations alone would be enough to advance carbon capture in the marketplace.

Those who support the rule say it's long overdue for the U.S. to take serious action on global warming, noting that it's been three years since cap and trade died in the Senate. And scientists say time is rapidly running out for the world to head off the worst damage from rising seas, worsening storms and droughts and spreading disease.

"The evidence is overwhelming, the science is clear, and the threat from climate change is real and urgent. This is my judgment and it is the almost universal judgment of the scientific community," Energy Secretary Ernest Moniz, a physicist, testified before Congress on Wednesday.

A warming planet threatens "our way of life," Moniz said.

"Rising sea levels and increasingly severe droughts, heat waves, wildfires, and major storms are already costing our economy billions of dollars a year and these impacts are only going to grow more severe. Common sense demands that we take action," he said. "This is the driving force behind the President's Climate Action Plan."

For all the drama, the big prize for climate activists is the EPA rule on existing power plants that the agency is due to propose next June.

Scaling back emissions from all of those plants would be costly for utilities, especially those that own high-carbon coal-fired power plants.

The agency is only beginning the rule-writing process for existing plants, and with plans to employ a never-before-used portion of the Clean Air Act, there's scant agreement on exactly what the rules will look like. But generally, EPA is expected to adopt guidelines for cutting carbon that states will then have to decide how to meet.

States could take steps like creating carbon-credit trading systems, shifting power production to less polluting sources such as natural gas or wind, or finding ways to cut back on demand for power from households and businesses.[back](#)

EPA rule signals Obama's long game on climate [back](#)

By Andrew Restuccia | 9/19/13 1:26 PM EDT

The Obama administration is about to take a major step forward on climate change — a crucial piece of a long-term strategy to join other countries in tackling the Earth's environmental woes, but one sure to fuel a furious GOP counterattack in 2014.

The proposed rule, expected Friday from the Environmental Protection Agency, won't cut any carbon immediately and won't come anywhere near the sweeping mandate of the cap-and-trade plan that died in the Senate three years ago. But it will force the first-ever limits on greenhouse gas pollution from yet-to-be-built power plants, requiring costly carbon-cutting technology for those that burn coal.

The White House-vetted proposal is also the legal precursor to a far more ambitious draft regulation due next year that would seek cuts to climate-changing emissions at existing power plants.

The president's supporters hope both actions, and more to come, will boost U.S. credibility in talks for the next big climate treaty.

That's if everything goes right for the administration: If the EPA rules aren't weakened or killed in court. If Congress or a future Republican president doesn't roll them back. And if it's not too late to head off the worst

effects of the rising seas and worsening droughts that climate scientists warn are already starting to ravage large swaths of the planet.

It's a long game that is likely to bridge multiple presidencies. Experts have [said](#) the rules may not start reducing power plants' emissions until 2018.

"We're not going to solve this problem in three years," said Elliot Diringer, a former environmental aide in the Clinton White House who's now executive vice president at the Center for Climate and Energy Solutions. "This is a problem that is decades in the making and will continue for years to come."

Of course, the rules' fine print will determine how much pollution they actually cut — and the range of possible outcomes is vast. In a [report](#) in February, the World Resources Institute said EPA regulations and other federal efforts aimed at power plants could cut the sector's greenhouse gas emissions anywhere from 7 to 77 percent below "business as usual" in 2035, depending on how aggressive they are.

Here's how the EPA's new rule could fit into a long-term climate strategy:

This week's rule

The proposal EPA is rolling out [will impose](#) the first-ever federal restrictions on carbon dioxide pollution from future power plants. It will put the biggest burden on new coal-burning plants, which for the first time would have to implement expensive [controls](#) to capture and store their carbon emissions, according to sources familiar with White House negotiations over the rule.

But because the rules won't apply to the nation's thousands of existing power plants, their immediate impact will be limited. Low natural gas prices and the promise of more environmental regulations have shifted most utilities' eyes from coal, and few new coal plants are in the works right now. Those that are have been in progress for years.

EPA may give a pass to two planned coal-fired power plants that won't capture their carbon but have already received air permits, one source who saw the draft EPA sent to the White House told POLITICO last week.

Even those limited effects would put an already struggling coal industry in a deep chill, EPA critics say. And everyone expects the rules to face industry-backed legal challenges.

Supporters say the rule could also encourage industry to deploy carbon-capture technologies on a commercial scale — something companies have little incentive to do without regulations. Wider use could cause the costs to drop, allowing the technology to spread even further.

This week's rule builds on past efforts by EPA and other agencies during President Barack Obama's first term to cut carbon pollution from other sources, including a dramatic tightening of vehicle fuel economy standards.

Next target: Existing plants

The rule also sets the legal groundwork for EPA's next step: Releasing a draft regulation in June that would reduce carbon pollution from existing power plants, which produce about 40 percent of the nation's greenhouse gases — making them the biggest source of U.S. carbon emissions.

As with the future-plant rule, EPA would be wielding the legal authority it already has under the Clean Air Act. But this time, the agency will be employing a previously unused portion of the law. That means much of the legal dispute will be foraged from new territory.

EPA plans to provide the goal and guidelines, but states will be able to fill in the fine print, writing agency-approved plans for cutting carbon.

Exactly what EPA can require is unclear so far, but greens are pushing for wide-ranging requirements that would necessitate carbon cuts garnered outside individual plants' walls. They would like to see states creating carbon-credit trading systems, shifting power production to less polluting sources such as natural gas or wind, or finding ways to reduce electricity demand from households and businesses.

Experts say the existing-plant rule will represent the single biggest climate action the president can take using his own authority. But it, too, will have to withstand attacks in court.

Beyond power plants, other sectors of the economy could be next. Eventually, the administration is expected to propose climate regulations for oil refineries. On separate tracks, the administration is pursuing efforts to reduce methane leaks from natural gas development, make appliances and federal agencies more energy-efficient, and curb emissions of hydrofluorocarbons, a short-lived but potent greenhouse gas used in refrigerators and air conditioners.

Combined, Obama's efforts might let the U.S. meet the target he committed to during international climate talks in his first term: reducing the nation's greenhouse gas emissions 17 percent below 2005 levels by the end of this decade. But the planet needs much deeper cuts, experts warn. Obama has set a long-term goal of achieving an 83 percent cut by 2050, something EPA can't accomplish on its own.

"The 2020 target is a way station," said Kevin Kennedy, director of the U.S. Climate Initiative at WRI's Climate and Energy Program. "It's an important point in the process, but that's not the end-game."

Eventually, though, EPA and other agencies will exhaust the limits of their legal authority. To go beyond that would require action from Congress.

Back to Congress

Republicans on the Hill are dead-set against passing any kind of climate bill, arguing that activists have exaggerated the problem and warning that emissions limits would wipe out jobs. Cap and trade couldn't even get through a Democratic Senate in 2010.

Still, experts say Congress could have a big impact if it chose to, for example by placing an economy-wide price on carbon pollution that would give all industries an incentive to cut back. One way of doing that is cap and trade, a system that some states like California are imposing on their own. Another is a carbon tax, which some conservatives favor as a more market-friendly alternative to regulations.

But don't expect anything like that from the current Congress, which has no appetite for cap-and-trade and is proving to be a tough arena for even the most modest, bipartisan energy legislation. Just this week, the Senate was unable to make progress on an energy efficiency bill that Democrats, Republicans, environmental groups and many industry groups support.

Still, activists remain hopeful that Republicans' opposition to action on climate change will soften in the coming years. Some are even [searching](#) for a high-profile GOP politician who can lead the way, as well as focusing on helping climate-minded candidates win in 2014 and 2016.

"We know it's a long journey and it's important to get started in the right direction with some momentum. And we're actually very focused on the next several years," said Pete Altman, climate and clean air campaign

director at the Natural Resources Defense Council. “There is a long-game, but it’s going to be one that requires subsequent administrations as well.”

Going global

Carbon cuts at home could give the United States renewed credibility as it works with other countries to craft a major international climate agreement by 2015. U.S. clout suffered after it failed to ratify the last big treaty, the Kyoto Protocol, which the Senate rejected by a 95-0 vote in 1997.

Still, experts following the talks say other countries aren’t going to praise the U.S. as a trailblazer any time soon.

“I don’t think the U.S. is really in a position to hold itself up as a global leader,” Diringer said. “The perception is more that the president is trying to do all within his power to catch up and fulfill the promises he made [in 2009], which as you recall at the time were considered to be weak.”

Meanwhile, scientists and environmentalists warn the clock is ticking. A recently leaked [draft report](#) from the United Nations’ climate science panel warned of potentially disastrous sea-level rise of as much as 3 feet in the coming century if polluting countries don’t significantly cut their carbon. Global temperature [data](#) show that all 10 of the warmest years on record have occurred since 1998.

Even if Obama’s efforts survive the political and legal gantlet, some effects of climate change are here to stay.

In truth, climate activists say, Washington should have started tackling this issue a long time ago. But they say EPA is taking a crucial step by acting on it now.

“It’s like asking Thelma and Louise if it’s too late to hit the brakes as the car starts to go over the cliff,” the NRDC’s Altman said. “We’ve really put it off for too long. But that said, the sooner we begin to tackle the problem, the less dire the consequences will be.”

Erica Martinson contributed to this report. [back](#)

Shaheen-Portman back on the back burner [back](#)

By Andrew Restuccia | 9/19/13 6:35 PM EDT

The prospects for Senate passage of bipartisan energy-efficiency legislation just got a whole lot dimmer.

A Democratic leadership aide confirmed Thursday that Senate Majority Leader Harry Reid will move next week to a government funding measure, a move that will further delay consideration of the efficiency legislation.

The efficiency bill has not been technically pulled, but full consideration will probably be delayed until at least after the Senate considers the continuing resolution. The Senate may stay on the bill until it’s ready to take up the CR while senators try to come to an agreement on amendments.

But it’s not a sure bet that the Senate will come back to the efficiency bill, which has been plagued by delays for almost two weeks. Asked if Reid has decided whether he’ll come back to the efficiency bill after the CR, the aide said, “That is not set yet, we will see where things are at after the CR.”

It's the latest roadblock in the years-long push to bring the legislation to the floor. Sens. Jeanne Shaheen (D-N.H.) and Rob Portman (R-Ohio) have been working for years to secure a vote on the legislation. And while the bill has support from lawmakers on both sides of the aisle and a diverse cross-section of industry and environmental groups, it has been caught up in political skirmishing.

Shaheen in a statement said, "I'm disappointed that a small group of senators have delayed action on a bipartisan effort to create jobs, lower pollution and save taxpayers money."

She added: "I want everyone in New Hampshire who is frustrated by gridlock and dysfunction in Washington to know that I share their frustrations. But I don't plan on giving up and will continue to work to pass this bill."

The bill first ran into problems last week, when Sen. David Vitter (R-La.) ground to a halt progress on the legislation until he received assurances that he'd get a vote on an unrelated Obamacare amendment. After days of delay on the floor, Reid agreed to hold a vote on the amendment. And aides said Senate leaders also agreed to vote on an amendment by Sen. John Hoeven (R-N.D.) supporting the Keystone XL oil pipeline.

But problems persisted. Senators have been unable to come to an agreement on a narrowed-down list of other amendments to the bill, something that Reid said was necessary for the legislation to move forward. Because there hasn't been a significant energy debate in the Senate since 2007, there is pent-up demand for amendments on a range of issues.

After nearly two weeks of delay, lawmakers and their aides are increasingly frustrated. "Republicans have repeatedly moved the goalpost during negotiations and now they're dealing with infighting in their own caucus. That is delaying a deal," one Democratic aide familiar with negotiations over amendments said.

But a GOP aide countered Wednesday: "The list of things the majority is unwilling to vote on, especially given the fact that the Senate never votes, is significantly longer than it should be."

Still, aides on both sides of the aisle say they will continue working on an agreement.

The Senate has adjourned until Monday. And there will be no more votes until Tuesday.[back](#)

Some Keystone supporters wary of House debt ceiling gambit [back](#)

By Darren Goode | 9/19/13 6:30 PM EDT

Senate Democrats who favor building the Keystone XL pipeline won't necessarily support a House GOP effort to tack the project onto a must-pass debt ceiling strategy.

"We've got to be careful about tethering because then we'll tether what next?" Sen. Mark Begich (D-Alaska) said. "Historically the debt ceiling has been clean, simple, be done with it. Because it is the economics of this country that we're playing with."

Begich — who was leaving a bipartisan press conference calling for the pipeline to be built on the fifth anniversary of TransCanada's initial permit application — said the Senate could vote on the project separately, "and I'll guarantee it will pass."

Freshman Sen. Heidi Heitkamp (D-N.D.) was non-committal on the House Republican strategy.

"I'm waiting to see what can be worked out in a compromise," she said, leaving the same press conference Begich attended.

Sean McGarvey, president of North America's Building Trades Union, told reporters at the press conference that he doesn't want the pipeline project to get mixed in with the debt ceiling debate.

"I don't believe we should be playing politics with our debt ceiling with this particular issue. There's a strong bipartisan support for issuing this permit," he said. "It stands on its own merits. That permit should be issued and we don't think it should be tied up in partisan politics."

Karen Harbert, president and CEO of the U.S. Chamber of Commerce's Institute for 21st Century Energy, referenced a letter her organization sent House lawmakers underscoring the need to avoid defaulting on payments and address the debt problem.

"We need to get this done. At the same time we can walk and chew gum at the same time up here," she said. When asked whether that meant she did not want the Keystone XL language to be included in a debt ceiling deal, she clarified: "Let's not read between the lines here. We support both. And the person that can make that happen is the president."

It is still unclear exactly what Keystone XL language House Republicans will include.

"To be determined," Rep. Lee Terry (R-Neb.) said, adding he will push to have language "that just deems it done."

Sen. John Hoeven (R-N.D.) said the debt deal may be the next avenue for having Congress address the pipeline. "I think this might actually help attract some support" for the underlying debt plan, he said.

Hoeven and Sen. Mary Landrieu (D-La.) offered a bipartisan joint resolution calling for Keystone XL to be built as an amendment to bipartisan energy efficiency legislation on the Senate floor this week.

But Hoeven said that legislation is all but dead.

"Yeah at this point it looks like we're probably going to go on to the CR," he said, referring to a continuing spending resolution Congress must pass this month to extend federal spending into the next fiscal year beginning Oct. 1. "That's not official, but I think that's where we're at."

He also said "the dye is pretty well cast on the CR," meaning that lawmakers want to keep it clean of policy riders.[back](#)

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From: Bond, Brian
Sent: Thursday, September 19, 2013 7:03 PM
To: Goffman, Joseph
Subject: Fw: Meeting with W.H. officials hints at 'strong' EPA climate rule

[Must be this](#)

From: Patel, Rohan <Rohan_Patel@ceq.eop.gov>
Sent: Thursday, September 19, 2013 6:49:43 PM
To: Utech, Dan G.; Duke, Rick; Tuss, Taryn L.; Reynolds, Thomas; Bond, Brian; McConville, Drew; Santillo, Jessica; Racusen, Rachel; Zichal, Heather R.
Cc: Hochstrasser, Franz
Subject: Meeting with W.H. officials hints at 'strong' EPA climate rule

Meeting with W.H. officials hints at 'strong' EPA climate rule

By Erica Martinson and Andrew Restuccia

9/19/13 6:26 PM EDT

Omens continue to point to Friday's EPA climate proposal offering a strong attack on the power industry's greenhouse gas pollution — especially on coal.

Several representatives from progressive and environmental groups who met with Obama administration officials Thursday afternoon said they got few details on the substance of the proposed regulation, which is widely expected to include the first-ever limits on carbon emissions from future power plants.

But the administration also “didn't knock down previous reporting,” said Paul Bledsoe, a meeting attendee who ran a White House climate initiative during the Clinton years and is a senior fellow at the German Marshall Fund.

He said several officials at the meeting indicated that mainstream media reports about the rule have been correct, and that much of the rule's content has been reported. Those [news reports](#) have [indicated](#) that the rule will squeeze plants that burn coal.

Another person who attended the meeting said the rule will probably offer “no surprises.” The person added that it is a “strong rule,” the latest indication that liberal groups will fully support the regulation.

People attending said the meeting centered on the administration's plan to announce the rule and to offer vigorous public support — no quiet late-Friday news dump.

EPA Administrator Gina McCarthy will outline the specifics of the regulation at a 9 a.m. event at the National Press Club, people briefed on the planning said, and the administration plans to heavily promote the rule on social media and in events around the country in the coming weeks.

Some people got in questions about substance, though.

Bledsoe said he raised concerns in the meeting about whether the rule can adequately spur growth in carbon capture and sequestration. “They are adamant that this administration has invested more in CCS and done more for CCS than any in history,” he said, with officials pointing to Energy Secretary Ernest Moniz as a central figure in that effort.

The officials also pointed out that the only coal plant being built in the United States at this time has carbon capture and storage, Bledsoe said. But he said, “I stand by my assertion that I believe the administration can do and should do more” to promote CCS technology.

“They really are gung-ho in their belief that the public and key sectors will get behind this rule,” Bledsoe said.

The administration will emphasize the concerns about health and long-term climate risk, and a central message will be that the rule will provide certainty for the industry, “which can lead to greater investment and more innovation,” Bledsoe said.

People have been talking about climate regulations for power plants for 20 years, Bledsoe said. “I think there are many in the industry who just want to understand what the rules are. You know, they’re just sick of it,” he said.

Rohan Patel | Associate Director | [White House Council on Environmental Quality](#)
(202) - 456-3621 (desk) | 202-510-8446(cell) | rohan_patel@ceq.eop.gov

From: Barron, Alex
Sent: Thursday, September 19, 2013 6:14 PM
To: Goffman, Joseph;KeyesFleming, Gwen;Ganesan, Arvin;Fritz, Matthew;Vaught, Laura;Reynolds, Thomas;Bond, Brian;Geller, Michael;Roberts, Martha;Kenny, Shannon;Ketcham-Colwill, Nancy
Cc: Goo, Michael
Subject: Package Update - Uploaded, awaiting approval

The clearance version of the EGU GHG NSPS NPRM has been uploaded to ROCIS and is awaiting OMB approval.

Alex Barron, Ph.D.
Senior Advisor
Office of Policy
U.S. Environmental Protection Agency
202-564-3304

The clearance version of OAR proposed rule **SAN 5548: GHG from New Stationary Sources: Electric Utility Generation Units** has been uploaded to OIRA's ROCIS system.

Nathaniel Jutras | U.S. Environmental Protection Agency | Regulatory Management Division | 202.564.0301

[https://www.rocis.gov/rocis/do/AgencyEOReviewPackage](#)
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RIN: [2000-AQ91](#) (201310) Agency/Sub Agency: 2060 EPA/AR
 Stage of Rulemaking: Proposed Rule Stage Submitted By: Caryn Muellerleile
 Title: Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generation Units

EO Review Package 2060

 EO Review Package was successfully submitted amendment at 09/19/2013 17:59:53 PM.

Unfunded Mandates

No

Major

No

Priority

Other Significant

Legal Authority

CAA 111

CFR Citation

[40 CFR 60](#)

Legal Deadline

Action	Source	Date
None	None	

Overall Description of Deadline

Abstract

This action will establish the first new source performance standards for greenhouse gas emissions. This rule generating units.

Next Timetable Action

Action Description	Action Date
NPRM	04/13/2012
Second NPRM	10/00/2013

From: POLITICO Pro Energy <politicoemail@politicopro.com>
Sent: Thursday, September 19, 2013 3:38 PM
To: Goffman, Joseph
Subject: Afternoon Energy, presented by The American Petroleum Institute: Judge accepts guilty plea from Halliburton - Bottom falling out of potential GOP votes for Binz - Marking Keystone XL's five-year application anniversary

By Talia Buford | 9/19/13 3:31 PM EDT

With help from Darren Goode, Erica Martinson and Darius Dixon.

JUDGE ACCEPTS GUILTY PLEA FROM HALLIBURTON: The plea agreement calls for Halliburton Energy Services to pay a \$200,000 fine in exchange for pleading guilty to a misdemeanor charge for deleting data during a post-spill review of the blown Macondo well's cement job. The company also agreed to make a \$55 million contribution to the National Fish and Wildlife Foundation, but that payment was not a condition of the deal. More from the AP: <http://politico.pro/1fcBbIB>.

Welcome to Afternoon Energy. I'm your host, Talia Buford. Send all your energy news to me at tbuford@politico.com and follow us on Twitter: @[POLITICOPro](#), @[Morning Energy](#) and @[TaliaBuford](#).

ANYONE BUT BINZ? Ron Binz is running out of options if he hopes to break a potential tie vote that would sink or stall his nomination in the Senate Energy and Natural Resources Committee. Today, Sens. Lamar Alexander, John Hoeven and Rob Portman all announced plans to vote against Binz, who has been nominated to lead FERC. Senate Minority Leader Mitch McConnell also said today that he would "work to defeat" Binz, forcing any GOP lawmaker who might have thought of supporting Binz to consider that decision likely to be more trouble than it's worth.

DO YOU KNOW WHAT TODAY IS, KEYSTONE XL APPLICATION? IT'S YOUR ANNIVERSARY: Congress marked the Keystone XL application's milestone with a hearing, a press conference and several statements extolling the virtues of the project. No word if there's cake, but there were plenty of gifs [<http://1.usa.gov/18dNgBI>]. Here's a sampling of the reactions:

— **Rep. Fred Upton:** "Keystone XL can't solve all of our employment problems, but it could have helped many by now."

— **Sen. John Thune**, chair of the Republican Conference: "With millions of Americans still unemployed, it's time for the president to stop pandering to his far-left environmental donor base and approve the Keystone XL project."

— **API's Jack Gerard:** "An anniversary of delay is not a call for celebration. Five years of review for a project that is in this nation's best interest is unacceptable."

— **Jim Murphy**, senior counsel with the National Wildlife Federation: "After five years, it's clearer than ever that we don't need this boondoggle pipeline."

— **Bold Nebraska Executive Director Jane Kleeb:** "If Big Oil wants to focus on the past five years, we can talk about the fact that it has been five years too many of Big Oil bullying landowners along the route, and five years too many of Big Oil misleading the American public about their cockamamie jobs plan."

TransCanada's Alex Pourbaix, president of energy and oil pipelines, blogged [<http://bit.ly/18Dlx22>] about the anniversary. "For me, the most disappointing thing about the delay and politicization of Keystone XL is not the impact it is having on TransCanada, but the fact that the U.S. and Canada have not been able to realize the benefits of jobs, enhanced energy security and increased trade between our two nations that is in all of our best interests," Pourbaix said.

ON WHY IT MAY BE TIME FOR CANADA TO STEP BACK ON KEYSTONE XL: The Globe and Mail writes [<http://bit.ly/19jQnh3>]: "Today, with the project as uncertain and divisive as ever, it's time for Canadians to ask if they want their elected officials to keep spending money, time, effort and diplomatic capital trying to persuade Washington that one pipeline is necessary for both economies. ... Perhaps the federal and provincial governments should take a step back, push Keystone XL down on the public agenda and let TransCanada and its shippers take the lead on touting their proposal."

** A message from The American Petroleum Institute: The oil & natural gas industry supported 9.8 million American jobs in 2011 — an increase of 600,000 new jobs over two years. In fact, new data from the U.S. Energy Information Administration shows the industry created jobs 40 times faster than the broader economy from 2007-2012. <http://bit.ly/1aFi7U3> **

EPA RULE SIGNALS OBAMA'S LONG GAME ON CLIMATE: Elsewhere, all eyes are on EPA's soon-to-come-out proposed regulation for future power plants. "The proposed rule, expected Friday from the Environmental Protection Agency, won't cut any carbon immediately. ... But it will force the first-ever limits on greenhouse gas pollution from yet-to-be-built power plants, requiring costly carbon-cutting technology for those that burn coal. The White House-vetted proposal is also the legal precursor to a far more ambitious draft regulation due next year that would seek cuts to climate-changing emissions at existing power plants." More from Andrew Restuccia: <http://politico.pro/16cb3wr>

NOW LIVE: PRO EDUCATION: The first of three new policy sections coming to POLITICO Pro this fall is officially live. Pro Education offers subscribers access to high-impact, high-velocity coverage of education, delivering exclusive real-time news and analysis and an early-bird edition of Morning Education. Interested? Email info@politico.com or call (703) 341-4600. Read more about the launch here: <http://politi.co/1eL4Afu>

DOE AWARDS \$66M FOR 'TRANSFORMATIONAL ENERGY' TECH: Thirty-three projects will receive a portion of the \$66 million in funding from two new ARPA-E programs. The projects include work to create magnesium from a hybrid solar/electric carbothermal reactor, a simplified titanium process, and using a sunlight-assisted method to convert methane to butanol. More on the projects: <http://1.usa.gov/1aWrj6y>.

USEC: OHIO ENRICHMENT KEY TO NUCLEAR INDEPENDENCE: USEC released a report today that found that without its Ohio enrichment project, the American Centrifuge Plant, stateside nuclear utilities will be dependent on foreign-owned sources for their fuel needs and at risk of being subject to anti-competitive behavior by foreign enrichers. The study was conducted by NERA Economic Consulting. USEC's cost-share RD&D program with the Energy Department should be completed in December, at which point the company intends to reapply for a \$2 billion federal loan guarantee. USEC: <http://politico.pro/1fd227A>. And NERA's report: <http://politico.pro/1a7oj2H>

MICROSOFT, OTHER MAJOR COMPANIES JOIN CLIMATE INITIATIVE: Microsoft, Owens Corning, Diageo, Thornton Tomasetti and Acer America Corp. joined a climate declaration [<http://bit.ly/19huMqL>] today calling on federal policymakers to address climate change. They join 650 other companies that include General Motors, Unilever and Levi Strauss & Co., according to Ceres, a nonprofit focused on businesses and climate change.

POLIS: DISCLOSE FRACK FLUIDS IN LIGHT OF COLORADO FLOODING: In a letter [<http://politico.pro/16r1fZN>] to the Colorado Oil and Gas Conservation Commission, Rep. Jared Polis expresses concern about oil and gas facilities that are leaking floodwaters after being inundated by the biblical storms the region saw last week. At minimum, he says, the industry should disclose the fracking fluids to the commission “so public health officials and remediation workers can respond appropriately.”

COAL LOWBALLS BLM SALE: BLM canceled an auction of coal in Wyoming after the top bid — \$35 million (or 21 cents a ton) for 167 million tons of Powder River Basin Coal — was less than one-fifth the going price in 2012 and was the lowest top bid in 15 years. The bid, the government said, didn’t represent fair value. Bloomberg: <http://bloom.bg/1aO7Y44>. Meanwhile, the Houston Chronicle reports that dark days are ahead for coal around the world as well: <http://bit.ly/14n1t6A>.

GINGRICH KEYNOTES SHALE INSIGHT: Newt Gingrich will close out the annual conference of the Marcellus Shale Coalition, which runs Sept. 25 through Sept. 26 in Philadelphia. Besides being a former House speaker and presidential candidate, Gingrich is the author of a book on how to lower gas prices and solve America’s energy crisis by increasing domestic drilling.

MOVER, SHAKER: Jeremy Symons, who was hired just this year by Senate Environment and Public Works Chairwoman Barbara Boxer to be her deputy staff director on the panel, will be senior director for climate policy at the Environmental Defense Fund. Before his roughly nine-month stint on the Senate panel, Symons was senior vice president at the National Wildlife Federation. An EPW spokesperson said, “We want to wish Jeremy the best with this new opportunity at EDF.”

QUICK HITS

— There’s still hope for an international agreement to address climate change, C2ES’s Elliot Diringer writes in Nature: <http://bit.ly/1fcT2iP>

— Japan PM wants Fukushima plant entirely scrapped: <http://usat.ly/16IHujL>

— Earthworks report [<http://bit.ly/15FJHmw>] focuses on Karnes County, Texas, and proof, the group says, that regulators are avoiding evidence that fracking harms the public.

THE WIDE WORLD OF POLITICS

— Liberals take on Wall Street Democrats — and win: <http://politi.co/1eURJar>

— Shutdown sparring a warm-up for debt fight: <http://politi.co/1dsAycl>

— Tom DeLay’s conviction tossed: <http://politi.co/18dROPd>

** A message from The American Petroleum Institute: America’s oil & natural gas industry supports 8 percent of the U.S. economy, contributing \$1.2 trillion to U.S. GDP in 2011. Game-changing innovations in hydraulic fracturing and horizontal drilling have enhanced not only America’s energy security, but our economic security, creating hundreds of thousands of jobs in all 50 states. States at the forefront of this shale energy revolution have seen their economies transformed: North Dakota enjoys the nation’s lowest unemployment rate while Pennsylvania has added more than 100,000 jobs supported by shale energy in 2012 alone. Smart policies that increase access to energy resources can keep this energy jobs revolution going strong. <http://bit.ly/1aFi7U3> **

Stories from POLITICO Pro

[Judge accepts guilty plea from Halliburton](#)

[EPA rule signals Obama's long game on climate](#)

Judge accepts guilty plea from Halliburton [back](#)

By The Associated Press | 9/19/13 11:51 AM EDT

NEW ORLEANS — A federal judge has accepted a plea agreement that calls for Halliburton Energy Services to pay a \$200,000 fine for destroying evidence after BP's 2010 oil spill in the Gulf of Mexico.

Halliburton pleaded guilty Thursday to a misdemeanor charge stemming from the deletion of data during a post-spill review of the cement job on BP's blown-out Macondo well.

The Houston-based company could have withdrawn its guilty plea if U.S. District Judge Jane Triche Milazzo had rejected its deal with the Justice Department.

Halliburton also agreed to make a \$55 million contribution to the National Fish and Wildlife Foundation, but that payment was not a condition of the deal.

The company was BP's cement contractor on the drilling rig that exploded in the Gulf in April 2010, killing 11 workers.[back](#)

EPA rule signals Obama's long game on climate [back](#)

By Andrew Restuccia | 9/19/13 1:26 PM EDT

The Obama administration is about to take a major step forward on climate change — a crucial piece of a long-term strategy to join other countries in tackling the Earth's environmental woes, but one sure to fuel a furious GOP counterattack in 2014.

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The White House-vetted proposal is also the legal precursor to a far more ambitious draft regulation due next year that would seek cuts to climate-changing emissions at existing power plants.

The president's supporters hope both actions, and more to come, will boost U.S. credibility in talks for the next big climate treaty.

That's if everything goes right for the administration: If the EPA rules aren't weakened or killed in court. If Congress or a future Republican president doesn't roll them back. And if it's not too late to head off the worst effects of the rising seas and worsening droughts that climate scientists warn are already starting to ravage large swaths of the planet.

It's a long game that is likely to bridge multiple presidencies. Experts have [said](#) the rules may not start reducing power plants' emissions until 2018.

“We’re not going to solve this problem in three years,” said Elliot Diringer, a former environmental aide in the Clinton White House who’s now executive vice president at the Center for Climate and Energy Solutions. “This is a problem that is decades in the making and will continue for years to come.”

Of course, the rules’ fine print will determine how much pollution they actually cut — and the range of possible outcomes is vast. In a [report](#) in February, the World Resources Institute said EPA regulations and other federal efforts aimed at power plants could cut the sector’s greenhouse gas emissions anywhere from 7 to 77 percent below “business as usual” in 2035, depending on how aggressive they are.

Here’s how the EPA’s new rule could fit into a long-term climate strategy:

This week’s rule

The proposal EPA is rolling out [will impose](#) the first-ever federal restrictions on carbon dioxide pollution from future power plants. It will put the biggest burden on new coal-burning plants, which for the first time would have to implement expensive [controls](#) to capture and store their carbon emissions, according to sources familiar with White House negotiations over the rule.

But because the rules won’t apply to the nation’s thousands of existing power plants, their immediate impact will be limited. Low natural gas prices and the promise of more environmental regulations have shifted most utilities’ eyes from coal, and few new coal plants are in the works right now. Those that are have been in progress for years.

EPA may give a pass to two planned coal-fired power plants that won’t capture their carbon but have already received air permits, one source who saw the draft EPA sent to the White House told POLITICO last week.

Even those limited effects would put an already struggling coal industry in a deep chill, EPA critics say. And everyone expects the rules to face industry-backed legal challenges.

Supporters say the rule could also encourage industry to deploy carbon-capture technologies on a commercial scale — something companies have little incentive to do without regulations. Wider use could cause the costs to drop, allowing the technology to spread even further.

This week’s rule builds on past efforts by EPA and other agencies during President Barack Obama’s first term to cut carbon pollution from other sources, including a dramatic tightening of vehicle fuel economy standards.

Next target: Existing plants

The rule also sets the legal groundwork for EPA’s next step: Releasing a draft regulation in June that would reduce carbon pollution from existing power plants, which produce about 40 percent of the nation’s greenhouse gases — making them the biggest source of U.S. carbon emissions.

As with the future-plant rule, EPA would be wielding the legal authority it already has under the Clean Air Act. But this time, the agency will be employing a previously unused portion of the law. That means much of the legal dispute will be foraged from new territory.

EPA plans to provide the goal and guidelines, but states will be able to fill in the fine print, writing agency-approved plans for cutting carbon.

Exactly what EPA can require is unclear so far, but greens are pushing for wide-ranging requirements that would necessitate carbon cuts garnered outside individual plants’ walls. They would like to see states creating

carbon-credit trading systems, shifting power production to less polluting sources such as natural gas or wind, or finding ways to reduce electricity demand from households and businesses.

Experts say the existing-plant rule will represent the single biggest climate action the president can take using his own authority. But it, too, will have to withstand attacks in court.

Beyond power plants, other sectors of the economy could be next. Eventually, the administration is expected to propose climate regulations for oil refineries. On separate tracks, the administration is pursuing efforts to reduce methane leaks from natural gas development, make appliances and federal agencies more energy-efficient, and curb emissions of hydrofluorocarbons, a short-lived but potent greenhouse gas used in refrigerators and air conditioners.

Combined, Obama's efforts might let the U.S. meet the target he committed to during international climate talks in his first term: reducing the nation's greenhouse gas emissions 17 percent below 2005 levels by the end of this decade. But the planet needs much deeper cuts, experts warn. Obama has set a long-term goal of achieving an 83 percent cut by 2050, something EPA can't accomplish on its own.

"The 2020 target is a way station," said Kevin Kennedy, director of the U.S. Climate Initiative at WRI's Climate and Energy Program. "It's an important point in the process, but that's not the end-game."

Eventually, though, EPA and other agencies will exhaust the limits of their legal authority. To go beyond that would require action from Congress.

Back to Congress

Republicans on the Hill are dead-set against passing any kind of climate bill, arguing that activists have exaggerated the problem and warning that emissions limits would wipe out jobs. Cap and trade couldn't even get through a Democratic Senate in 2010.

Still, experts say Congress could have a big impact if it chose to, for example by placing an economy-wide price on carbon pollution that would give all industries an incentive to cut back. One way of doing that is cap and trade, a system that some states like California are imposing on their own. Another is a carbon tax, which some conservatives favor as a more market-friendly alternative to regulations.

But don't expect anything like that from the current Congress, which has no appetite for cap-and-trade and is proving to be a tough arena for even the most modest, bipartisan energy legislation. Just this week, the Senate was unable to make progress on an energy efficiency bill that Democrats, Republicans, environmental groups and many industry groups support.

Still, activists remain hopeful that Republicans' opposition to action on climate change will soften in the coming years. Some are even [searching](#) for a high-profile GOP politician who can lead the way, as well as focusing on helping climate-minded candidates win in 2014 and 2016.

"We know it's a long journey and it's important to get started in the right direction with some momentum. And we're actually very focused on the next several years," said Pete Altman, climate and clean air campaign director at the Natural Resources Defense Council. "There is a long-game, but it's going to be one that requires subsequent administrations as well."

Going global

Carbon cuts at home could give the United States renewed credibility as it works with other countries to craft a major international climate agreement by 2015. U.S. clout suffered after it failed to ratify the last big treaty, the Kyoto Protocol, which the Senate rejected by a 95-0 vote in 1997.

Still, experts following the talks say other countries aren't going to praise the U.S. as a trailblazer any time soon.

"I don't think the U.S. is really in a position to hold itself up as a global leader," Diringer said. "The perception is more that the president is trying to do all within his power to catch up and fulfill the promises he made [in 2009], which as you recall at the time were considered to be weak."

Meanwhile, scientists and environmentalists warn the clock is ticking. A recently leaked [draft report](#) from the United Nations' climate science panel warned of potentially disastrous sea-level rise of as much as 3 feet in the coming century if polluting countries don't significantly cut their carbon. Global temperature [data](#) show that all 10 of the warmest years on record have occurred since 1998.

Even if Obama's efforts survive the political and legal gantlet, some effects of climate change are here to stay.

In truth, climate activists say, Washington should have started tackling this issue a long time ago. But they say EPA is taking a crucial step by acting on it now.

"It's like asking Thelma and Louise if it's too late to hit the brakes as the car starts to go over the cliff," the NRDC's Altman said. "We've really put it off for too long. But that said, the sooner we begin to tackle the problem, the less dire the consequences will be."

Erica Martinson contributed to this report. [back](#)

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From: Training: CPIC - Portfolio Mgmt - PortfolioStat2.0 <Training@cpic-portfoliostat.potomacforum.org>
Sent: Thursday, September 19, 2013 3:05 PM
To: Goffman, Joseph
Subject: Four Additional Gov Speakers Announced: CPIC, Portfolio Management and PortfolioStat 2.0



Four New Guest Speakers Announced - Speakers from DHS, ED, Commerce, FAA, EPA: Barry West - PBGC CIO to Keynote
- Best Practices and Lessons Learned in Integrating CPIC & Portfolio Management for PortfolioStat 2.0
Please Forward to Your Government Associates - CIOs, CFOs, CAOs, CHCO, Budget Office, Program Managers Executives and Managers and All Who are Interested in or Responsible for Review or Have Oversight of Capital Planning/IT Investment Control - Portfolio Management - PortfolioStat 2.0

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September 24, 2013

Willard InterContinental Hotel

Washington, D.C.

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JUST ANNOUNCED:

Four Additional Government Guest Speakers

Carlene Illeto
Executive Director, Enterprise Business Management Office
Office of the Chief Information Officer
Department of Homeland Security

Ken Moore
Director, Information Technology Program Services
Department of Education

Beth Ward
IT Program and Portfolio Services
Federal Aviation Administration

Jerry Harper
Director, Office of IT Policy and Planning
U.S. Department of Commerce

Fawn Freeman, PMP
Director, Mission Investment Solutions Division
Office of Environmental Information
Environmental Protection Agency

Stuart Simon, PMP
IT Capital Planning Team Lead
Office of the Secretary
Office of the Chief Information Officer
U.S. Department of Commerce

Keynote Speaker:

Barry West
Chief Information Officer
Pension Benefit Guaranty Corporation

This one-day Workshop will provide participants with a roadmap to complying with PortfolioStat 2.0 including the knowledge and insight to get the most out of their PortfolioStat Capital Planning and Investment Control (CPIC) process. Discussion on what has changed and lessons learned from PortfolioStat 1.0.

Federal CIO Steven VanRoekel said PortfolioStat will bring together all the stakeholders to decide how best, based on data and priorities, to take the 9 percent cut under sequestration.

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What You Will Learn:

By attending this Training, you will learn how to align IT investments to enable your organization's mission, goals and strategic plans as well as potential answers to PortfolioStat 2.0 related questions such as:

- How do we develop a governance context and participation that helps us to reach the ambitious PortfolioStat goals? What are some best practices for improving the quality of Portfolio stakeholder participation?
- How do we adjust the PfM process to facilitate the major commodity IT cost reductions that OMB is looking for?
- What role does an accurate baseline of current IT infrastructure investments play in this exercise and how does it relate to mission IT costs and prospective savings?
- If IT infrastructure costs appear to be overstated or unrealistic, what are some options to be considered? How can we get closer to seeing the real costs of infrastructure?
- How can acquisition processes and techniques be used to complement conventional CPIC processes, e.g. Federal Strategic Sourcing Initiative and others?
- What are some of the ways in which risk can be managed and minimized, given that business continuity and mission success are overriding priorities of the federal government?
- How can Enterprise Architecture and IT planning techniques be used to expedite the achievement of business results from the CPIC process, i.e. by developing structured investment packages designed to deliver benefits and to sidestep major risks?
- What role does asset management play in supporting the CPIC process? How can asset management be focused to meet the needs of cost savings etc.?
- How to prepare for PortfolioStat sessions and related OMB requirements? How to leverage what has already been learned from previous exercises such as ITILOB etc.
- What is New in PortfolioStat 2.0.

Lessons Learned and Best Practices from PortfolioStat 1.0 and What is New for PortfolioStat 2.0

Who Should Attend:

This workshop is limited to government employees only to permit candid discussion

- CIOs, Deputy CIOs, and CIO staff including IT planners, operations management and acquisition experts.
- Executives and managers of leading business programs that will eventually be held accountable the performance of IT investments
- Program Managers who are interested in the role of investment management within their programs.
- Federal Executives and managers interested in gaining insight into the CPIC process and practices, and understanding how it will impact agency IT service delivery and costs to their programs
- CFOs, Deputy CFOs and staff
- Acquisition Executives
- Anyone involved or who will be involved in the PortfolioStat process
- CAOs, CFOs and Executive Leadership who will be participating in PortfolioStat and/or the CPIC process
- IGs who will be reviewing agency compliance and management of the CPIC or PortfolioStat process and its governance

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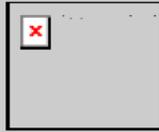
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September 24, 2013**

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Workshop XIV
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September 26-27, 2013**

**3. Navigating the Federal Financial Management Shared
Services Landscape Training Workshop:
Complying with the OMB Directive
(M-13-08, Improving Financial Systems Through Shared Services)
"All Executive Agencies will use, with limited Exceptions, A Shared
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October 8, 2013**

**4. Managing and Supervising the Government Virtual
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How to get the most from Government teleworkers and other
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This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

From: Reynolds, Thomas
Sent: Thursday, September 19, 2013 2:56 PM
To: Goffman, Joseph;McCabe, Janet;Vaught, Laura
Subject: RE: Its out

Here we go...

From: Goffman, Joseph
Sent: Thursday, September 19, 2013 2:55 PM
To: Reynolds, Thomas; McCabe, Janet; Vaught, Laura
Subject: Fw: Its out

Heads up. Aside from the substantive question he asks, no idea how he has, or thinks he has, the rule.

From: william.bumpers@bakerbotts.com <william.bumpers@bakerbotts.com>
Sent: Thursday, September 19, 2013 2:49:32 PM
To: Goffman, Joseph
Subject: Its out

Joe,

I assume I'm not the only one with the rule now, so I assume you would be free to talk about it. Any update you availability?

How come CCS is OK for coal but not gas? I haven't gotten through that part of the preamble. D.C. Cir.'s biomass ruling could be a problem for that.

Bill

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From: POLITICO Influence <politicoemail@politicopro.com>
Sent: Thursday, September 19, 2013 12:45 PM
To: Goffman, Joseph
Subject: POLITICO Influence, presented by Ogilvy Washington: Cypress Group adds Hagan — Landrieu undeterred by real estate questions — Public Enemy will lobby the power instead of fight it — Downtowners raise for McAuliffe in D.C.

By Byron Tau | 9/19/13 12:38 PM EDT

With Anna Palmer

CYPRESS GROUP ADDS HAGAN: The **Cypress Group** has added **Bridget Hagan**. She joins as the head of the firm's insurance, pension and retirement practice from **Nationwide Insurance Company**, where she served as vice president and counsel. Hagan has also worked at the **American Academy of Actuaries** and on Capitol Hill, as an aide for former Rep. **Earl Pomeroy** (D-N.D.). "Businesses and investors demand expert analysis and strategic guidance on public policy," said **Brant Imperatore**, a Cypress partner. "We continue to recruit the best minds in policy to bring clients a smarter view about regulatory and legislative actions at both the federal and state level."

LANDRIEU UNDETERRED BY REAL ESTATE QUESTIONS: Sen. **Mary Landrieu** (D-La.) held a Thursday fundraiser with the **National Association of Realtors' PAC** — even as questions about her husband's real estate transactions on behalf of D.C.'s lobbyist class linger. The **NRSC** and other Republicans have been hitting Landrieu over reports that her husband, realtor **Frank Snellings**, is selling Democratic lobbyist **Tony Podesta's** Capitol Hill townhouse. Snellings also represented **Jason Schendle** — a **BP** lobbyist. Both Podesta and Schendle have major clients with business before Landrieu's committees.

Those questions didn't stop Landrieu from attending an 8:30 a.m. breakfast Thursday at the National Association of Realtors building. A spokesperson for the Realtors confirmed to PI that the event happened. Podesta and Landrieu's office have denied anything improper about the sale — which would put a five-figure commission in Landrieu's husband's pocket. The Realtors have been lobbying on flood insurance issues in particular. Landrieu introduced an amendment over the summer that would delay flood insurance hikes for one year — something the real estate industry has been pushing for.

"After practicing law in Louisiana for 19 years, Mr. Snellings decided 11 years ago to sell real estate. At that time, he and Sen. Landrieu received guidance from the Senate Ethics Committee that stated it is completely permissible and appropriate for Mr. Snellings to be a real estate agent for anyone. Mr. Snellings and Sen. Landrieu have always abided by the committee's rules and guidance, and they disclose their finances every year," Landrieu spokesperson **Matthew Lehner** said.

GOOD THURSDAY AFTERNOON, where it's the anniversary of Jamestown being burned to the ground. On Sept. 19, 1676, Nathaniel Bacon and his supporters — numbering a few hundred men — burned the capital of the Virginia colony. It was the first rebellion in the American colonies. Send your lobbying news, gossip, tips and scoops to btau@politico.com. And keep up with PI on Twitter by following [@ByronTau](https://twitter.com/ByronTau) or [@PoliticoPI](https://twitter.com/PoliticoPI).

PUBLIC ENEMY WILL LOBBY THE POWER INSTEAD OF FIGHTING IT: **Public Enemy's Hank Shocklee** will be on Capitol Hill on Thursday. Shocklee — who was a producer for the group and part of the production team known as The Bomb Squad — be walking the halls of Congress with the **Consumer Electronics Association's** senior vice president of government affairs, **Michael Petricone**, to discuss how the

Internet presents opportunities for independent artists. He's also in town for a benefit for the **Trayvon Martin Foundation**, and will appear at a **Congressional Black Caucus** panel with other hip-hop luminaries.

DOWNTOWNERS RAISE FOR McAULIFFE IN D.C.: A PI tipster reports a big turnout for a fundraising reception for Virginia gubernatorial candidate **Terry McAuliffe** on Wednesday. McAuliffe was feted at a D.C. townhouse. The fundraiser was hosted by **Steve Boyd, Mike Hogan, David Jones, John Jameson, Lori Kreloff Silverman, Boyd Lewis, Tracy Seftl** and **Richard Sullivan**. The fundraiser asked for \$12,500 for chairs, \$5,000 for hosts, \$2,500 for sponsors, \$1,000 for benefactors, \$500 for patrons and \$200 to attend as a guest.

ITS AMERICA HIRES LEO McCLOSKEY: The **Intelligent Transportation Society of America** has hired **Leo McCloskey** as senior vice president for technical programs. In his new role, he'll manage the trade association's technical work. He joins the association from Airbiquity, a telematics technologies and connected vehicle services group.

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ISRAEL RAISES FOR ARIZONA DEMOCRATS: **Democratic Congressional Campaign Committee** Chairman **Steve Israel** and Frontline Chairman **Tim Walz** will host a fundraising reception for Arizona Democratic Reps. **Ann Kirkpatrick, Ron Barber** and **Kyrsten Sinema**. The Friday fundraiser is part of DCCC's Frontline Program, aimed at protecting vulnerable incumbent Democrats.

AT&T CHIEF TO HEAD BRT: **Randall Stephenson**, chairman and CEO of **AT&T**, will be the next chairman of **Business Roundtable**. "We're entering a crucial time where we have tremendous opportunities to improve our nation's economy for the long haul," Stephenson said. "In particular, we will be encouraging policies to incent increased capital investment in the U.S. economy, which is vital to deliver sustainable job creation and long-term prosperity for all Americans." Stephenson begins his two-year term on Jan. 1, succeeding **Boeing's Jim McNerney**, who has led the organization since 2011.

MISS USA ON THE HILL FOR OVARIAN CANCER: The Ovarian Cancer National Alliance brought Miss USA Erin Brady to Capitol Hill on Wednesday. Brady and the OCNA were talking up legislation that would improve quality of life and access for ovarian cancer patients.

NARAL HOSTS 'MEN FOR CHOICE': **NARAL** President **Ilyse Hogue** hosted Thursday night's first annual "Men for Choice" event at D.C.'s new **Look Supper Club**. Over 250 guests enjoyed an open bar with specialty cocktails including Pro-Choice-Tini, Not So Old Fashioned, and Roe Rum Punch. Spotted: newly engaged couple **Joe Lockhart** and **Giovanna Gray**; **EEI's Brian Wolff**; **Nathan Daschle**; **Jon Soltz**; **Bill Burton**; **Voto Latino's Maria Teresa Kumar**; **Bruce Kieloch**; **Faiz Shakir**; **Khalid Pitts**; and **Tom Manatos** from the **Internet Association**.

UBER ON THE RISE: The high-tech company, which has exploded into more than 40 markets over the past three years, isn't relying just on its Silicon Valley roots and brand loyalty when it hits major political roadblocks. Backed by some of the biggest names in high tech, **Uber** has ramped up its hiring of top-notch, well-connected lobbyists, lawyers and public relations firms in a bid to influence municipal leaders and sway public opinion in its favor. The effort represents a sophisticated national network of consultants, ongoing public affairs and PR campaigns that is nearly unheard of for a startup, which typically steers clear of the insider political influence game. Some who have joined Team Uber have ties to President **Barack Obama**, Chicago

Mayor **Rahm Emanuel** and New York Mayor **Michael Bloomberg**. **Anna Palmer** and **Scott Wong** have a look at the company's advocacy efforts: <http://politi.co/1aNQUeC>

TEA PARTY GROUPS WANT THE SAME TREATMENT AS SOCIALISTS: Not lobbying, but: a national tea party group is asking for permission to keep their donors secret — just like the socialists. Citing a long litany of harassment examples, the **Tea Party Leadership Fund** is asking the **Federal Election Commission** for the same right granted to the **Socialist Workers Party** to shield the names and information of their donors from the public. More here: <http://politi.co/18CsDJX>

ELSEWHERE IN THE INFLUENCE WORD:

WORLD'S TINIEST VIOLIN: One Republican congressman complains that he can only make \$172,000 in Congress while young staffers cash out on K Street. **National Review** scoops: <http://bit.ly/18cWIDq>

TOBACCO: The industry still reigns supreme in Kentucky. <http://cjky.it/1aWdWDx>

IN THE STATES: Will the so-called people's pact hold in Massachusetts? The **Boston Globe** has a look: <http://b.globe.com/1esjLJb>

NEW POLITICAL ACTION COMMITTEE REGISTRATIONS:

Rahway Moves Forward of Rahway, N.J. — Treasurer: Leonard Vanderwende (super PAC)

NEW LOBBYING REGISTRATIONS: (Firm: Client)

APCO Worldwide: Nilit America Corporation

Association Headquarters: Juvenile Product Manufacturers Association

Cassidy & Associates: Cerner Corporation

Cassidy & Associates: Society of Actuaries

Cozen O'Connor Public Strategies: Aduston Consulting, LLC

Crossroads Strategies: American Institute of Certified Public Accountants

Duetto Group: Northern Plains Unmanned Systems Authority

J M Burkman & Associates: Advanced Water Filtration System

Kelly & Weaver: Green Bay Metropolitan Sewerage District

National Environmental Strategies: Calumet Specialty Products Partners

National Group: Makai Licensing and Finance

Nossaman: American Association of Colleges of Osteopathic Medicine

Smith Advocacy Group: CBC 1-4, LLC

Smith Advocacy Group: Thompson Metal Fab, Inc.

NOW LIVE: PRO EDUCATION: The first of three new policy sections coming to POLITICO Pro this fall is officially live. Pro Education offers subscribers access to high-impact, high-velocity coverage of education, delivering exclusive real-time news and analysis and an early-bird edition of Morning Education. Interested? Email info@politicopro.com or call (703) 341-4600. Read more about the launch here: <http://politi.co/1eL4Afu>

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From: Managing the New Gov Virtual/Hoteling Workforce II <training@telework.potomacforum.org>
Sent: Thursday, September 19, 2013 12:04 PM
To: Goffman, Joseph
Subject: Managing & Supervising the Telework &, Hoteling Gov Worker and More...



"Early Bird" Registration Until Sept 21st - Learn Best Practices and Techniques for Managing and Supervising the Virtual (Telework and Hoteling) Workforce
Please Forward this Announcement to Others in Your Organization
- Updated Repeat of the July 18, 2013 Workshop Rated as "Excellent" by Attendees

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How to get the most from Government teleworkers and other Government employees in non-traditional work settings

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What Federal Executives, Managers and Supervisors need to know to implement a successful telework program
Special Emphasis on Hoteling in the Government

Government & Industry Partners Are Invited to Attend

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Use of Current FY2013 Funds for Next FY Near-Term Requirements
*Many CFOs Permit the Use of Current FY Funds for Near-Term (Oct 10th) Requirements to Save the Government Funds by Taking Advantage of
"Early Bird" Reduced Registration*

Government Guest Speakers:

Alexis Bonnel
Chief of Engagement and Telework
USAID

Judy Ikels
Chief Worklife Division and Telework Managing Officer
Department of State

R.W. Coulson
Workplace and Hoteling Advisor
USAID

Additional Government Speakers to be Announced

Workshop Description:

Congress has mandated that Federal Agencies adopt telework whenever feasible. OPM has developed telework policies for the Federal workforce that mirror industry "best practices" in taking advantage of non-traditional work settings. Additionally, GSA is encouraging Agencies to implement "Hoteling" as a way to reduce overall facility costs.

This one-day Potomac Forum Workshop will identify the costs, benefits and challenges of the virtual work environment and focus on supervising the remote worker and leading the virtual team. Attention will be paid to both knowledge workers and administrative staff. The perspectives and challenges of the employee, manager/supervisor and agency executive leadership will be addressed and discussed.

What you will learn:

- *Telework from the employee's perspective*
- *Telework from the manager's and supervisor's perspective*
- *Supervising Knowledge Workers in a non-traditional settings*
- *Supervising Administrative Workers in non-traditional settings*
- *Avoiding hoteling pitfalls*
- *How to overcome supervisor resistance to the virtual work setting*
- *How Federal Agencies can optimize performance in the non-traditional work setting*
- *What Managers Need to Know to be effective in the Telework/Hoteling Environment*

Why you should attend

- *Federal Agencies have been directed to implement telework policies and procedures*
- *Selecting the appropriate non-traditional work environment can improve employee morale, increase organizational performance and provide ancillary benefits to the community at large*
- *In implementing telework there are risks as well as rewards and understanding them can help you minimize the risks and maximize the rewards*
- *Working in non-traditional settings requires new skills from both workers and supervisors*
- *Hoteling can provide significant cost reductions for the Federal Agency, but there are risks as well as rewards in undertaking this approach to office management*
- *Sharing the experiences from various Government Agencies can help you implement your own telework program*

Who should attend

- *Federal Managers who are implementing or anticipate implementing telework in their own organizations*
- *Supervisors of teleworkers*
- *Federal workers who are already teleworking or who anticipate doing so in the future*
- *Human Resource Managers responsible for developing telework policy and guidance*
- *Agency Executive Leadership who approve or review telework policy or implementation*
- *IG's and Staff*

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Representative Comments from the Previous (July 18, 2013) Potomac Forum Workshop: Managing and Supervising the Government Virtual Workforce Training Workshop I

*The instructor was very knowledgeable about the different types of telework
 With the additional information this will help me administrate our Telework program to the fullest.*

**Senior Manager
 Government Agency**

Great class and great information.
**Administrative Office
 Civilian Agency**

Received a wealth of information from all speakers and from attendees
**HR Officer
 Civilian Gov Commission**

Very informative. Surprise how far telework has come.
**Administrative Manager
 Civilian Independent Agency**

Good information. Sharing - lots of ideas, comments, tips shared by the participants formally and informally.
Chief Human Capital Officer

Legislative Branch Agency

Panel discussion was FANTASTIC!
Supervisory Consumer Safety Officer
Civilian Agency

"Early Bird" Reduced Registration Fee Until Sept 21st
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Second Person from Same Offices May Register at 50% of Standard Fee

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2. COOP and Emergency Planning in Government Training
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**3. Navigating the Federal Financial Management Shared Services Landscape Training Workshop:
Complying with the OMB Directive**

(M-13-08, Improving Financial Systems Through Shared Services)

"All Executive Agencies will use, with limited Exceptions, A Shared Service Solution for future modernizations of core accounting or mixed systems"

October 8, 2013

4. Managing and Supervising the Government Virtual Workforce Training Workshop II

How to get the most from Government teleworkers and other Government employees in non-traditional work settings

- What Federal Executives, Managers and Supervisors need to know to implement a successful telework and hoteling program

October 10, 2013

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This email was sent by: Potomac Forum, Ltd.
400 North Washington Street , Alexandria , Virginia, 22314 , USA

From: Morning Transportation <morningtransportation@politico.com>
Sent: Thursday, September 19, 2013 9:45 AM
To: Goffman, Joseph
Subject: POLITICO's Morning Transportation, presented by the U.S. Travel Association: FMCSA commits to apnea rulemaking - Smooth sailing for WRRDA - Lobbying look: Uber

By Adam Snider

Featuring Kevin Robillard, Scott Wong and Kathryn A. Wolfe

MT SCOOP - FMCSA commits on sleep apnea: Today the House T&I Committee tackles two bills - a long-awaited water resources measure and legislation to force FMCSA to use a formal rulemaking if it address sleep apnea issues for truckers and other professional drivers. But the Federal Motor Carrier Safety Administration is now committing to render the later bill moot in a statement to MT: "FMCSA will issue a notice to address obstructive sleep apnea through the formal rulemaking process after collecting and analyzing the necessary data and research."

INSERT YOUR OWN WRRDA PUN HERE: The big bill on the Transportation agenda today, however, is the 159-page Water Resources Reform and Development Act (<http://1.usa.gov/15WND7u>). Water Resources Chairman Bob Gibbs told Kevin that he didn't know of any Republican amendments to the bill. His Democratic counterpart on the panel, Tim Bishop, expects a "placid" markup. WRRDA, which has made a splash with a fun video explaining it and a Twitter town hall, isn't exactly a big-ticket item compared to the daunting tasks and hard bargains Congress faces over the coming months. But the \$10 billion legislation will help create 700,000 jobs a year over the next decade, according to the U.S. Chamber of Commerce. And in a hyper-partisan Capitol, it's the rare big piece of legislation that can pass. Kevin takes a look at reactions to the bill in his Pro story: <http://politico.pro/1553FSH>

TRANSPORT BILL BACKERS STEP UP: Even in a Congress that's not sure it can keep the government running two weeks from now, supporters are already hard at work on the transportation bill that comes due in October 2014. Some groups started rolling out grassroots letter-writing efforts and ad buys over the August recess, timed for lawmakers' visits home. But the real race starts now that Congress is back in town, and the stakes for equipment and aggregate manufacturers, construction businesses, road builders, state transportation departments and others are particularly high. Not only does last year's transportation bill expire in little more than a year, but nobody is sure how Congress will pay for the next one. Kathryn has the story in today's POLITICO paper or right here: <http://politi.co/18bGDZi>

IT'S GOOD THEY'RE STEPPING UP EARLY, BECAUSE... Sen. Jim Inhofe said at yesterday's EPW hearing that if DOT takes too long implementing the reforms of MAP-21, Republicans might be less inclined to pass another transportation bill. The project streamlining and program parsing were why it was palatable for Republicans, after all. "If we don't move on all of these reforms ... we're not going to have a chance at getting it done," he said. Kathryn has the Pro story: <http://politico.pro/1541GOE>

THURSDAY THRIVES. Thanks for reading POLITICO's Morning Transportation, your daily tipsheet on trains, planes and automobiles, where today is the 40th anniversary of the start of an interesting story. On this day in 1973, country star Gram Parsons -- of The Byrds and The Flying Burrito Brothers fame - died after overdosing on multiple drugs. That's normal for the music industry - but it only gets weirder from there: Two of his friends stole his body from the airport and drove it, in a borrowed hearse, to Joshua Tree National Park, where they set his remains on fire in an attempt to fulfill his wish of being cremated at the site. Communication

is the key to a good relationship - so stay in touch: asnider@politico.com. And on Twitter: @[AdamKSnider](https://twitter.com/AdamKSnider) and @[POLITICOPro](https://twitter.com/POLITICOPro).

"Ten o'clock and I know I gotta hit the road ..." <http://bit.ly/ZUFeQN>

UBER-LOBBYING: Chauffeured cars used to be the ride of choice just for Hollywood A-listers and the political elite. Enter Uber, a car-hailing app that has burst onto the scene to give ordinary urbanites access to hired drivers with just the touch of a smartphone. That innovation has built a dedicated following of users and drivers in cities like Washington, where supporters often take to social media or turn up at public meetings to fervently lobby for the car service, which is often at odds with government regulators and taxicab operators. But the high-tech company, which has exploded into more than 40 markets over the past three years, isn't relying just on its Silicon Valley roots and brand loyalty when it hits major political roadblocks. POLITICO's Anna Palmer and Scott take you on a lobbying drive: <http://politi.co/18cOynh>

PRO EDUCATION IS NOW LIVE: The first of three new policy sections coming to POLITICO Pro this fall is officially live. Pro Education offers subscribers access to high-impact, high-velocity coverage of education, delivering exclusive real-time news and analysis and an early-bird edition of Morning Education. Interested? Email info@politico.com or call (703) 341-4600. Read more about the launch here: <http://politi.co/1eL4Afu>

CR WATCH - Ready for a shutdown: House leaders have offered up a new CR (<http://1.usa.gov/18zAaJw>), slated for a Friday floor vote, that doubles down on stopping Obamacare and includes the same "operations necessary to avoid furloughs" language as the last version. Stopping Obamacare won't fly in the Democratic Senate, and even the upper chamber's Republicans are staying quiet, report our old friend Burgess Everett (<http://politi.co/19hatbJ>). Meanwhile, with speculation growing that a government shutdown could be the endgame of the legislative maneuvering, OMB wrote federal agencies to say that while the White House doesn't want a shutdown, "prudent management requires that agencies be prepared for the possibility of a lapse." Read the OMB memo: <http://1.usa.gov/1a4XVGS>

IN TODAY'S FEDERAL REGISTER - Withdrawn: FMCSA is withdrawing a proposed rule...from 2007. After public comment, the agency decided against moving forward on a rule creating new training standards for entry-level drivers applying for a CDL to be used for interstate commerce. More backstory in today's Fed Reg: <http://1.usa.gov/154i0Pq>

**** Travel Infrastructure:** Is highway congestion discouraging intercity travel? Do transit systems increase hotel room prices? When will every day be "Thanksgiving in the skies" without airport improvements? On November 20, join the **U.S. Travel Association's** conference on travel infrastructure to explore new research on these topics and form new partnerships for advocacy in Washington. [Register today!](http://bit.ly/CATTtrav) (<http://bit.ly/CATTtrav>)
**

SHUSTER: I'M NOT A CAREER POLITICIAN: T&I Chairman Bill Shuster was at a Blair County Tea Party town hall earlier this week when an interesting question came from an audience member: Is the chairman a "career" politician? "Do I want to do another 15-20 years? No way," said Shuster, who's in the middle of his sixth full term in Congress. After the questioner asked when he might leave the Hill, Shuster replied: "When the time is right." Altoona Mirror: <http://bit.ly/1f7Ejpi>

SILVER LINE-ING: The first phase of the Silver Line - running into Reston, Va. - will reach "substantial completion" status in November, setting the new line up for an early 2014 opening to the public. WMATA will announce the official start of revenue service at a later date after testing and training.

STAFF NEWS: There were a startling number of staff moves in the transportation world all announced yesterday. Carmen Bianco has been named president of MTA New York City Transit, replacing now-MTA

Chairman Tom Prendergast. Kendell Poole, director of the Tennessee Governor's Highway Safety Office, was recently reelected chairman of the Governors Highway Safety Association. The American Highway Users Alliance promoted Daisy Singh to director of marketing and communications. MADD has renamed its public policy office as a government affairs shop and promoted J.T. Griffin to chief government affairs officer. The Commercial Vehicle Safety Alliance announced new officers, including N.Y. State Police Sgt. Thomas Fuller as president.

BUCKLE UP...WITH THE RIGHT CAR SEAT: One-third of all children killed in car crashes in 2011 were not in car seats or wearing seat belts, NHTSA said in a release promoting tips (<http://1.usa.gov/18aIMV3>) for making the car seats and age-appropriate and used correctly.

REPORT-BAG - Customs lines hurt economy: The U.S. Travel Association is out with a new report (<http://bit.ly/19fDxQS>) on the economic consequences of lengthy wait times at Customs and Border Protection points of entry. It quickly drew one fan: "Their report reinforces critical issues that airports have been advocating for many years, most importantly that CBP simply does not have the resources needed to efficiently process international arriving passengers at air ports of entry," airport group ACI-NA said in a statement. U.S. Travel also has a new letter to members of Congress calling attention to the report and its 20 recommendations: <http://bit.ly/1aTQI0H>

THE AUTOBAHN (SPEED READ)

- American Airlines, US Airways put out video promoting their pending merger. Watch the 2:47 vid: <http://bit.ly/154jkBN>

- The case that American roads are severely underpriced, in two simple charts. Atlantic Cities: <http://bit.ly/1eRtrhJ>

- "Zebras" are coming to Pennsylvania Ave. bike lane, sooner or later, to deter U-turning drivers. GGW: <http://bit.ly/16acZFY>

- 2,000 cabs won't have credit card readers by the Oct. 1 deadline, D.C. Taxicab Commission's leader says. Transpo Nation: <http://wny.cc/16adFuR>

- JetBlue, Puerto Rico's largest carrier, teams up with the Inter-American University of Puerto Rico's School of Aeronautics. <http://bit.ly/1f9tinw>

THE COUNTDOWN: DOT funding and passenger rail policy both run out in 12 days. Surface transportation policy is up in 377 days and FAA policy in 742 days. The mid-term elections are in 411 days.

CABOOSE - Elephant derails train: MT missed this anniversary a few days ago, but the story's too good not to pass along. On Sept. 17, 1894, an elephant in Malaysia got in the way of a train going 50 miles per hour, derailing it. It might have been revenge for her downed calf or just animal instinct after something new comes into its territory - but it's pretty crazy nonetheless. The site is marked with a sign that reads "THERE IS BURIED HERE A WILD ELEPHANT WHO IN DEFENSE OF HIS HERD CHARGED AND DERAILED A TRAIN ON THE 17th DAY OF SEPT. 1894." Pictures and story via Treehugger: <http://bit.ly/16n8XnI>

** Travel contributes \$2.0 trillion to the U.S. economy and is an essential part of life. America's travel experience and the businesses that support it are inextricably linked to the condition of our nation's infrastructure. Yet, with chronic underinvestment in high-performing modes, policy barriers to connectivity and declining federal revenue, travel in America is changing. While the rest of the world is speeding up, the U.S. is slowing down.

On November 20, the U.S. Travel Association will host travel and transportation leaders at the Newseum for the first-ever [Connecting America Through Travel Conference](http://bit.ly/CATTtrav)(bit.ly/CATTtrav).

Join us and help shape the discussion on how to revitalize America's travel infrastructure.

At the conference: Discover new research examining the links between infrastructure investment and growth in the travel sector; hear from national leaders on the challenges to maintaining and building efficient, connected transportation systems; and forge new allies for advocacy efforts in Washington and beyond. **

Go to POLITICO Morning Transportation Now >> <http://www.politico.com/morningtransportation>

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From: POLITICO Pro Energy <politicoemail@politicopro.com>
Sent: Thursday, September 19, 2013 5:40 AM
To: Goffman, Joseph
Subject: Morning Energy, presented by The American Petroleum Institute: Keystone application turns five - Shaheen-Portman update - Binz nomination in jeopardy

By Andrew Restuccia | 9/19/13 5:37 AM EDT

With help from Darius Dixon, Erica Martinson, Bob King and Darren Goode

KEYSTONE APPLICATION TURNS FIVE: Five years ago today, TransCanada submitted its first application to the Obama administration for approval of the Keystone XL oil pipeline. And Republicans are going to have a field day over the anniversary. In dual events in the House and the Senate, GOP lawmakers will argue that it's high time the pipeline is approved.

— A House Energy and Commerce subcommittee is holding a hearing at 10:15 a.m. called “Keystone’s Red Tape Anniversary: Five Years of Bureaucratic Delay and Economic Benefits Denied.” The hearing will include testimony from several members of Congress including Sen. John Hoeven, a vocal Keystone supporter. Republicans even gathered a series of gifs expressing the “roller coaster of emotions” over the last five years [<http://1.usa.gov/1dqzgyj>]. More details on the hearing, including the full witness list here: <http://1.usa.gov/193EHjz>

— Over in the Senate, a bipartisan group of lawmakers will hold a press conference at 2:30 p.m. to mark the anniversary and press for approval of the project. They include Senate Minority Leader Mitch McConnell and Sens. Hoeven, Lisa Murkowski, Joe Manchin, John Thune, Mark Begich and Heidi Heitkamp, among others.

SOME CONTEXT: Though the first application was submitted five years ago, the State Department is currently considering a newer application that was submitted by TransCanada in May 2012. President Barack Obama rejected an earlier application made in January 2012 because, he said, Republicans inserted language in an unrelated bill imposing an “arbitrary” deadline for a final decision. The deadline, Obama said at the time, didn’t allow time for a “full assessment” of the pipeline, but the White House encouraged TransCanada to reapply.

SPEAKING OF KEYSTONE: House Republicans announced Wednesday they are planning to include language urging construction of Keystone in legislation to increase the debt limit. GOP aides declined to provide specifics about what the language will say, but they said they said other energy provisions may also be attached to the bill. While no final decisions have been made, one GOP aide said the bill could include language preventing the EPA from finalizing regulations that cost more than \$1 billion if the Energy Department determines they will harm the economy.

HAPPY THURSDAY and welcome to Morning Energy. I'm your host Andrew Restuccia, filling in for Alex Guillén this week. I've got jury duty today, but that won't stop me from bringing you the latest energy news. Civic duty, shmivic duty — that's what I always say. Send tips to arestuccia@politico.com, and follow us on Twitter @[AndrewRestuccia](https://twitter.com/AndrewRestuccia), @[Morning_Energy](https://twitter.com/Morning_Energy) and @[POLITICOPro](https://twitter.com/POLITICOPro).

DAILY SHAHEEN-PORTMAN UPDATE: Bipartisan energy efficiency legislation authored by Sens. Jeanne Shaheen and Rob Portman appeared to be on life support Wednesday night amid ongoing arguments over amendments. Senate Majority Leader Harry Reid warned that the bill would not move forward unless

lawmakers were able to agree on narrowing down the amendments. While Reid has agreed to hold a vote on an Obamacare amendment after Sen. David Vitter held up the efficiency bill, the majority leader said there were a number of non-germane amendments that Senate leaders can't agree on. As of Wednesday night, there was still no agreement, aides said. "The list of things the majority is unwilling to vote on, especially given the fact that the Senate never votes, is significantly longer than it should be," a GOP aide familiar with the negotiations said.

BINZ NOMINATION IN JEOPARDY: Sen. Joe Manchin broke ranks with the Democrats on Wednesday, saying he would vote against President Barack Obama's pick to lead the Federal Energy Regulatory Commission, Ron Binz, in a move that could sink the nomination. The surprise decision by the coal-state Democrat is the latest twist in power struggle over the chairmanship of the agency that typically draws attention only from power sector and pipeline wonks. Darius Dixon breaks it down: <http://politi.co/157qjof>

TODAY'S (REALLY AWKWARD) FERC MEETING: Now that FERC has run through all of the regional compliance filings utilities submitted to meet the agency's 2011 cost allocation and transmission planning Order 1000, the regulators are pouring over the interregional plans that were due in July. The agenda's a little light for today but three rulemakings are on the agenda, including on the integration of variable energy sources (such as renewables) and generator verification reliability standards. FERC is also considering its next move on Southwest Power Pool's integrated marketplace, which the agency conditionally accepted last year.

But the meeting could be a pins-and-needles affair now that Democratic Commissioner John Norris's critiques of FERC Chairman Jon Wellinghoff have been widely circulated [<http://politico.pro/19f2ihj>]. While praising the chairman's intellect, Norris also blamed Wellinghoff for straining relationships with other FERC commissioners by touting his connections with Senate Majority Leader Harry Reid. The meeting starts at 10 a.m. at FERC HQ, 888 First St. NE. Live webcast: <http://bit.ly/1aUv0tF>

PRO EDUCATION IS NOW LIVE: The first of three new policy sections coming to POLITICO Pro this fall is officially live. Pro Education offers subscribers access to high-impact, high-velocity coverage of education, delivering exclusive real-time news and analysis and an early-bird edition of Morning Education. Interested? Email info@politicopro.com or call (703) 341-4600. Read more about the launch here: <http://politi.co/1eL4Afu>

** A message from The American Petroleum Institute: The oil & natural gas industry supported 9.8 million American jobs in 2011 — an increase of 600,000 new jobs over two years. In fact, new data from the U.S. Energy Information Administration shows the industry created jobs 40 times faster than the broader economy from 2007-2012. <http://bit.ly/1aFi7U3> **

MCCARTHY FACES HOUSE GOP: EPA Administrator Gina McCarthy defended the Obama administration's climate plan Wednesday as a necessary force to shift to a lower-carbon energy future — but didn't dispute lawmakers' suggestions that it will place new burdens on coal. McCarthy and Energy Secretary Ernest Moniz declined to offer details about the proposed greenhouse gas standards for future power plants that EPA is scheduled to release this week. But the pair did nothing during Wednesday's House climate hearing to counter the widespread expectation that the rule will require future coal-fired power plants to capture some amount of their carbon dioxide emissions. Erica Martinson has much more for Pros: <http://politico.pro/1aUHYYe>

COUNTDOWN TO CLIMATE REGS: All eyes are on McCarthy's speech planned for 9 a.m. Friday at the National Press Club, which EPA said yesterday would be a "Clean Air Act announcement." McCarthy plans to "highlight" the administration's commitment to the President's climate action plan and cutting carbon pollution, according to a statement from the agency.

ENERGY SCOTUS UPDATE: Energy wonks waiting for the Supreme Court to gear up in October can expect to see a clear shift in focus since last term: from water to air. As splintered regulatory authority continues to

spur legal action in the industry, eyes are watching the energy-related cases that may make it to the high court — most of them centering on air pollution, a panel of legal experts said during a George Mason University School of Law event Wednesday. Lindsay Kalter has more for Pros: <http://politico.pro/1f9tfln>

HOUSE APPROVES MINERALS BILL: The House approved legislation Wednesday that would direct the Interior and Agriculture secretaries to "more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness." Read the bill, which was sponsored by Rep. Mark Amodei, here: <http://1.usa.gov/1a0iHrd>

HAPPENING THURSDAY

- Fuels America, a coalition of groups advocating for the Renewable Fuels Standard, will release a poll at 10 a.m. "demonstrating overwhelming support for E15."
 - A House Natural Resources subcommittee is holding a hearing on "keeping hydropower affordable and reliable" at 10 a.m. Details: <http://1.usa.gov/15v1TJ4>
 - A House Science subcommittee is holding a hearing at 10 a.m. on "dysfunction in management of weather and climate satellites." Details: <http://1.usa.gov/1eRNVEA>
- The Senate Commerce Committee is holding a hearing at 10 a.m. on the nomination of Kathryn Sullivan to be administrator of the National Oceanic and Atmospheric Administration. Details: <http://1.usa.gov/15DYrM5>
- At 10 a.m. the House Transportation Committee will mark up the Water Resources Reform and Development Act. Details: <http://1.usa.gov/18cynnE>
 - The League of Conservation Voters is hosting a conference call at 1:30 p.m. with Reps. Raul Grijalva and Ben Ray Lujan to highlight the "impact of climate change on communities of color, in particular Latino families."
 - Cheryl Martin, the deputy director of ARPA-E, will participate in a briefing at 3:30 p.m. on "ways the United States can maintain a competitive lead in advanced energy technologies and enhance our economic, energy independence, and national security interests." DOE says Martin will be announcing new ARPA-E projects. More: <http://bit.ly/184Z4P8>

QUICK HITS

- A court upheld California's Low Carbon Fuel Standard. AP: <http://bit.ly/15E7mNC>
- The Pebble Mine project "remains alive" after a major backer pulled out of the project. Reuters: <http://reut.rs/19cy6lT>
- Federal prosecutors "defended Wednesday the legality of obstruction of justice charges against a former BP engineer in connection with the investigation of the 2010 Gulf of Mexico oil spill." The Houston Chronicle: <http://bit.ly/1eRYN7R>

THAT'S ALL FOR ME. Have a great day

** A message from The American Petroleum Institute: America's oil & natural gas industry supports 8 percent of the U.S. economy, contributing \$1.2 trillion to U.S. GDP in 2011. Game-changing innovations in hydraulic fracturing and horizontal drilling have enhanced not only America's energy security, but our economic security, creating hundreds of thousands of jobs in all 50 states. States at the forefront of this shale energy revolution

have seen their economies transformed: North Dakota enjoys the nation's lowest unemployment rate while Pennsylvania has added more than 100,000 jobs supported by shale energy in 2012 alone. Smart policies that increase access to energy resources can keep this energy jobs revolution going strong. <http://bit.ly/1aFi7U3>**

Stories from POLITICO Pro

[Report: Reid vetoed Norris as FERC chairman](#)

[McCarthy defends carbon capture](#)

[Upcoming SCOTUS term could bring air battles](#)

Report: Reid vetoed Norris as FERC chairman [back](#)

By Darius Dixon | 9/13/13 7:01 PM EDT

Senate Majority Leader Harry Reid was the one who spiked John Norris's chance to lead FERC, the commissioner told the trade publication TransmissionHub.

"Reid's chief of staff informed me that Reid intervened with the White House to stop my appointment as chair because, as told to me by his chief of staff, I was 'too pro-coal,'" Norris said during an interview in Union, Wash., according to the publication in an article published Thursday. Norris told TransmissionHub that the accusation surprised him and that he strongly denied the characterization, the article said.

"After all this has transpired, the most troubling for me still is that Harry Reid would represent me to the White House as being pro-coal," it quotes Norris as saying. "I've asked for an apology but I have yet to hear a response."

Reid's office dismissed Norris's accusations late Friday.

"Unfortunately, Commissioner Norris is wrongly blaming others and making accusations that are not accurate," Reid spokeswoman Kristen Orthman said in an email this evening to POLITICO. She didn't elaborate.

A [story](#) in National Journal on Friday afternoon also cited the TransmissionHub article.

When FERC Chairman Jon Wellinghoff announced in May that he planned to resign, it was widely expected that Norris, the next-senior Democrat on the commission, was the easy pick to succeed him. Instead, President Barack Obama chose to bring in former Colorado utility regulator Ron Binz, who has spawned an unusually extensive [confirmation fight](#) for such an obscure agency.

Norris said in the article that besides the coal issue, Reid wanted to have representation from Western states on the commission to replace Wellinghoff, who is from Nevada. Norris is from Iowa.

"Reid insisted that the next chairman of FERC be from the West," Norris said. Reid was also "willing to hold up another key [non-FERC] nomination ... to make sure that he was able to put forward his request for the next chairman of FERC."

Norris, whose wife had been the chief of staff for first lady Michelle Obama, offered an array of seeming advantages. For example, elevating him to the chairman's spot could have made it easier for another nominee to

join the FERC panel. That's because the new face would be simply a commissioner, rather than head of the agency.

Norris's political connections are also top-notch. He worked as Tom Vilsack's chief of staff both in the Iowa governor's office and at the U.S. Department of Agriculture, and he had the support of Sen. Tom Harkin (D-Iowa).

But in late June, Obama tapped Binz, whom conservatives have [hounded](#) as a "radical" bent on harming the coal industry. Binz's supporters, including a green energy nonprofit affiliated with the deep-pocketed Energy Foundation, have taken the unusual step of hiring a PR firm to handle messaging for his confirmation.

Binz's confirmation hearing before the Senate Energy and Natural Resources Committee is scheduled for Tuesday.

In his interview with TransmissionHub, Norris also accused Wellinghoff of touting his connections with Reid at FERC, while praising his intellect.

"It was always understood — and Jon made it understood at the commission — that he had a relationship with Harry Reid and could use that relationship for influenc[e]," Norris said. "Jon's power was in his ideas. He didn't need [to do] that; [it] strained relationships under his leadership."

Norris said he and the other commissioners met with Binz in July, and he said he offered some advice to the potential FERC chief: "'Don't use your relationship with Harry Reid to pressure commissioners; lead with the power of your ideas.'" [back](#)

McCarthy defends carbon capture [back](#)

By Erica Martinson | 9/18/13 3:42 PM EDT

EPA Administrator Gina McCarthy defended the Obama administration's climate plan Wednesday as a necessary force to shift to a lower-carbon energy future — but didn't dispute lawmakers' suggestions that it will place new burdens on coal.

McCarthy and Energy Secretary Ernest Moniz declined to offer details about the proposed greenhouse gas standards for future power plants that EPA is scheduled to release this week. But the pair did nothing during Wednesday's House climate hearing to counter the widespread expectation that the rule will require future coal-fired power plants to capture some amount of their carbon dioxide emissions.

One after another, Republicans on the Energy and Commerce Committee asserted that carbon capture and storage technology isn't ready for prime time, though they were less aggressive this time in pushing the accusation that the rule represents a "ban on coal." That refrain had dominated the Republican chorus when EPA first proposed a greenhouse gas rule for new power plants last year.

Instead, on Wednesday they focused on the cost of carbon capture, often known as CCS.

"CCS takes billions of dollars," Rep. John Shimkus (R-Ill.) said before asking McCarthy if EPA has ever established a new-source rule "on the basis of technology that has not been commercially proven."

"The rule has yet to be issued, but I will say that this was an issue that was heavily discussed," McCarthy told Shimkus. "We'll have a full debate about this when the rule goes out."

Later in the hearing she added, “But I will say that on the basis of the information that we see and what is out in the market today and what is being contemplated today, that CCS technology is feasible.

“Now, that’s not to give a signal about the content of the rule,” she cautioned.

She cited four plants “now being constructed” that capture carbon dioxide at levels that far outpace anything required by EPA’s original proposed new plant rule. And she touted pipelines under construction that would allow depleted oil fields to import carbon dioxide captured at power plants, for use in forcing hard-to-reach oil out of the ground.

McCarthy also pushed the idea that scrubbers — technology that removes other pollutants from coal plant emissions — were considered advanced and costly when EPA first laid down requirements on power plants, though she was interrupted by lawmakers who shrugged off the idea.

Full committee Chairman Fred Upton (R-Mich.) said EPA’s policies could stand in the way of the country’s growing energy sector.

Meanwhile, Energy and Power Subcommittee Chairman Ed Whitfield (R-Ky.) urged the Obama administration to take a “balanced approach” to climate change, noting that “we don’t want to be left in a noncompetitive position” on the international stage.

But McCarthy argued that the climate agenda would be an economic opportunity for the country and position the United States as an international leader in climate policy and technology.

The rule — which won’t affect existing power plants — “will provide certainty for the future of new coal,” McCarthy said, asserting that coal will continue to be a significant part of the United States’s power generation for decades.

The agency is due to propose a rule aimed at reducing greenhouse gas regulations at existing power plants in June. That rule will probably have a much greater impact than the future-plant rule coming out this week, because the thousands of power plants now in existence in the U.S. produce 40 percent of the nation’s greenhouse gas emissions.[back](#)

Upcoming SCOTUS term could bring air battles [back](#)

By Lindsay Kalter | 9/18/13 5:34 PM EDT

Energy wonks waiting for the Supreme Court to gear up in October can expect to see a clear shift in focus since last term: from water to air.

As splintered regulatory authority continues to spur legal action in the industry, eyes are watching the energy-related cases that may make it to the high court — most of them centering on air pollution, a panel of legal experts said during a George Mason University School of Law event Wednesday.

“Last term it was really about water cases,” said Kirsten Nathanson, a partner at Crowell & Moring LLP. “And now we literally have winds moving from west to east, because this term it appears is going to be more about air.”

Cases that could take center stage include one dealing with EPA’s Cross-State Air Pollution Rule, which an appellate court threw out last year, and another testing several of the agency’s greenhouse gas regulations.

A third case, *Mingo Logan Coal Co. v. EPA*, isn't yet in the Supreme Court pipeline but hits on what President Barack Obama's critics call the "war on coal" — specifically, the EPA's retroactive decision to withdraw parts of an Army Corps of Engineers permit for a mountaintop-removal coal mine in West Virginia. Appellate judges [upheld](#) the EPA's action in April, overturning a scathing lower court ruling that accused the agency of overstepping its authority.

EPA's permit veto drew celebrations from environmental groups that say mountaintop-removal mining has caused a slew of health problems across Appalachia. But it has drawn attacks from coal supporters in Congress, who have cited the case while pushing [legislation](#) to clip the agency's wings.

Mingo Logan requested in June for the D.C. Circuit Court of Appeals to rehear the case, and has hired former U.S. Solicitor General Paul Clement to work on the case. The request was denied in July. Nathanson told POLITICO that Mingo Logan is preparing a Supreme Court petition, which is due in October. She expects that the court will decide whether to take the case in early 2014.

Of the three cases, panel member Roger Martella Jr. said the one that could have the broadest-reaching impact is the greenhouse gas case, in which the U.S. Chamber of Commerce is challenging several of EPA's greenhouse gas regulations under the Clean Air Act. EPA won a 3-0 decision in the case in appeals court, but Martella said it would come to the Supreme Court at a prime time for re-evaluation.

The chamber's challenge is part of a "trilogy of climate change cases," he said, referring to the 2007 *Massachusetts v. EPA* and the 2011 *American Electric Power Co. v. Connecticut*, which both reinforced EPA's jurisdiction in regulating greenhouse gases under the Clean Air Act.

"It seems like this case is coming at a time when the Supreme Court might want to look back and say, 'Well, we did decide *Massachusetts v. EPA*, that was a closely decided decision. How is EPA doing it, has it followed our instructions? Has it gone too far? Is it not doing enough?'" Martella said.

He didn't predict that the court will decide it ruled incorrectly in those cases. Instead, he said, it will probably compare EPA's regulatory efforts with what the court anticipated when it issued its 2007 decision, which said the agency can regulate greenhouse gases under the Clean Air Act if it makes a formal determination that those pollutants endanger human health and welfare.

The energy cases are all, in some form, "turf wars," said panel member Richard Faulk, senior director of energy and environment at George Mason's law school. The constant tug-of-war between states and the federal government — and questions over court authority — continue to create tension among entities.

"It's the question of deference: Who should make the decision? Should it be the court that decides or the agency that has the primary authority?" he said. "That is the most significant question we're seeing."

While the court has not yet decided whether to take up the permitting and greenhouse gas cases, justices have accepted two cases centered around CSAPR: *American Lung Association v. EME Homer City Generation*, which raises questions about how and when the court should review EPA's cross-state rule, and *EPA v. EME Homer City Generation*, which is focused more acutely on EPA's rulemaking.

The high court announced Tuesday that it will hear oral arguments for both on Dec. 10.

Martella said that although only about 2 percent of submitted cases are accepted for review, the Chamber of Commerce case has a "significantly higher chance" of being heard than most, given its high-profile status. [back](#)

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From: Pro Report <politicoemail@politicopro.com>
Sent: Wednesday, September 18, 2013 6:34 PM
To: Goffman, Joseph
Subject: Pro Report. presented by POWERJOBS: OMB warns agencies: Prepare for a shutdown - Feud of the day: Obamacare fraud - House settles on new debt ceiling, CR plan - Cat's out of the bag on IRS's targeted groups - Feds to continue bond buying

By Rachael Bade | 9/18/13 6:22 PM EDT

OMB WARNS AGENCIES: PREPARE FOR A SHUTDOWN. The Office of Management and Budget has officially told federal agencies to prepare for the possibility of a government shutdown on Sept. 30. “There is enough time for Congress to prevent a lapse in appropriations. ... However, prudent management requires that agencies be prepared for the possibility of a lapse,” OMB Director Sylvia Burwell wrote in letters to department heads. “[A]t this time, agencies should be updating their plans for operations in the absence of appropriations ... should ensure that only those activities that are ‘excepted’ ... would continue to be performed during a lapse in the appropriation. ... Also ... should carefully review determinations regarding which employees would be necessary for the agency’s continued performance of those ‘excepted’ functions.” Letter:

<http://1.usa.gov/1aRxUPC>

THIS IS PRO REPORT. Send your reports, draft bills, scoops and all things newsy this-a-way if you think Pros would be interested: rbade@politico.com. Or tweet me @[RachaelMBade](https://twitter.com/RachaelMBade) and follow @[POLITICOPro](https://twitter.com/POLITICOPro).

TODAY’S TOP NEWS:

1.) FEUD OF THE DAY: OBAMACARE FRAUD. Jason Millman on Pro Health with the story: “With less than two weeks to go before millions can start enrolling in Obamacare, the White House and congressional opponents of the health law on Wednesday stepped up a battle over whether consumers can trust the new insurance marketplaces being built by the feds and the states. The White House convened a high-level meeting of Cabinet and state officials on the issue Wednesday, and the administration announced a series of measures to assure the public that it’s serious about fighting fraudsters who might try to capitalize on confusion over the new health care law. The new initiatives included a call center number to report fraud concerns, as well as rapid response measures to address privacy and cybersecurity threats.

“But just before the White House meeting, House Oversight and Government Reform Republicans issued a report claiming that the Obama administration has admitted to potential fraud weaknesses in Obamacare’s ‘navigator’ program that provides on-the-ground enrollment counselors to advise consumers on their new coverage options. The administration says those threats are overblown, but it’s also putting out tipsheets that tell consumers how to be on the alert for fraud — by warning them that navigators should never ask for money and that ‘no one should ask for your personal health information.’” <http://politi.co/1aU7soE>

2.) TAKE TWO: HOUSE SETTLES ON NEW DEBT CEILING, CR PLAN. Just as POLITICO’s Jake Sherman and John Bresnahan reported earlier this week, Speaker John Boehner and Majority Leader Eric Cantor Wednesday morning announced they’ll try to pass a bill increasing the debt limit for one year while delaying Obamacare for the same timeframe. Also in the mix: a \$986 billion short-term government funding bill to keep things running until Dec. 15 — this one accompanied by an Obamacare defunding provision. The latter will hit the floor Friday. Full story: <http://politi.co/16eZ9uQ>

AND ...

OBAMA SHOOTS IT DOWN, LOOKS TO BUSINESSES. POLITICO's Reid J. Epstein reports: "During the open press portion of Wednesday's session, Obama made his pitch directly to a business community he hopes will aid him in pressuring congressional Republicans to drop their demands to defund the president's health care law as a condition of keeping the government open or raising the debt ceiling. Obama said he refused to set a precedent in which the debt ceiling set up periodic fights that tanked the economy. 'We're not going to set up a situation where the full faith and credit of the United States is put on the table every year or every year and a half and we go through some terrifying financial brinksmanship,' Obama said. 'It would fundamentally change how American government functions.'" <http://politi.co/16m8r9u>

A message from [POWERJobs](#): Mark your calendars! Join POWERJobs on Twitter **Thursday, Sept. 19 from 12 p.m. — 1 p.m. to discuss **using social media as an effective job search tool and in building your personal brand.** Join the conversation using the hashtag #POWERChat. Learn more [here](#).**

CAT'S OUT OF THE BAG ON IRS'S TARGETED GROUPS. For months, the IRS has refused to show which nonprofits it scrutinized during the targeting scandal, citing privacy laws. Then along came USA Today's Gregory Korte, who Wednesday released a leaked IRS document from 2011 listing 162 groups held up at the time, by their names — with comments from a D.C.-based IRS lawyer.

— Korte analyzes them, too, saying they "flagged political groups based on the content of their literature, raising concerns specifically about 'anti-Obama rhetoric,' inflammatory language and 'emotional' statements made by non-profits seeking tax-exempt status. ... In 21 cases, those activities were characterized as 'propaganda.' ... But the word 'propaganda' doesn't appear in section 501(c)(4), which governs the social welfare status that most Tea Party groups were applying for, said John Colombo, a law professor at the University of Illinois. Instead, it appears in section 501(c)(3), which governs public charities.' There would be no reason I would think to flag them if it's for a 501(c)(4) status,' Colombo said. 'That's very odd to me.'" <http://usat.ly/1eMSbrl>

FOLLOW-UP: WHO LET THE CAT OUT OF THE BAG? The names of those groups are supposed to be classified under law, information only the IRS, Ways and Means Chairman Dave Camp (R-Mich.) and Senate Finance Chairman Max Baucus (D-Mont.) are able to view. So who leaked? Already top Ways and Means Democrat Sander Levin is asking the Treasury Inspector General for Tax Administration to investigate.

THE NAUGHTY LIST — MEET CONGRESS'S 'MOST CORRUPT' LAWMAKERS. The Citizens for Responsibility and Ethics in Washington Wednesday morning shared with Pro Report an early copy of its annual report: "Most Corrupt Members of Congress." On the ticket for their alleged dirty deeds, including bribery, awarding special favor to donors and more are: Rob Andrews (D-N.J.), Michele Bachmann (R-Minn.), Tim Bishop (D-N.Y.), Paul Broun (R-Ga.), Vern Buchanan (R-Fla.), Scott DesJarlais (R-Tenn.), Michael Grimm (R-N.Y.), Gregory Meeks (D-N.Y.), Hal Rogers (R-Ky.), David Valadao (R-Calif.), Don Young (R-Alaska.), Senate Minority Leader Mitch McConnell (R-Ky.) and Sen. Bob Menendez (D-N.J.). <http://politi.co/1567xxD>

ON PRO TODAY —

TAX REFORM MAKES THE CUT. Ways and Means Chairman Dave Camp (R-Mich.) must be rejoicing: The House's opening bid on the debt ceiling includes tax reform instructions that would mandate Congress speed ahead on tax reform. But, to be honest, the proposal is no game-changer, as my colleague Brian Faler and I report today. Reason No. 1: Democrats probably won't bite. Check out our story: <http://politico.pro/19eNfnQ>

FED TO CONTINUE BOND BUYING — THANKS TO HILL'S FISCAL STANDOFF. Kate Davidson and Dave Clarke report: "The Federal Reserve announced on Wednesday that it will continue its current efforts to stimulate the economy through bond purchases — a move that surprised financial markets and Fed watchers

who had anticipated that the central bank would begin tapping the brakes. The Fed said the members of its policy-making committee believe the economy is improving but that they want to see more evidence this trend will continue.

... Fed Chairman Ben Bernanke made clear at a news conference that one of the things the central bank is worried about is Congress. He said the policy making committee discussed the impact of the current debates on Capitol Hill. ... 'A government shutdown and, perhaps even more so, a failure to raise the debt limit could have very serious consequences for financial markets and the economy,' Bernanke said. 'This is one of the risks that we are looking at as we think about policy.'" <http://politico.pro/1eRnwsW>

SEC TO CEOS: SHOW US (YOUR) MONEY. How much do these top-dogs *really* make? We're about to find out, our Zachary Warmbrodt writes: "The SEC on Wednesday voted to propose a long-awaited rule that would require publicly traded companies to tell investors how their CEO's pay package compares to the rest of the firm's employees. In a move that will please investor watchdogs and labor groups that championed the rule, the SEC advanced a requirement that companies look at every employee — not just full-time United States staff, but also part-time and foreign workers. ...

"The SEC has taken years to prepare the rule, which is required by the 2010 Dodd-Frank financial oversight law. Supporters of the proposal say it will provide some much-needed sunshine on whether a chief executive is being paid much more lavishly than the company's employees. ... Business groups oppose the provision, saying it will be costly and complex to implement." <http://politico.pro/16fjobW>

AMERICANS WASTING FOOD, MISREADING DATE LABELS. You know those tiny expirations dates stamped on your food? Well, apparently we're all reading them incorrectly — trashing items we think are soiled or stale after the date on the package lapses. (Pro Report is also guilty as charged, too!) Turns out, that's incorrect, and Americans are pitching up to 40 percent of their food because they don't know any better, Harvard Law School's Food Law and Policy Clinic and the Natural Resources Defense Council say in a new report. They're both proposing the FDA or Congress reform of those "use by" notices so consumers don't pitch food prematurely.

Here's Helena Bottemiller Evich for Pros: "The groups cite a food industry survey that found more than 90 percent of Americans prematurely throw away food because they misunderstand date labels and think a product might not be safe to eat, even though date labels are meant to be indicators of quality, not safety." <http://politico.pro/1a44Cci>

ON TAP THURSDAY: Obama in the late morning sits with his Export Council while Vice President Joe Biden hits up Mexico for an economic conference. ... The Senate continues trying to work out a deal on the stalled energy-efficiency bill, though Majority Leader Harry Reid threatened to pull it Wednesday. And the House turns to cuts to the SNAP program.

— At 9:30 a.m., House Oversight and Government Reform Chairman Darrell Issa (R-Calif.) will grill the authors of the Benghazi attack review. Max fireworks expected. ... At 10 a.m., the Senate HELP Committee talks about the upcoming Higher Education Act reauthorization. ... At 10 a.m., a House Energy and Commerce subcommittee dives into Obamacare enrollment, which is less than two weeks out. At the same time the House Financial Services Committee tomorrow examines the Terrorism Risk Insurance Act at 10 a.m., bringing in Reps. Michael Grimm (R-N.Y.), Michael Capuano (D-Mass.), Rep. Peter King (R-N.Y.) and Carolyn Maloney (D-N.Y.), and a whirlwind of applause from the Property Casualty Insurers Association of America. ... At 2 p.m. Maloney leads a group of Syrian women in a discussion of how the war has impacted women, specifically — just weeks after the UN said both the rebels and the army were using rape as weapon of war.

NOW LIVE: PRO EDUCATION: The first of three new policy sections coming to POLITICO Pro this fall is officially live. Pro Education offers subscribers access to high-impact, high-velocity coverage of education, delivering exclusive real-time news and analysis and an early-bird edition of Morning Education. Interested? Email info@politicopro.com or call (703) 341-4600. Read more about the launch here: <http://politi.co/1eL4Afu>

POLICY AROUND THE WEB:

— Not so great expectations? Here's David Morgan with Reuters: "The U.S. government on Wednesday scaled back its projections for Obamacare's impact in 2014, saying the law would generate slower health care spending growth and provide coverage to only half as many of America's uninsured as anticipated last year." <http://yhoo.it/18zoCpI>

— Iran on Wednesday "unexpectedly" freed 11 political prisoners, just a day before Iranian President Hassan Rouhani will visit the U.S., the New York Times reports. <http://nyti.ms/16g3HkG>

A message from [POWERJobs](#): New jobs on our radar this week: **Manager, Global Health Advocacy Initiatives at American Academy of Pediatrics, **SVP, Congressional Relations** at ICBA and **Senior Director of Legislative Affairs** at Natural Products Association. Interested? Apply to these jobs and more at POWERJobs.com. Powered by names you trust — POLITICO, WTOP, WJLA/ABC-TV, NewsChannel 8 and Federal News Radio — POWERJOBS has the newest job opportunities in the Washington area from the area's top employers. And mark your calendars for **Thursday, Sept. 19 from 12 p.m. — 1 p.m.** for a POWERJobs Twitter chat on **using social media as an effective job search tool and in building your personal brand**. Join using the hashtag #POWERChat. Learn more [here](#).**

Stories from POLITICO Pro

[Debt ceiling pulls tax reform back into mix](#)

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Debt ceiling pulls tax reform back into mix [back](#)

By Brian Faler and Rachael Bade | 9/18/13 5:10 PM EDT

Tax reform is in the mix as House Republican leaders scramble to find the votes to raise the debt limit.

To entice Republicans who are otherwise opposed to increasing the debt cap, GOP leaders are assembling a wish list of add-ons that includes provisions aimed at expediting an overhaul of the tax code.

The details of how that would work are still being hammered out, lawmakers said.

"We don't know what instructions it will include," said Rep. Dave Reichert (R-Wash.), who sits on the Ways and Means Committee. "But it was good to see that there will actually be instructions."

The proposal faces long odds as President Barack Obama and Senate Democrats balk at the idea of haggling over lifting the \$16.7 trillion borrowing cap. Moreover, Senate Democratic leaders have demanded that any reform raise tax revenue to help reduce the deficit, a non-starter for most Republicans.

It's also unclear how much appetite there is in the House for the tough work reform would require. While Ways and Means Committee Chairman Dave Camp (R-Mich.) has been pushing for an overhaul for years, support among some of his rank-and-file colleagues for tackling all the controversy that would come with that is lukewarm.

The debt ceiling proposal comes after Senate leaders, who've repeatedly watched budget deals blow up in the House, say they want lawmakers there to act first. Tax reform is only one of a number of items House Majority Leader Eric Cantor proposes attaching, along with provisions targeting the administration's signature health-care law, expediting construction of an oil pipeline and other budget cuts.

Lawmakers must act on the debt cap as soon as mid-October, according to budget analysts. They'd have to lift it by about \$1.1 trillion to accommodate borrowing through next year's midterm elections, according to the Bipartisan Policy Center.

Several Republican members of the Ways and Means Committee emerged today from a closed-door meeting on tax reform saying they did not discuss the debt limit plan.

It caught Senate Finance Committee Chairman Max Baucus (D-Mont.), who's worked closely with Camp, by surprise.

"I was unaware," said Baucus. "There is no coordination."

Sen. Orrin Hatch, the panel's ranking Republican, declined to comment, saying, "I know how hard it is for them over there."

The provisions will likely be modeled at least in part after legislation approved last August by the House calling for tax reform.

The bill, which was ultimately folded in another measure that died in the Senate, would have required tax writers to produce a plan by a certain date. Ways and Means would have to come up with something that cut individual and corporate tax rates to 25 percent, repealed the alternative minimum tax and pegged total revenues to between 18 and 19 percent of the nation's gross domestic product. The proposal would have received expedited consideration in the House and Senate, with limits on how long it could be debated.

Other changes are still possible, though a leadership aide said Republicans do not intend to revive another proposal floated by Camp and leadership last spring that would have parceled out debt-cap increases as tax-reform legislation advances in Congress.

"We don't have final language yet — we're just beginning the conversation with the caucus this morning about what the debt limit might look like," said Sage Eastman, a Camp spokesman.

Lauren French contributed to this report. [back](#)

Among the Fed's worries? Congress [back](#)

By Kate Davidson and Dave Clarke | 9/18/13 2:20 PM EDT

The Federal Reserve announced on Wednesday that it will continue its current efforts to stimulate the economy through bond purchases — a move that surprised financial markets and Fed watchers who had anticipated that the central bank would begin tapping the brakes.

The Fed said the members of its policy making committee believe the economy is improving but that they want to see more evidence this trend will continue.

“The committee sees the improvement in economic activity and labor market conditions since it began its asset purchase program a year ago as consistent with growing underlying strength in the broader economy,” the central bank’s [Federal Open Market Committee](#) said following a two-day meeting. “However, the committee decided to await more evidence that progress will be sustained before adjusting the pace of its purchases.”

Fed Chairman Ben Bernanke made clear at a news conference that one of the things the central bank is worried about is Congress.

He said the policy making committee discussed the impact of the current debates on Capitol Hill and how to keep the government funded into the new fiscal year that begins Oct. 1 and whether to raise the government’s borrowing authority.

So far, there is no clear path to how a deal can be struck among Republicans, Democrats and the White House to avoid either a shutdown or default, although last minute deals have become the norm in recent years.

“A government shutdown and, perhaps even more so, a failure to raise the debt limit could have very serious consequences for financial markets and the economy,” Bernanke said. “This is one of the risks that we are looking at as we think about policy.”

Bernanke added there would only be so much the Fed could do to offset the impact of a government default.

The Fed has been buying \$85 billion in Treasury and mortgage bonds a month to help keep long-term interest rates down and encourage more spending and investment.

Investors reacted positively to Wednesday’s announcement that these bond buys will continue unchanged, with the Dow Jones Industrial Average closing up 147 points for the day.

Investors reacted positively to Wednesday’s announcement that these bond buys will continue unchanged, with the Dow Jones Industrial Average up more than 150 points in afternoon trading.

Bernanke declined to say when the Fed would begin to slow its bond purchases, saying it will be based on the state of the economy.

“We are tied to the data, we are not tied to the calendar,” he said.

The bond buying programs — known as quantitative easing — are a novel attempt to help boost the economy and have proven controversial.

Republicans have chided Bernanke over quantitative easing, warning it will lead to inflation, but there has been little evidence that prices are going up too fast.

Investors have expected for several months that the Fed could begin scaling back asset purchases by the end of the year as the unemployment rate continues to fall and financial indicators strengthen. Bernanke tried to ease market jitters over asset tapering following the committee’s July meeting by emphasizing that any tapering

would be gradual and depend on economic conditions. But the comments sparked anxiety over fears that the central bank could begin winding down its easy-money policies too soon.

The decision to stay the course comes amid an unusually public and political debate about who will take over as Fed chairman when Bernanke's term expires at the end of January.

Larry Summers, the former director of the White House National Economic Council and the frontrunner for the job, withdrew his name from consideration last weekend after liberal Democrats and women's groups mobilized against his candidacy. As many as four Democrats on the Senate Banking Committee appeared likely to vote against Summers, ensuring a difficult and drawn-out confirmation battle.

Bernanke said he isn't concerned the debate over his successor will have an impact on how the Fed does its job now or in the future.

"I'm not particularly concerned about the political environment for the Federal Reserve," he said. "I think the Fed will continue to be an important institution in the United States and that it will maintain its independence going forward."

He declined to discuss his own future.

"I hope to have more information for you at some reasonably soon date," he said.

Mortgage rates have been on the rise in recent months because the market anticipates the Fed pulling back on its bond purchases, which it still could do before the end of the year.

Some economists have warned this could endanger the housing recovery as home loans become more expensive.

The Mortgage Bankers Association said Wednesday that the typical 30-year fixed-rate mortgage averaged 4.75 percent last week, up more than a full percentage point since May. Major lenders such as Wells Fargo have announced recent layoffs in their mortgage units in anticipation of a drop in refinancing activity, which has been a boon to banks as interest rates remained low.[back](#)

SEC to shine light on CEO pay [back](#)

By Zachary Warmbrodt | 9/18/13 10:12 AM EDT

The Securities and Exchange Commission on Wednesday voted to propose a long-awaited rule that would require publicly traded companies to tell investors how their CEO's pay package compares to the rest of the firm's employees.

In a move that pleased investor watchdogs and labor groups that championed the rule, the SEC advanced a [requirement](#) that companies look at every employee — not just full-time United States staff, but also part-time and foreign workers.

"The key word there is 'all employees,'" said AFL-CIO Office of Investment Chief Research Analyst Vineeta Anand.

The SEC has taken years to prepare the rule, which is required by the 2010 Dodd-Frank financial oversight law.

Supporters of the proposal say it will provide some much needed sunshine on whether a chief executive is being paid much more lavishly than the company's employees.

"It is not surprising that investors are asking if such a high level of CEO-pay multiples is in the interest of corporations and their shareholders," said Commissioner Luis Aguilar, a Democrat. "As owners of public companies, shareholders have the right to know whether CEO pay multiples reflect CEO performance."

Business groups oppose the provision, saying it will be costly and complex to implement. The U.S. Chamber of Commerce said Wednesday that pay ratios fail to give investors "decision-useful" information.

The commission voted 3-2 to put the proposal out for comment, with the agency's two Republicans — Daniel Gallagher and Michael Piwowar — voting against the new disclosure requirements, warning they could be misleading to investors and were driven by special interests.

"Its only conceivable purpose is to name and presumably, in the view of its proponents, shame U.S. issuers and their executives," Gallagher said.

Under the proposed rule, companies would have to disclose the annual total compensation of its CEO, the median of the total annual compensation of all other employees and the ratio of the two amounts.

The rule would not specify any required methodology for calculating the median. Companies would be allowed some flexibility to use either its full employee population or a statistical sampling. Supporters of the rule are comfortable with letting firms just take a sample.

"Statistical sampling is a well known method for doing these kinds of calculations," Anand said.

Sen. Robert Menendez (D-N.J.), who authored the provision in Dodd-Frank, has pressed SEC Chairman Mary Jo White to finish the rule.

Menendez has said he wrote the requirement to let the public know whether companies' pay practices are fair and that he intended for part-time and foreign workers to be included in the calculation.

"I'm encouraged by the initial information out of the SEC, but want to review the proposal to ensure that it strikes the right balance between flexibility and accountability," Menendez said in a statement Wednesday.

Piwowar, making a fiery public debut as a SEC commissioner, voted against the CEO pay disclosure proposal, saying that it could mislead investors.

"Shame on us for putting special interests ahead of investors," he said.

Under the proposal, companies would be required to provide the information, and would be permitted to provide further explanation of the findings, in filings that already include executive compensation information, such as annual reports.

In a nod to the JOBS Act, "emerging growth" companies, defined as those with less than \$1 billion in revenue over a year, would not be required to issue the compensation reports, nor would "smaller reporting companies" or foreign private issuers. The JOBS Act gives emerging growth companies five years after they go public to comply with the same SEC requirements as other firms

Companies would be required to begin reporting during the first fiscal year after the effective date of the final rule.

After the SEC will take 60 days of public comment on the proposal and will then need to vote to approve a final version.[back](#)

Harvard, NRDC: Expire dates key to stopping food waste [back](#)

By Helena Bottemiller Evich | 9/18/13 11:34 AM EDT

The expiration dates on your packaged foods might be exaggerated — and a change in how those “best by” and “sell by” labels are regulated might save billions in wasted food, according to a new report.

The date labels consumers currently find on food packages are confusing and not standardized, unnecessarily contributing to \$160 billion in food waste in the U.S. each year, according to a 64-page [report](#) released Wednesday morning by the Harvard Law School’s Food Law and Policy Clinic and the Natural Resources Defense Council.

The groups cite a food industry survey that found more than 90 percent of Americans prematurely throw away food because they misunderstand date labels and think a product might not be safe to eat, even though date labels are meant to be indicators of quality, not safety. The report, “The Dating Game: How Confusing Food Date Labels Lead to Food Waste in America,” is the first comprehensive look at the loose patchwork of state regulations governing date labels, and its authors conclude the system needs a revamp.

Reforming date labels wouldn’t necessarily take an act of Congress, Emily Broad Leib, director of Harvard’s food law center, says. Under federal law, both the Food and Drug Administration and Department of Agriculture have the authority to regulate misleading food labels, but they don’t take an active role in regulating date labels.

“It’s pretty clear from the research that the labels are misleading when half of Americans think use-by dates are indicators of safety,” Broad Leib said.

Part of the problem, NRDC and Harvard’s researchers suggest, is that as Americans have largely moved away from farms over the past few generations, they’ve become less knowledgeable about the food they eat. With that, they’re more reliant on date labels to tell them food is fresh, safe and edible, but research over the past several years has shown the labels are unclear and unreliable.

The notion that poorly understood date labels are significantly contributing to food waste, at a time when a growing global population is demanding more food from finite land and water resources, is alarming, says Dana Gunders, an NRDC scientist. On top of that, she contends, it’s a huge cost to the food industry.

“Every state has a different law. It’s a matrix of confusing rules and companies are having to navigate that,” Gunders explains.

The Food Marketing Institute, the grocery retailer lobby, responds to the report by agreeing that date labels are not as clear as they could be.

“FMI research concurs that there needs to more and better education for consumers about the intent of the product dates, the language surrounding them and how best to use them,” says David Fikes, FMI vice president of consumer affairs. “We are collaborating with industry partners and working with consumer and sustainability interests to find a solution that meets the needs of food manufacturers, food retailers and their customers.”

While the report by Harvard and NRDC notes there is a lot the food industry could do to tackle the problem without congressional action, there has been some interest on Capitol Hill.

Rep. Nita Lowey (D-N.Y.), ranking member on the House Appropriations Committee, is planning to reintroduce a bill to establish a consistent date label system at the federal level.

“It is alarming that the United States still has no federal law requiring expiration dates on food products,” says Lowey, in an announcement set to be released this afternoon. “This important new study makes clear the consequences of not having a uniform standard for dating perishable food: Consumers are unable to make informed choices.

“The status quo is really quite absurd,” she adds.

Lowey first introduced her Freshness Disclosure Act in 1999 and has since reintroduced it in just about each Congress since, but the effort has not gained traction. Her office says she became interested in the issue while preparing food for her grandchildren in her home and becoming confused about expiration dates.[back](#)

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From: kwd=vnf.com@reply.brnto.com on behalf of Kyle Danish <kwd@vnf.com>
Sent: Wednesday, September 18, 2013 5:40 PM
To: Goffman, Joseph
Subject: Climate, Energy, & Air Update - September 3-18, 2013



Climate, Energy, & Air Weekly Update
Kyle Danish, Shelley Fidler, Tracy Nagelbush, Erin Bartlett

Standing by for EPA’s re-proposed GHG standards for new power plants, which are expected to include a CCS-based standard for coal-fired power plants . . . Ron Binz, President Obama’s nomination to FERC, had a heated confirmation hearing in the Senate . . . EPA and the Army Corps of Engineers have sent OMB a proposed rule designating the “waters of the United States” subject to their permitting authorities . . . The Shaheen-Portman bill is still awaiting action in the Senate . . . The House wrestles with appropriations bills . . . EPA files its brief in the Supreme Court proceeding on the Cross-State Air Pollution Rule.

[Click here to read the Update on our website](#)

[Click here for a PDF version of the Update](#)

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In February 2012, Van Ness Feldman expanded its capabilities by combining practices with the Seattle law firm of GordonDerr LLP, a preeminent real estate, land use, water law, and civil litigation firm in the Pacific Northwest. Learn more at www.vnf.com.

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From: snf=vnf.com@reply.brnto.com on behalf of Shelley Fidler <snf@vnf.com>
Sent: Wednesday, September 18, 2013 4:26 PM
To: Goffman, Joseph
Subject: Climate, Energy, & Air Update - September 3-18, 2013

Below are links to this week's VNF Climate, Energy, & Air Update. Please call with any questions.
- Shelley Fidler

Shelley N. Fidler
Van Ness Feldman
(202) 298-1905
snf@vnf.com



[Climate, Energy, & Air Weekly Update](#)
[Kyle Danish](#), [Shelley Fidler](#), [Tracy Nagelbush](#), [Erin Bartlett](#)

Standing by for EPA's re-proposed GHG standards for new power plants, which are expected to include a CCS-based standard for coal-fired power plants . . . Ron Binz, President Obama's nomination to FERC, had a heated confirmation hearing in the Senate . . . EPA and the Army Corps of Engineers have sent OMB a proposed rule designating the "waters of the United States" subject to their permitting authorities . . . The Shaheen-Portman bill is still awaiting action in the Senate . . . The House wrestles with appropriations bills . . . EPA files its brief in the Supreme Court proceeding on the Cross-State Air Pollution Rule.

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From: POLITICO Pro Energy <politicoemail@politicopro.com>
Sent: Wednesday, September 18, 2013 3:41 PM
To: Goffman, Joseph
Subject: Afternoon Energy, presented by The American Petroleum Institute: Senators still hopeful to move on Shaheen-Portman - McCarthy defends viability of CCS - House GOP plans to attach XXL to debt ceiling bill - Binz speech class

By Talia Buford | 9/18/13 3:40 PM EDT

With help from Andrew Restuccia, Darius Dixon, Darren Goode, Erica Martinson and Kathryn Wolfe

SHAHEEN-PORTMAN WATCH: Sen. Rob Portman said the two sides are closer than they think to moving forward on the energy efficiency bill that has gotten bogged down in a fight over amendments. "I think we're pretty close to figuring out a way to move forward if we can get leadership teams to look at the list [of amendments]," he said on the floor today. "Half have already been discussed. Some could be voice voted. We could move quickly."

DEMOCRATIC AIDES: NO, REID ISN'T PULLING ENERGY BILL: Senate Democratic aides are clarifying that Majority Leader Harry Reid is not pulling bipartisan energy efficiency legislation from the floor, even though he lamented this morning that "we're not going to finish the legislation." Reid opined on the Senate floor this morning that a Republican request to hold votes on five non-germane amendments to the bill and whatever amendments are filed dealing with energy policy was a problem.

Welcome to Afternoon Energy. I'm your host, Talia Buford. Send me your best energy news at tbuford@politico.com and follow us on Twitter: @[POLITICOPro](https://twitter.com/POLITICOPro), @[Morning_Energy](https://twitter.com/Morning_Energy), and @[TaliaBuford](https://twitter.com/TaliaBuford).

MCCARTHY DEFENDS VIABILITY OF CCS: Ahead of the release of an EPA rule for new power plants this week that is expected to effectively require coal-fired units turn to carbon capture and sequestration, EPA chief Gina McCarthy defended the viability of the technology in a friendly disagreement with Rep. John Shimkus at today's Energy and Commerce Committee climate change hearing. "CCS takes billions of dollars" and there is "no commercially available technology," Shimkus charged, before turning to "the administrator, who is a friend." He asked if EPA has ever established a new source rule "on the basis of technology that has not been commercially proven." McCarthy pointed to the use of scrubbers, and the pair disagreed about the technology's position when EPA began to require the pollution-cleaning technology at power plants. "The [new power plant] rule has yet to be issued, but I will say that this was an issue that was heavily discussed," McCarthy said. "We'll have a full debate about this when the rule goes out."

Noted: A group of Greenpeace members in the audience donned tri-corner tin foil hats whenever members known to deny the existence of man-made climate change grabbed the mic.

WORKING OVERTIME?: With EPA expected to issue the widely anticipated rule on Friday, E&C Committee Chairman Rep. Ed Whitfield signaled he was eager to put it under the microscope. The E&C chairman joked that he would hold a hearing Saturday afternoon.

** A message from The American Petroleum Institute: The oil & natural gas industry supported 9.8 million American jobs in 2011 — an increase of 600,000 new jobs over two years. In fact, new data from the U.S. Energy Information Administration shows the industry created jobs 40 times faster than the broader economy from 2007-2012. <http://bit.ly/1aFi7U3> **

NOW LIVE: PRO EDUCATION: The first of three new policy sections coming to POLITICO Pro this fall is officially live. Pro Education offers subscribers access to high-impact, high-velocity coverage of education, delivering exclusive real-time news and analysis and an early-bird edition of Morning Education. Interested? Email info@politicopro.com or call (703) 341-4600. Read more about the launch here: <http://politi.co/1eL4Afu>

MCCARTHY: UNIT-BY-UNIT GHG REGS ARE ON THE TABLE: EPA is considering greenhouse gas regulations for existing power plants that would set unit-by-unit compliance standards, McCarthy said today. She also said the agency is considering a variety of other options for EPA's upcoming carbon rule proposals, which the agency is due to issue by June 2014. Attorneys following the rule closely disagree widely about what Clean Air Act Section 111(d) allows, and if EPA can and should set unit-by-unit, plant-by-plant, or system-wide regulations.

BINZ MOVING UP ... THE GOP AGENDA: After sniping at the president and Sen. Harry Reid over energy policy and blaming EPA for the closure of coal mines in eastern Kentucky, the National Republican Senatorial Committee took a few shots at FERC nominee Ron Binz this morning. "[I]t's not just about coal regulations. Barack Obama and Harry Reid have been very clear that coal is first, oil is next. ... Binz is hostile to fossil fuels. He's even opposed to natural gas, long term, which is one reason why the WSJ referred to him as, 'the most important and radical Obama nominee you've never heard of,'" the group said in a release.

BINZ SPEECH CLASS: While Binz was busily defending his views and record before the Senate Energy and Natural Resources Committee yesterday, a lighter controversy circulated on Twitter about the proper pronunciation of "FERC." "Wyden should use this hearing to settle once and for all whether we're all going to call it "FERC" or "the FERC," Scott Thomasson, president of D.C. consulting firm NewBuild Strategies, tweeted. Later, Center for American Progress's Richard Caperton tweeted back, "Uh-oh, @scotthomasson. Did I just hear 'the FERC', or even worse, 'the F-E-R-C'?" When the hearing ended, Thomasson jokingly tweeted: "Binz hearing takeaway: two kinds of people in the world — those who say 'FERC' without 'the,' and those who don't give a damn about anything." Utility Dive has the rundown: <http://bit.ly/17JKyLQ>

HOUSE GOP TO ATTACH PRO-KEYSTONE LANGUAGE TO DEBT LIMIT BILL: House Republicans will include language urging construction of the Keystone XL oil pipeline in legislation to increase the debt limit. Rep. Lee Terry, a vocal advocate of the pipeline, said at a press conference that he is "proud" that Republican leaders are attaching pro-Keystone language to the bill.

YARMUTH OFFICIALLY JOINS E&C: Rep. John Yarmuth will join the House Energy and Commerce Committee, where he'll replace Ed Markey, who moved over to the Senate earlier this year. The full Democratic Caucus approved the move today.

RESTAURANTS, FRANCHISEES HIT FUEL STANDARD (via Influence): More than two dozen chain restaurant executives and small business owners will be in D.C. this week to meet with policymakers to highlight the restaurant industry's concerns about the Renewable Fuel Standard's corn ethanol mandate, and how the RFS is artificially inflating commodity prices and consumer costs. According to National Council of Chain Restaurants Executive Director Rob Green, small business representatives and restaurant franchisees from Arby's, Pizza Hut, Wendy's, and other brands will be on Capitol Hill on Wednesday to urge Congress to repeal the RFS mandate. The fly-in was organized by NCCR, who recently formed a new coalition on the issue, Feed Food Fairness: Take RFS off the Menu, which also includes the International Foodservice Distributors Association, National Cattlemen's Beef Association and National Chicken Council.

YOU ARE WHAT YOU READ: At an EPW hearing on implementing last year's transportation bill, Sens. Barbara Boxer and Jim Inhofe had just about the most polite — and passive-aggressive — argument about climate change imaginable. Inhofe opened his remarks by saying "a lot of my alarmist friends ... are a little distressed with the recent findings and science [showing] the Arctic ice cap has increased by 60 percent just this

last year and that they are projecting that we are already into a cooling period." He asked that three articles be read into the record. Without waiting, he made the procedural motion in Boxer's stead, then said, "I think the audience already knows we both occupied the same position that you're occupying today." Boxer joked: "We know that climate change is real? What are you talking about?" Shortly after, Boxer asked that three articles of her own be read into the record, including one she asserted said "suggestions that climate change has slowed look only to isolated indicators such as surface temperature."

QUICK LINKS

- Halliburton faces judgment day in Gulf oil spill. FuelFix: <http://bit.ly/1epvlot>
- Regulator says Germany has most of its winter emergency power reserves. Reuters: <http://reut.rs/17JRd8S>
- Boston has the most comprehensive energy efficiency policies in America. Mother Jones: <http://bit.ly/189hoGP>
- Greenpeace assails oil rig in Russian Arctic. BBC: <http://bbc.in/156mEa8>
- Mississippi coal plant overruns show risks of carbon rules. Bloomberg: <http://bloom.bg/169Q6SY>
- Taxpayers for Common Sense released a report [<http://bit.ly/19efCTe>] today, questioning the coal leasing program and calling for reforms.
- Tribunal finds Chevron not liable for collective environmental claims. WSJ: <http://on.wsj.com/1eQO6lX>
- Brazil's Petrobras to invest heavily in data security after claims of U.S. cyberspying. Financial Times: <http://on.ft.com/189lBul>

WIDE WORLD OF POLITICS

- What's right [<http://politi.co/19e3DFa>] and what's wrong [<http://politi.co/14j7wZX>] with President Barack Obama.
- Outside groups try to revive immigration bill: <http://politi.co/1aTyr3K>
- House GOP to push 1-year debt limit increase: <http://politi.co/1aL5G5F>

** A message from The American Petroleum Institute: America's oil & natural gas industry supports 8 percent of the U.S. economy, contributing \$1.2 trillion to U.S. GDP in 2011. Game-changing innovations in hydraulic fracturing and horizontal drilling have enhanced not only America's energy security, but our economic security, creating hundreds of thousands of jobs in all 50 states. States at the forefront of this shale energy revolution have seen their economies transformed: North Dakota enjoys the nation's lowest unemployment rate while Pennsylvania has added more than 100,000 jobs supported by shale energy in 2012 alone. Smart policies that increase access to energy resources can keep this energy jobs revolution going strong. <http://bit.ly/1aFi7U3> **

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From: william.bumpers@bakerbotts.com
Sent: Wednesday, September 18, 2013 3:34 PM
To: Goffman, Joseph
Subject: Re: Any update

Yep. Saw that Gina's speaking at the Nat'l Press Club Friday at 9, so I guess there's a target. . . .

----- Original Message -----

From: Goffman, Joseph [mailto:Goffman.Joseph@epa.gov]
Sent: Wednesday, September 18, 2013 02:31 PM Central Standard Time
To: Bumpers, William
Subject: RE: Any update

Thanks, but ... "OMB clearance".... if you know what I mean.

-----Original Message-----

From: william.bumpers@bakerbotts.com [mailto:william.bumpers@bakerbotts.com]
Sent: Wednesday, September 18, 2013 3:28 PM
To: Goffman, Joseph
Subject: Re: Any update

You have any interest in going to a Nats game tonight? I have extra seats and its a box.

----- Original Message -----

From: Goffman, Joseph [mailto:Goffman.Joseph@epa.gov]
Sent: Wednesday, September 18, 2013 12:24 PM Central Standard Time
To: Bumpers, William
Subject: Re: Any update

Depends on whether and when I have to brief the Hill, and they often wait until the last minute to set up briefings. Sorry about that.

From: william.bumpers@bakerbotts.com <william.bumpers@bakerbotts.com>
Sent: Wednesday, September 18, 2013 1:20:37 PM
To: Goffman, Joseph
Subject: Any update

Joe,

The time is nigh. Do you have any idea when you could give us a little time to discuss the NSPS on Friday?

Bill

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Weinstock, Larry

From: Goffman, Joseph
Sent: Wednesday, September 18, 2013 3:32 PM
To: william.bumpers@bakerbotts.com
Subject: RE: Any update

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-----Original Message-----

From: william.bumpers@bakerbotts.com [mailto:william.bumpers@bakerbotts.com]
Sent: Wednesday, September 18, 2013 3:28 PM
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Subject: Re: Any update

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From: POLITICO Pro Whiteboard <politicoemail@politicopro.com>
Sent: Wednesday, September 18, 2013 3:18 PM
To: Goffman, Joseph
Subject: OMB: Prepare for shutdown

9/18/13 3:16 PM EDT

The White House Office of Management and Budget is asking federal agencies to prepare for the possibility of a government shutdown at the end of the month. In a [memo](#) to department heads, OMB Director Sylvia Burwell says “prudent management” requires agencies to be ready for a lapse in funding after Sept. 30, when the current government funding measure expires.

“At this time, agencies should be updating their plans for operations in the absence of appropriations,” Burwell wrote.

– *Austin Wright*

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From: POLITICO Pro Whiteboard <politicoemail@politicopro.com>
Sent: Wednesday, September 18, 2013 12:03 PM
To: Goffman, Joseph
Subject: McCarthy defends viability of CCS

9/18/13 11:57 AM EDT

EPA Administrator Gina McCarthy defended the viability of carbon capture and sequestration in a friendly disagreement with Rep. John Shimkus at today's Energy and Commerce Committee climate change hearing.

"CCS takes billions of dollars" and there is "no commercially available technology," Shimkus charged, before turning to "the administrator, who is a friend," he said. He asked if EPA has ever established a new source rule "on the basis of technology that has not been commercially proven."

McCarthy pointed to the use of scrubbers, and the pair disagreed about the technology's position when EPA began to require the pollution-cleaning technology at power plants.

"That's the whole difference between the clean air debate and the greenhouse gas debate," Shimkus charged.

"The rule has yet to be issued, but I will say that this was an issue that was heavily discussed," McCarthy said. "We'll have a full debate about this when the rule goes out."

McCarthy cautioned that the rule will not cover existing power plants: "It is about the future plants being constructed," she said. "And there are four plants now being constructed" that capture carbon dioxide at levels that far outpace anything required by EPA's original proposed new plant rule.

EPA is due to issue the proposed rule limiting GHG emissions at new power plants this week, and that rule is expected to require some degree of carbon capture at coal-fired power plants.

— *Erica Martinson*

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From: The Financial Mgmt Shared Services Initiative
<training@SharedServices.potomacforum.org>
Sent: Wednesday, September 18, 2013 11:55 AM
To: Goffman, Joseph
Subject: Early Bird Ends Sept 21st: What You Need to Know: Implementing Financial Management Shared Services



Please Forward to Your CFO, CIO, CAO, IGs and Others Responsible for Shared Services and Meeting the OMB Mandate

Navigating the Federal Financial Management Shared Services Landscape Training Workshop:

Complying with the OMB Directive

(OMB M-13-08: Improving Financial Systems Through Shared Services)

"All Executive Agencies will use, with limited Exceptions, a Shared Service Solution for future modernizations of core accounting or mixed systems"

Presented by:

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Tuesday, October 8, 2013

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Washington, D.C.

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Please check to see if you can use FY 2013 funding to conserve your agency training funds.

Overview of the Workshop:

With the issuance of the Office of Management and Budget (OMB) Memorandum M-13-08, "Improving Financial Systems Through Shared Services", dated March 25, 2013, OMB, in partnership with the U.S. Department of the Treasury (Treasury), has taken the next step in the evolution of the Federal government's approach to the assessment, selection, implementation and ongoing O&M of the governments plethora of financial management systems. Specifically, this guidance, which reaffirms OMB's commitment to a "Shared-First" approach, designates Treasury's Office of Financial Innovation and Transformation (FIT) to "help set a new course for federal financial

management...assisting OMB in ensuring consistency with a long-term financial systems strategy." To this end, FIT has begun to develop and unveil its plans to:

1. evaluate all new agency financial system modernization plans and investments to ensure alignment with the "Share-First" approach;
2. establish a framework and maintain requirements for agency migrations to a shared service model across the Federal Government; and
3. facilitate the implementation of government-wide operational capabilities to reduce overall costs and improve performance.

In addition, Treasury FIT has announced a timeline for new agencies to become future Federal Financial Management Shared Services Providers (SSPs). Agencies must express an interest in becoming a Federal Financial Management SSP in the October/November timeframe with applications submitted to Treasury by calendar year end. Treasury FIT will evaluate application in the January/March timeframe and propose recommendations to OMB sometime in March.

To help position agencies for the changes ahead, the Potomac Forum offers this workshop to arm participants with the knowledge that is needed to begin preparing their agencies in documenting their modernization strategies, developing business cases, and assessing their options with respect to migrating to or becoming a Financial Management SSP.

What You Will Learn:

At the end of this Potomac Forum Workshop, participants will:

Understand the Federal financial management shared services vision and current landscape

Know the major activities involved in migrating to or becoming an SSP

Learn from others about their lessons and experiences in this process

Why You Should Attend:

- To gain an understanding of the requirements and create strategies to achieve a financial management shared services environment at your agency
- Understanding the OMB Goals and Requirements

Who Should Attend:

- CIOs, Deputy CIOs, and CIO staff including IT planners, operations management and acquisition experts.
- Federal Executives and managers interested in gaining insight into the process and practices of moving to a shared services environment.
- CFOs, Deputy CFOs and staff.
- CAOs, acquisition executives and staff.
- IGs and Staff.

Workshop is Limited To Government Employees Only to Encourage Candid Discussion Among the Instructors, Guest Speakers and Attendees. The Press is NOT Permitted to Attend.

CEU Credits Awarded

For Information or Registration Call: (703) 683-1613

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(both registrations must be from the same government office and
made at the same time)

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**Managing Government Records Directive Updates: Lessons Learned and
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September 18, 2013

2. CPIC and Portfolio Management:

Leading to Success for PortfolioStat2.0 Training Workshop

**Selecting and Managing the Right Investments, Reducing Duplication and
Preparing for PortfolioStat Reviews:**

**What You Need to Know to be Successful in this
Reduced Budget Environment**

September 24, 2013

**3. COOP and Emergency Planning in Government Training
Workshop XIV**

**Preparing Your Agency for a Disaster or Emergency
September 26-27, 2013**

**4. Navigating the Federal Financial Management Shared
Services Landscape Training Workshop:
Complying with the OMB Directive**

**(M-13-08, Improving Financial Systems Through Shared Services)
"All Executive Agencies will use, with limited Exceptions, A Shared
Service Solution for future modernizations of
core accounting or mixed systems"
October 8, 2013**

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400 North Washington Street , Alexandria , Virginia, 22314 , USA

From: Rupp, Mark
Sent: Wednesday, September 18, 2013 8:48 AM
To: Deputy Administrator
Cc: Bond, Brian;Goffman, Joseph;Meiburg, Stan;Smith, Kelley;Bowles, Jack
Subject: Gov Beshear, prepared remarks
Attachments: Gov Beshear, prepared remarks.pdf

Hey, Bob...Gov. Beshear's remarks opening the conference yesterday...

From: ROBERT.WYMAN@lw.com
Sent: Tuesday, September 17, 2013 7:21 PM
To: Strine, Lora;Drinkard, Andrea
Cc: Goffman, Joseph;Browne, Cynthia;Atkinson, Emily;McCabe, Janet;Tsirigotis, Peter;Culligan, Kevin;Hoffman, Howard;Solomon, David;Stacey.VanBelleghem@lw.com
Subject: 10-21-22-13 EEI FW: National Climate Coalition State/Stakeholder Meeting - Save the Date
Attachments: J Goffman Event Form - NCC.docx; NCC Workshop Agenda.docx; NCC.pdf

Lora – thank you sincerely for your assistance in seeking Mr. Goffman’s participation in this event. I attach a completed version of the meeting form that you sent me. I also attach the current draft agenda and a list of our National Climate Coalition membership. We are in the process of updating the agenda as we receive participation commitments and feedback from senior staff officials. We will periodically send you an updated version of the agenda.

As noted in the table, we would be very interested in welcoming Ms. McCabe to join us for some portion of this event if this suits her calendar and priorities. We would be happy to make changes to the agenda as necessary to accommodate her and Mr. Goffman’s schedule.

Given the planned discussions on many key details of the CAA section 111(d) program, we would greatly appreciate it if key EPA officials working on this program could attend appropriate sessions. I have copied several individuals on this email to give them a heads up regarding this event.

We are in the process of preparing background issue papers and issue inventories to ensure that this is a maximally productive meeting. We welcome feedback on any of these pre-meeting materials. Please let us know if anyone would like to receive or to comment on these in advance.

Thank you sincerely for your assistance.

Very best regards,

Bob

Robert A. Wyman, Jr.

LATHAM & WATKINS LLP
355 South Grand Avenue
Los Angeles, CA 90071-1560
Direct Dial: +1.213.891.8346
Fax: +1.213.891.8763
Email: robert.wyman@lw.com
<http://www.lw.com>

From: Strine, Lora [mailto:Strine.Lora@epa.gov]
Sent: Wednesday, September 11, 2013 10:09 AM
To: Wyman, Robert (LA)
Subject: 10-21-22-13 EEI FW: National Climate Coalition State/Stakeholder Meeting - Save the Date

Dear Bob – I look forward to working with you on this meeting. I work for OAQPS and I am coordinating the GHG outreach efforts for EPA. As you know there are many meetings in the works on the powerplant rule to reduce GHGs and we look forward to this meeting with EEI.

Please work with Cynthia Browne to confirm Joe Goffman's schedule for this meeting. Andrea Drinkard is the speech coordinator for OAR. Please cc me and Andrea Drinkard on any emails. Even though we are anticipating this meeting, filling out an event form would be helpful to this process – a blank form for your use is attached. Thanks, Lora

202 564 1521

From: Strine, Lora
Sent: Monday, September 09, 2013 4:35 PM
To: Strine, Lora
Subject: 10-21-22-13 EEI FW: National Climate Coalition State/Stakeholder Meeting - Save the Date

From: Conner, Lisa
Sent: Monday, September 09, 2013 4:30 PM
To: Strine, Lora; Drinkard, Andrea
Cc: Noonan, Jenny
Subject: FW: National Climate Coalition State/Stakeholder Meeting - Save the Date

Please let us know if this date will work for Joe to attend.

From: Goffman, Joseph
Sent: Monday, September 09, 2013 3:32 PM
To: Tsirigotis, Peter; Conner, Lisa; Culligan, Kevin
Cc: Browne, Cynthia
Subject: FW: National Climate Coalition State/Stakeholder Meeting - Save the Date

Please advise re timing, etc. thanks.

From: ROBERT.WYMAN@lw.com [<mailto:ROBERT.WYMAN@lw.com>]
Sent: Monday, September 09, 2013 3:12 PM
To: Goffman, Joseph
Subject: National Climate Coalition State/Stakeholder Meeting - Save the Date

Joe – as we discussed during our recent August 9th meeting in your offices, we (the National Climate Coalition) are in the planning stages for a possible in-person meeting that we would host with invited state utility commissioners, air directors and stakeholders regarding CAA 111d. The current thinking is that this meeting would take place in Washington, DC, **on October 21-22**. EEI has graciously agreed to provide their conference space for this purpose.

Before we extend formal invitations to this meeting, I wanted to confirm with you that you and other key agency personnel would be able to attend. Our current plan is for the meeting to extend from Noon on Monday, the 21st, through Noon on Tuesday, the 22nd.

We are in the process of preparing a draft agenda and would be happy to share the draft with you later this week for your suggestions.

If this sounds good, I would welcome an opportunity to speak with you by phone at a convenient time to discuss the meeting in more detail.

I enjoyed sharing the NARUC panel with you last Friday.

Very best regards,

Bob

Robert A. Wyman, Jr.

LATHAM & WATKINS LLP

355 South Grand Avenue
Los Angeles, CA 90071-1560
Direct Dial: +1.213.891.8346
Fax: +1.213.891.8763
Email: robert.wyman@lw.com
<http://www.lw.com>

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Latham & Watkins LLP

From: Culligan, Kevin
Sent: Tuesday, September 17, 2013 5:37 PM
To: Beauvais, Joel; Goffman, Joseph; Tsirigotis, Peter
Subject: RE: Meeting request of the Canadian Electricity Association for Nov. 13-14

Given the importance of the Boundry Dam project (as well as the Canadian rules requiring CCS on new coal), I would be very interested in joining for this discussion.

From: Beauvais, Joel
Sent: Tuesday, September 17, 2013 5:17 PM
To: Goffman, Joseph; Tsirigotis, Peter; Culligan, Kevin
Subject: FW: Meeting request of the Canadian Electricity Association for Nov. 13-14

Is this something you guys wld be interested in joining (or taking over)? Seems like the focus is on power plant standards and they're prepared to talk about Boundary Dam.

From: Patrick Brown [<mailto:Brown@electricity.ca>]
Sent: Tuesday, September 17, 2013 4:35 PM
To: Beauvais, Joel
Subject: Meeting request of the Canadian Electricity Association for Nov. 13-14

Dear Mr. Beauvais:

I hope this message finds you well.

I'm writing to request a meeting on behalf of members of the Canadian Electricity Association ("CEA") on either November 13 or 14 in Washington, DC. (Melanie, the executive assistant at OAR, advised me over the phone just now to send this request to you directly via email).

CEA is the national voice of the electricity sector in Canada. (You may recall CEA was part of the trade association coalition that engaged you and your former colleagues on the Energy & Commerce Committee in 2010 on the *GRID Act*). CEA's Generation Council – which includes a mix of investor-owned, provincially-owned and municipally-owned utilities and generators (several of whom own assets in the U.S.) – will be in DC on the above dates for a CEA workshop examining U.S. regulation of GHG and air pollutant emissions.

Along with their U.S. industry counterparts, CEA members are facing an evolving regulatory and market landscape. In many respects, U.S. emissions reduction efforts are influencing the trajectory of policy in Canada. For example, the Government of Canada has aligned its GHG reduction targets with those of the U.S.; there is movement to seek further alignment on air pollutant requirements, such as transboundary PM; and recently-established Canadian Ambient Air Quality Standards are modelled in some measure after the NAAQS set by the EPA. And at the provincial level, jurisdictions such as Québec are seeking to link their emissions trading schemes with established or nascent U.S. programs.

In conjunction with our November 13-14 workshop, we're hoping that your schedule may permit for a meeting with our members. We would be honoured to have the opportunity to discuss major pending – and, by that time, finalized – U.S. GHG and air pollutant regulations; the current U.S. political debate regarding the future and scope of EPA's roles and responsibilities; and developments on the proposed Transboundary PM Annex to the Canada-U.S. Air Quality Agreement.

If it's of interest, our members would be pleased to discuss how they are preparing to comply with new Canadian federal regulations on GHG emissions for coal-fired generation, and to highlight innovative emission reduction projects underway across our membership (e.g. Saskatchewan Power's integrated CCS project, set to be in-service by 2014).

It's our hope that your schedule may permit for a meeting anytime on November 13 or the morning of November 14. We appreciate the significant constraints on your availability and can be flexible in seeking a mutually convenient time.

Thank you in advance for your consideration and looking forward to your reply.

Best regards,

Patrick Brown
Director, U.S. Affairs
Canadian Electricity Association
brown@electricity.ca
Work: (613) 627-4124
Cell: (613) 852-1841

From: Jody Farnsworth <jfarnsworth@naruc.org>
Sent: Tuesday, September 17, 2013 4:17 PM
To: Browne, Cynthia;Burtraw@rff.org;Charles Gray;Dbryk@nrdc.org;Dmorrow@nrdc.org;Drinkard, Andrea;Frank.prager@xcelenergy.com;Goffman, Joseph;Holly Rachel Smith;Ivy Wheeler;James Ramsay;Jody Farnsworth;Miles Keogh;Miller, Julia;ubright@nrdc.org
Cc: OAR Special Assistants
Subject: Details for NARUC Webinar on CAA 111(d) to be held on October 4th
Attachments: NARUC Task Force on Environmental Regulation and Generation.pdf

From: Commissioner David Littell
Date: September 17th, 2013
RE: Upcoming Webinar
Attachments: Link to September 6 Webinar and September 6 Webinar Slides

Thank you for your time today. During the call today we discussed the following in preparation for the October 4th webinar:

1. Speakers will prepare presentations of 12-13 minutes in duration
2. Speakers will prepare slides and these slides are to be submitted to jfarnsworth@naruc.org by 5:00 pm on Friday, September 27th
3. Speakers are to participate on a “dry-run” to become familiar with the webinar software and to briefly review the slide presentation; the call will be held **at 10 am eastern time on October 2.** Prior to this call, we will send you a link to register for participating using your computer.
4. During the webinar on October 4, after brief introductions by the moderator, the speakers will present in the following order: Goffman, Prager, Bryk, Bertraw.
5. Part 1 of this 111(d) webinar series was held on September 6th. We are attaching the power point to this email, but please click on this link and look on the box entitled “Spotlight on.” From there, use the link to replay the September 6 webinar, if you wish. <http://www.naruc.org/committees.cfm?c=58>
6. Please register yourself for the actual webinar using this link

Join us for a Webinar on October 4

REGISTER NOW

Space is limited.

Reserve your Webinar seat now at:

<https://www3.gotomeeting.com/register/293701054>

This webinar series will examine EPA legal authorities, precedent and regulatory approaches under Section 111(d) to establish GHG standards for electricity power plants. Webinar 1 provided a foundational overview of Section 111(d). This follow-on will examine alternative approaches to regulating greenhouse gas, with a discussion of the issues EPA may need to address to consider under Section 111(d). Sign up to learn about the States’ role under the various approaches that could be considered by the EPA to meet the Presidential directive to regulate carbon from existing power plants.

Speakers

Frank Prager, Jr., Managing Director, Environmental Policy, Xcel Energy
Dallas Burtraw, Darius Gaskins Senior Fellow, Resources for the Future
Dale Bryck, Director, Senior Attorney, Energy & Transportation Program, Natural Resources Defense Council (invited)
Joseph Goffman, Senior Counsel, Office of Air and Radiation, U.S. Environmental Protection Agency

Moderator: The Honorable David Littell, Maine

Title: *Greenhouse Gas Rules under Section 111(d) of the Clean Air Act Webinar: Part 2 of 2*

Date: Friday, October 4, 2013

Time: 1:00 PM - 2:30 PM EDT

After registering you will receive a confirmation email containing information about joining the Webinar.

Thanks so much for participating.

Jody M. Farnsworth
Legislative Assistant
National Association of Regulatory Utility Commissioners
1101 Vermont Avenue, NW Suite 200
Washington, D.C. 20005

Phone: (202) 898-1892

Fax: (202) 384-1558

jfarnsworth@naruc.org

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From: POLITICO Pro Energy <politicoemail@politicopro.com>
Sent: Tuesday, September 17, 2013 3:38 PM
To: Goffman, Joseph
Subject: Afternoon Energy, presented by The American Petroleum Institute: Binz there, done that — Culling amendments on efficiency bill — GOP skips Waxman climate change forum — GOP blasts administration for mostly skipping tomorrow's climate hearing

By Talia Buford | 9/17/13 3:35 PM EDT

With help from Darius Dixon and Andrew Restuccia.

BINZ THERE, DONE THAT: FERC chairman nominee Ron Binz told members of the Senate Energy and Natural Resources Committee today that he has earned “a reputation as a pragmatic problem solver,” while somewhat walking back his comments in March calling natural gas a “dead end.” He added: “I fully embrace the use of natural gas. I’ve said that in many speeches over many years. And I don’t want something I said — probably uncarefully — to be taken out of context to mean something [different].”

Despite those words, it quickly became clear that Binz could be facing a razor’s-edge vote in the committee:

— **Murkowski’s a ‘reluctant’ no:** Sen. Lisa Murkowski, the panel’s top Republican, expressed concerns about Binz’s independence and the PR firm hired by environmentalists to support his confirmation effort. “I need to have that absolute assurance that the independence [of FERC] that I’ve spoken to, and the fairness and judiciousness that I have spoken to, is there,” she told him. “And I have not been convinced of that.”

— **And Manchin is ‘skeptical’:** West Virginia Sen. Joe Manchin complained that the Obama administration’s energy policies are beating the “living crap” out of his state and said he’s “skeptical” about Binz — without committing to a position on his nomination. “We need some friends,” Manchin said. “We need some people who will just look at it on a more level playing field, and we haven’t gotten that.” Manchin and fellow Democrat Mary Landrieu will be critical votes for Binz if every Republican on the committee votes against him.

ALSO FROM THE BINZ FILE:

— Emails released Monday show that Binz asked BP to lobby on his behalf, The Washington Times says: <http://bit.ly/16bSNMQ>

— Why Binz’s nomination is causing such a brouhaha. Think Progress: <http://bit.ly/15At1X8>

— The American Energy Alliance’s hashtag [<http://bit.ly/1f1pgNQ>] for the hearing: #DeadEndBinz

Welcome to Afternoon Energy. I’m your host, Talia Buford, and I really have to apologize for bringing the chilly weather back with me from Michigan. Bright side: Soon, you’ll finally be able to wear that shearling coat you’ve been holding onto since 1998 and all the other Hill staffers and K Street lobbyists will declare you the most fashionable of them all. So I guess what I mean to say is: “You’re welcome.” Send me your fall style tips and energy news at tbuford@politico.com. And follow us on Twitter: [@POLITICOPro](https://twitter.com/POLITICOPro), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@TaliaBuford](https://twitter.com/TaliaBuford).

CULLING AMENDMENTS ON EFFICIENCY BILL: Senate Majority Leader Harry Reid says lawmakers are still trying to narrow down amendments to the energy-efficiency bill written by Sens. Jeanne Shaheen and

Rob Portman. Many Republicans are resistant to trimming the list. If leaders can't come to an agreement, the bill could remain stalled. So stay tuned.

GOP SKIPS WAXMAN CLIMATE CHANGE FORUM: No Republicans showed up to Rep. Henry Waxman's forum today that featured people detailing how they've personally been affected by climate change. Darren Goode with more: <http://politico.pro/1a0SU1V>

GOP BLASTS ADMINISTRATION FOR MOSTLY SKIPPING TOMORROW'S CLIMATE HEARING: The Energy and Commerce Committee asked 13 federal agencies to testify at Wednesday's hearing, but only Energy Secretary Ernest Moniz and EPA Administrator Gina McCarthy have confirmed they intend to testify. "What does it say about an administration that is largely unwilling to testify on its top policy initiative," Rep. Ed Whitfield, chairman of the E&C energy and power subcommittee, said in a release [<http://1.usa.gov/17GWdv1>].

**** A message from The American Petroleum Institute:** The oil & natural gas industry supported 9.8 million American jobs in 2011 — an increase of 600,000 new jobs over two years. In fact, new data from the U.S. Energy Information Administration shows the industry created jobs 40 times faster than the broader economy from 2007-2012. <http://bit.ly/1aFi7U3> **

NOAA: AUGUST GLOBAL TEMPS FOURTH-HIGHEST ON RECORD: Global land and ocean temperatures averaged 61.22 degrees Fahrenheit last month, making it the fourth-warmest August on record, tying with temperatures seen in 2005. Meanwhile, the average August Arctic sea ice extent was 2.35 million square miles — roughly 16 percent below the 30-year average of 2.79 million square miles, according to NOAA. It also marked the sixth-smallest sea ice extent since record-keeping began. Read the full NOAA August global climate analysis: <http://1.usa.gov/18ts8vT>

MARKEY CONCERNED ABOUT NRC SPENT FUEL ACCIDENT STUDY: Sen. Ed Markey sent a letter [<http://politico.pro/18veDBJ>] to NRC Chairwoman Allison Macfarlane on Tuesday, expressing concerns that a recently released draft study on the potential consequences of a severe earthquake on the spent fuel pools of U.S. nuclear reactors is "biased, inaccurate and at odds with the conclusions of other scientific reports," including those conducted by the NRC itself. "Instead of wasting more of NRC's resources on studies that appear to be deliberately designed to yield a 'no-action' outcome, I urge you to ... prepare a new study that does not lack credibility."

ANTI-McAULIFFE SUPER PAC EXPANDS AD BUY (via Influence): The super PAC Fight For Tomorrow is expanding its Virginia ad buy. The initial two-day run has been expanded into a six-day run, and the group has added the Hampton Roads market. The group's ad, "Don't Let Them Detroit Virginia," hits Virginia gubernatorial candidate Terry McAuliffe on a number of different fronts. Fight For Tomorrow spokesman Matt Mackowiak said: "Fight For Tomorrow will continue to hold unqualified huckster Terry McAuliffe accountable for his atrocious record."

SIERRA CLUB NATIONAL AWARDS: The environmental group announced [<http://bit.ly/1538AOT>] the winners of its 2013 National Awards on Thursday, with top honors — the John Muir Award — going to Robert Bullard, dean of the school of public affairs at Texas Southern University and a leading environmental justice advocate. Former L.A. Mayor Antonio Villaraigosa received the Edgar Wayburn Award for outstanding environmental service by a government employee.

WHALE EAR WAX GIVES CLUE TO OCEAN CONTAMINANTS: Seriously. Scientists extracted a footlong column of ear wax from a blue whale carcass in 2007 and found that each layer of wax corresponded to six months of a whale's life, and analysis could show which pollutants, such as DDT and flame retardants,

the whales were exposed to. The results of the research [<http://bit.ly/1f0XGQH>] were published in the Proceedings of the National Academy of Sciences. NPR: <http://n.pr/167evIJ>

NRSC UNIMPRESSED BY TENNANT ENTERING W.Va. SENATE RACE: "It's telling that Natalie Tennant, who just last month promised that the Environmental Protection Agency was 'receptive' to coal operators and West Virginians, is launching her campaign the very same week that a new phase of the Obama administration's war on coal and American energy was launched," the National Republican Senatorial Committee's Executive Director Rob Collins said in a statement. "Sen. Manchin said that the Obama agenda is a 'war on jobs' and a 'war on West Virginia,' which is exactly why West Virginians need leaders who will challenge this administration, not roll over for them like Natalie Tennant."

QUICK HITS

— Google agrees to buy 240 MW of renewable energy from a wind farm near Amarillo, Texas — the company's largest purchase to date. Google Green Blog: <http://bit.ly/16hE7wF>

— Harvard alumni are asking [<http://bit.ly/16ByX1S>] the school to divest its \$31 billion endowment from major fossil fuel corporations.

— The Energy Department released a new study [<http://energy.gov/clean-tech-now>] looking at four clean-energy technology revolutions that are here today: onshore wind energy, LED lighting, electric vehicles and polysilicon photovoltaic modules (aka solar panels).

THE WIDE WORLD OF POLITICS

— After Navy Yard shooting, talks turn to gun control: <http://politi.co/1eZEWs>

— David Vitter's Obamacare feud deepens: <http://politi.co/1f1jKe5>

— IRS workers turn to elite D.C. lawyers for defense: <http://politi.co/14f33HB>

TOMORROW: We're excited to announce our newest policy area, Pro Education, launches tomorrow and will feature original reporting, breaking news and insight into education policy. Starting tomorrow, paid subscribers to Pro Education will continue to receive Morning Education between 5:30 and 6:00 a.m. Non-subscribers to Pro Education will receive an abridged version of Morning Education at 9:00 am. To learn more about Pro Education, [email info@politicopro.com](mailto:info@politicopro.com) or call (703) 341-4600.

**** A message from The American Petroleum Institute:** America's oil & natural gas industry supports 8 percent of the U.S. economy, contributing \$1.2 trillion to U.S. GDP in 2011. Game-changing innovations in hydraulic fracturing and horizontal drilling have enhanced not only America's energy security, but our economic security, creating hundreds of thousands of jobs in all 50 states. States at the forefront of this shale energy revolution have seen their economies transformed: North Dakota enjoys the nation's lowest unemployment rate while Pennsylvania has added more than 100,000 jobs supported by shale energy in 2012 alone. Smart policies that increase access to energy resources can keep this energy jobs revolution going strong. <http://bit.ly/1aFi7U3> **

Stories from POLITICO Pro

[GOP skips Waxman climate change forum](#)

GOP skips Waxman climate change forum [back](#)

By Darren Goode | 9/17/13 12:21 PM EDT

Not one Republican took Rep. Henry Waxman up on his invitation to attend a forum Tuesday featuring people from across the country detailing how they have been personally affected by climate change.

Republicans oppose action on climate regulations by EPA “since they’re not hearing from you on why we need to respond to this climate crisis,” Waxman, the Energy and Commerce ranking member, said at the start of the forum. “Remarkably, this is the first time that individuals like you have come before Congress to tell your stories.”

The Tuesday forum is part of environmentalists’ efforts to fix an aspect of their climate campaign they have conceded they weren’t employing effectively: highlighting real people telling their stories about how climate change was affecting their lives.

“Climate change is real, it’s happening, it’s getting worse and it’s already causing great harm to farms like my own,” said Matt Russell, a self-described fifth-generation farmer from Lacona, Iowa. Russell said his farm had been hit by drought, flooding and both unseasonably hot and cold temperatures.

Panel Republicans are holding a subcommittee hearing Wednesday featuring Energy Secretary Ernest Moniz and EPA Administrator Gina McCarthy discussing the Obama administration’s climate agenda.

The EPA is expected to release its first major rule as part of President Barack Obama’s climate agenda when it unveils proposed greenhouse gas limits for coal and other power plants later this week.

The congressional forum and Wednesday’s hearing also come after the release of a [study](#) by the University of Texas on Monday that showed emissions of methane from fracked natural gas wells were lower than many feared.

Tuesday’s forum was also attended by Democratic Reps. Earl Blumenauer (Ore.), Jim Moran (Va.) and Alan Lowenthal (Calif.). Waxman last week also [invited](#) Energy and Commerce Republicans to attend as well.

It would have been almost unheard for a member of the majority party to attend a special forum held by the minority side that was held almost to protest the lack of an official hearing.

The forum was sponsored by the Safe Climate Caucus, a group of Democratic lawmakers seeking “to end what we see as a conspiracy of silence in the House of Representatives about the dangers and impacts of climate change,” Waxman said.

Testifying at the forum were a California resident whose community was hit by a massive wildfire, a bison rancher and beekeeper from Texas hit by drought; a Long Beach, N.Y., resident talking about floods and other effects of Hurricane Sandy, and a Louisiana reverend and community organizer talking about hurricanes Katrina and Rita.

Noah Diffenbaugh, a professor at the Woods Institute for the Environment at Stanford University who a lead author of the Intergovernmental Panel on Climate Change, also testified about the evidence supporting the idea that weather patterns were changing.

“Has global warming stopped? No. ... Have extremes been increasing? Yes. ... Is there evidence that climate change played a role in recent extremes [like Hurricane Sandy and high temperatures]? Yes,” Diffenbaugh said.[back](#)

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From: POLITICO Pro Whiteboard <politicoemail@politicopro.com>
Sent: Tuesday, September 17, 2013 2:25 PM
To: Goffman, Joseph
Subject: API: RFS doesn't reflect energy reality

9/17/13 2:22 PM EDT

The Renewable Fuel Standard isn't reflective of the new energy reality, [according to a new analysis](#) from the American Petroleum Institute, which compares current gasoline usage with projection estimates used when the standard was established in 2007.

“The RFS is not just outdated, it's bad public policy poised to harm millions of consumers,” said Bob Greco, API's group downstream director. API believes repealing the mandate is the “best solution” to addressing the flaws within the RFS.

The policy was created when the United States was poised to increase its imports of crude oil and when projections called for rapidly increasing gasoline use through 2022. The “RFS Reality Gap,” as API calls it, shows that gasoline usage has actually declined in recent years and is projected to remain low over the next decade. Meanwhile, the RFS calls for an increased amount of ethanol that must be blended into gasoline, despite decreased gasoline demand. The policy also does not reflect the boom in domestic crude oil production and the dramatic decrease in imported crude.

API and refining executives will meet with members of Congress in the coming days to urge them to repeal the mandate. The group is working to meet with OMB to discuss the rule as well. EPA has the authority to reduce the mandate each year — which it has done — but API says that's not enough. For example, EPA released the 2013 mandate just last month, and the 2014 mandate should be finalized by November, but a proposed draft has not even been released yet, Greco said.

“They've been doing a poor job,” Greco said of EPA's yearly adjustments to the mandates. “They have the authority, but they haven't used it properly. And their short term authority is nothing but a Band-Aid. It doesn't fix the problems with the RFS.”

— *Talia Buford*

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Weinstock, Larry

From: POLITICO Influence <politicoemail@politicopro.com>
Sent: Tuesday, September 17, 2013 12:44 PM
To: Goffman, Joseph
Subject: POLITICO Influence, presented by Ogilvy Washington: Fix the Debt heats back up - Anti-McAuliffe super PAC expands ad buy - Irish Lobby hires K&L Gates

By Byron Tau | 9/17/13 12:42 PM EDT

With Andrea Drusch and Anna Palmer

PI EXCLUSIVE ... FIX THE DEBT HEATS BACK UP: Fix the Debt is ramping back up its lobbying efforts as government funding fights become the topic du jour on Capitol Hill. Sens. **Saxby Chambliss, Mike Johanns, Dan Coats, Patty Murray, Kelly Ayotte** and **Johnny Isakson** met Monday with **Maya MacGuineas**, head of the campaign, and members of the group's CEO council and small business members. Topics of discussion included: the CR, debt limit and overall plans to deal with the deficit. **Paul Stebbins**, executive chairman of **World Fuel Services Corporation**; **Gregg Sherrill**, chairman and CEO of **Tenneco**; and **Dave Cote**, chairman and chief executive officer of **Honeywell International**; **Rick Whipple**; CEO of **WhippleWood CPAs**; and **Kathy Buggy**, owner of **Kate & Company**; and **Dominik Knoll**; chief executive officer of **WTC New Orleans**, were all in the meetings.

Dave Rubenstein and Fix the Debt co-hosted an event Monday evening following the meetings at the National Archives. In attendance: **Erskine Bowles, Steve Case**, former Sen. **Kent Conrad, Scott Pastrick**, former Rep. **Jim Nussle, Robert Zoellick**, Rep. **Chris Van Hollen**, among many others.

SCOOPLET ... ANTI-MCAULIFFE SUPER PAC EXPANDS AD BUY: The super PAC **Fight For Tomorrow** is expanding its Virginia ad buy. The initial two-day run has been expanded into a six-day run, and the group has added the Hampton Roads market. The group's ad, "Don't Let Them Detroit Virginia," hits Virginia gubernatorial candidate **Terry McAuliffe** on a number of different fronts. Fight For Tomorrow spokesman Matt Mackowiak said: "Fight For Tomorrow will continue to hold unqualified huckster Terry McAuliffe accountable for his atrocious record."

IRISH LOBBY HIRES K&L GATES: The **Irish Lobby for Immigration Reform**, which supports comprehensive immigration reform for all nationalities, has signed on **K&L Gates** to work on issues affecting undocumented Irish workers. The group had previously been represented by **Morrison Public Affairs** since 2007 but terminated in January. According to the Irish lobby, an estimated 50,000 undocumented Irish immigrants are affected by the immigration debate. It has endorsed Senate bill 744, the border security, economic opportunity and immigration modernization act.

GOOD TUESDAY AFTERNOON where it's been 383 years since Boston was named. The original Puritan settlers called the area Trimountaine. In September of 1630, they renamed it after a small English port city with the same name. Send your lobbying news, gossip, tips and scoops to bttau@politico.com. And keep up with PI on Twitter by following [@ByronTau](https://twitter.com/ByronTau) or [@PoliticoPI](https://twitter.com/PoliticoPI).

INVENTIV, MVC TEAM UP ON BREAKAWAY: Healthcare consulting firm **inVentiv Health** and lobbying shop **Mehlman Vogel Castagnetti** are partnering on **Breakaway Policy Strategies**. MVC launched the specialty healthcare shop earlier this year — and inVentiv will now partner with MVC on the firm. The new joint venture aims to help clients address the major changes to the health care system. **Dean Rosen** — a former health policy director to former Senate Majority Leader **Bill Frist** — will serve as president of the firm. **Rick**

Smith and Gina Boscarino will join Breakaway. Smith comes to the group from **PhRMA** and **AHIP**, while Boscarino was at Highmark Health Services. The rest of the team includes **Margaret Nowak, Colette Desmarais, Erica Pereira** and others. "Federal and state policymakers are reshaping the future of healthcare daily," said Rosen in a statement. "No matter what policies are written or how healthcare may change, Breakaway understands policy details, knows the decision makers and is closely connected to the system in which these decisions are taking place.

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NUSSLE, WOODWARD MERGE FIRMS: **Karen Nussle** and **Michele Woodward** are merging their firms under the banner of **Ripple Communications**. Nussle founded the firm in 2005, while Woodward has built a business working as an executive coach. The new firm will offer strategic guidance to CEOs, COOs, boards and other executives. "Michele Woodward is the right person to bring a new level of success to Ripple's clients," says **Karen Nussle**, CEO. "The nexus between the clarity that coaching can provide and the success produced by a strategic, modern messaging campaign means that our clients will have an even greater edge when they face change, crisis or transition. We are creating a unique and powerful toolbox of comprehensive client services." Nussle is a veteran of former Speaker **Newt Gingrich**'s office, while Woodward served in the Reagan White House.

APPAREL, RETAILERS ON CAPITOL HILL: Members of the **TTP Apparel Coalition** are on Capitol Hill on Tuesday and Wednesday for a lobbying and legislative push on the Trans-Pacific Partnership trade agreement. The coalition — made up of the **American Apparel and Footwear Association (AAFA)**, **National Retail Federation (NRF)**, **Outdoor Industry Association (OIA)**, **Retail Industry Leaders Association (RILA)** and the **United States Association of Importers of Textiles and Apparel (USA-ITA)** — is bringing several dozen apparel manufacturing and retail executives to the Capitol. They'll urge members and their staffs for flexibility around textile and apparel rules of origin.

STABENOW ADDRESSES BEHAVIORAL HEALTH COUNCIL: Sen. **Debbie Stabenow** (D-Mich.) will address members and advocates for the **National Council for Behavioral Health** on Tuesday. The group — which represents more than 2,000 mental health and addiction treatment organizations, is on Capitol Hill this week for their annual Hill day.

FRANCHISERS HOSTS HILL RECEPTION: The **International Franchise Association** is set to host one of the most popular Capitol Hill receptions of the year. In down for their annual fly-in, the Franchisers are hosting an event Tuesday in the Cannon Caucus Room. **Dominos, McDonalds, Jersey Mikes, Firehouse Subs, KFC** and **Edible Arrangements** will all participate in the event.

CIA: SOME LOBBYING 'DISCLOSURES' ARE CLASSIFIED: The **Central Intelligence Agency** won't make public lobbying disclosures by its contractors, claiming that a release could compromise classified information or intelligence sources and methods. In a response to a **POLITICO** Freedom of Information Act request, the CIA could "neither confirm nor deny the existence or nonexistence of records" related to federal government contractors and their lobbying activities. The grounds? "The fact of the existence or nonexistence of requested records is currently and properly classified and is intelligence sources and methods information that is protected from disclosure," the agency wrote. Any company or entity that receives money from the federal government is required to file an additional, supplemental lobbying disclosure form. That form is on top of the typical lobbying disclosures filed with the House and Senate that are well known to journalists, researchers and K Streeters. Those additional disclosures — called OMB form LLLs — plainly state that they should be made available to public inspection. Byron has more: <http://politi.co/16B8RfB>

AND: And PI received a response late Monday from the **Defense Department**, saying they also have no form LLLs for the tech companies that PI FOIAed over the summer.

MURRAY RETURNS TO CANTOR-WORLD: **John Murray**, who left the majority leader's office in 2011 to create a Cantor-branded super PAC, is rejoining the Virginia Republican's operation as a communications adviser to **ERIC PAC**, sources tell POLITICO. **Jake Sherman** and **Anna Palmer** have more: <http://politi.co/1gtl0o5>

TOMORROW: We're excited to announce our newest policy area, Pro Education, launches tomorrow and will feature original reporting, breaking news and insight into education policy. Starting tomorrow, paid subscribers to Pro Education will continue to receive Morning Education between 5:30 and 6:00 a.m. Non-subscribers to Pro Education will receive an abridged version of Morning Education at 9:00 am. To learn more about Pro Education, e-mail info@politicopro.com or call (703) 341-4600.

ELSEWHERE IN THE INFLUENCE WORD:

TODAY IN CHARTS: Which lobbyists have the best access? (Or: Which lobbyists meet with officials at the White House instead of Caribou Coffee.) The **Washington Examiner** has a look: <http://bit.ly/1boPOsh>

MCCUTCHEON: **Public Campaign** takes to **BuzzFeed** to explain the importance of McCutcheon v. FEC. <http://bit.ly/1eLlKti>

TRIBAL POLITICS: The Obama administration has given support to Indian casinos that the Bush administration did not. <http://bloom.bg/14YGREg>

NEW POLITICAL ACTION COMMITTEE REGISTRATIONS:

Committee to Elect a Progressive Congress of Washington D.C. — Treasurer Kim Hoover (Super PAC)

Winco Holdings Inc. State PAC of Boise, Idaho — Treasurer David Butler (PAC)

NEW LOBBYING REGISTRATIONS: (Firm: Client)

Crossroads Strategies: American Institute of Certified Public Accountants

J M Burkman & Associates: APOP Logic

J M Burkman & Associates: Lagada Ranch Apartments

K&L Gates: Irish Lobby for Immigration Reform

Mark Rey: National Older Workers Career Center

McKenna, Long & Aldridge: Discovery Air Defense Services

Nathanson+Hauck: Blue Cross Blue Shield of Massachusetts

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From: POLITICO Pro Whiteboard <politicoemail@politicopro.com>
Sent: Tuesday, September 17, 2013 11:49 AM
To: Goffman, Joseph
Subject: NOAA: August fourth hottest on record

9/17/13 11:45 AM EDT

August this year was tied with 2005 as the fourth hottest August on record, according to the National Oceanic and Atmospheric Administration. The combined average global land and ocean surface temperature was 61.22 degrees Fahrenheit, above the 20th century average of 60.1 degrees. The global land temperature was the 11th warmest August on record.

Last month was also the 35th consecutive August and 342nd consecutive month — equaling more than 28 years— with a global temperature above the 20th century average, according to NOAA. The last time there was a below-average global temperature in August was 1978, and the last month there was a below-average global temperature was February 1985, NOAA said.

South Korea had its warmest August since national records there started in 1973, New Zealand had its warmest since national records started in 1909 and Australia had its second warmest August since records there began in 1910.

While most of the world was warmer than usual in August, the southeastern U.S. was among those areas that was cooler than average. No area of the world had a record cold in August.

— *Darren Goode*

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From: Training: CPIC - Portfolio Mgmt - PortfolioStat2.0 <Training@cpic-portfoliostat.potomacforum.org>
Sent: Tuesday, September 17, 2013 10:34 AM
To: Goffman, Joseph
Subject: CPIC, Portfolio Management and PortfolioStat 2.0 (Gov Only)



Barry West - PBGC CIO to Keynote - Best Practices and Lessons Learned in Integrating CPIC & Portfolio Management for PortfolioStat 2.0

- Gov Speakers from PBGC, EPA & Commerce -

Please Forward to Your Government Associates - CIOs, CFOs, CAOs, CHCO, Budget Office, Program Managers Executives and Managers and All Who are Interested in or Responsible for Review or Have Oversight of Capital Planning/IT Investment Control - Portfolio Management - PortfolioStat 2.0

**CPIC and Portfolio Management Training Workshop II:
Leading to Success for PortfolioStat2.0**

*Selecting and Managing the Right Investments, Reducing Duplication
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What You Need to Know to be Successful in this Reduced Budget
Environment*

www.potomacforum.org

September 24, 2013

Willard InterContinental Hotel

Washington, D.C.

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Keynote:

Barry West

Chief Information Officer

Pension Benefit Guaranty Corporation

Government Guest Speakers:

Fawn Freeman, PMP

Director, Mission Investment Solutions Division

Office of Environmental Information

Environmental Protection Agency

**Stuart Simon, PMP
IT Capital Planning Team Lead
Office of the Secretary
Office of the Chief Information Officer
U.S. Department of Commerce**

This one-day Workshop will provide participants with a roadmap to complying with PortfolioStat 2.0 including the knowledge and insight to get the most out of their PortfolioStat Capital Planning and Investment Control (CPIC) process. Discussion on what has changed and lessons learned from PortfolioStat 1.0.

Federal CIO Steven VanRoekel said PortfolioStat will bring together all the stakeholders to decide how best, based on data and priorities, to take the 9 percent cut under sequestration.

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Improve the Results of your PortfolioStat 2.0 Reviews**

What You Will Learn:

By attending this Training, you will learn how to align IT investments to enable your organization's mission, goals and strategic plans as well as potential answers to PortfolioStat 2.0 related questions such as:

- How do we develop a governance context and participation that helps us to reach the ambitious PortfolioStat goals? What are some best practices for improving the quality of Portfolio stakeholder participation?
- How do we adjust the PFM process to facilitate the major commodity IT cost reductions that OMB is looking for?
- What role does an accurate baseline of current IT infrastructure investments play in this exercise and how does it relate to mission IT costs and prospective savings?

- If IT infrastructure costs appear to be overstated or unrealistic, what are some options to be considered? How can we get closer to seeing the real costs of infrastructure?
- How can acquisition processes and techniques be used to complement conventional CPIC processes, e.g. Federal Strategic Sourcing Initiative and others?
- What are some of the ways in which risk can be managed and minimized, given that business continuity and mission success are overriding priorities of the federal government?
- How can Enterprise Architecture and IT planning techniques be used to expedite the achievement of business results from the CPIC process, i.e. by developing structured investment packages designed to deliver benefits and to sidestep major risks?
- What role does asset management play in supporting the CPIC process? How can asset management be focused to meet the needs of cost savings etc.?
- How to prepare for PortfolioStat sessions and related OMB requirements? How to leverage what has already been learned from previous exercises such as ITILOB etc.
- What is New in PortfolioStat 2.0.

Lessons Learned and Best Practices from PortfolioStat 1.0 and What is New for PortfolioStat 2.0

Who Should Attend:

This workshop is limited to government employees only to permit candid discussion

- CIOs, Deputy CIOs, and CIO staff including IT planners, operations management and acquisition experts.
- Executives and managers of leading business programs that will eventually be held accountable the performance of IT investments
- Program Managers who are interested in the role of investment management within their programs.
- Federal Executives and managers interested in gaining insight into the CPIC process and practices, and understanding how it will impact agency IT service delivery and costs to their programs
- CFOs, Deputy CFOs and staff
- Acquisition Executives

- Anyone involved or who will be involved in the PortfolioStat process
- CAOs, CFOs and Executive Leadership who will be participating in PortfolioStat and/or the CPIC process
- IGs who will be reviewing agency compliance and management of the CPIC or PortfolioStat process and its governance

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Call: (703) 683-1613

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1. The Managing Government Records Directive from OMB and NARA

Workshop IV (OMB M12-18)

**Managing Government Records Directive Updates: Lessons Learned and
Best Practices**

September 18, 2013

**2. CPIC and Portfolio Management:
Leading to Success for PortfolioStat2.0 Training Workshop
Selecting and Managing the Right Investments, Reducing Duplication and
Preparing for PortfolioStat Reviews:
What You Need to Know to be Successful in this
Reduced Budget Environment
September 24, 2013**

**3. COOP and Emergency Planning in Government Training
Workshop XIV
Preparing Your Agency for a Disaster or Emergency
September 26-27, 2013**

**4. Navigating the Federal Financial Management Shared
Services Landscape Training Workshop:
Complying with the OMB Directive
(M-13-08, Improving Financial Systems Through Shared Services)
"All Executive Agencies will use, with limited Exceptions, A Shared
Service Solution for future modernizations of
core accounting or mixed systems"
October 8, 2013**

**5. Managing and Supervising the Government Virtual
Workforce Training Workshop II
How to get the most from Government teleworkers and other
Government employees in non-traditional work settings
- What Federal Executives, Managers and Supervisors need to know to
implement a successful telework and hoteling program
October 10, 2013**

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This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

From: Vaught, Laura
Sent: Monday, September 16, 2013 7:23 PM
To: Porterfield, Teri;Goffman, Joseph;Beauvais, Joel
Subject: Re: 2:00 hearing prep

Ha! I thought you were in. Sorry.

From: Porterfield, Teri
Sent: Monday, September 16, 2013 7:12:10 PM
To: Goffman, Joseph; Vaught, Laura; Beauvais, Joel
Subject: RE: 2:00 hearing prep

Of course – I'll add you....

From: Goffman, Joseph
Sent: Monday, September 16, 2013 7:11 PM
To: Vaught, Laura; Beauvais, Joel
Cc: Porterfield, Teri
Subject: 2:00 hearing prep

Given that Peter and Kevin are included, is it OK if I get myself invited? Thanks.

02:00 PM - 03:00 PM Energy and Commerce Hearing Prep - Administrator's Office
SCt: Alison Kukla

Staff:
Laura Vaught, Nichole Distefano (OCIR)
Joel Beauvais (OAR)
Jonathan Lubetsky
Byron Bunker (RIN, if available)
Benjamin Hengst (RIN alternate)
Kevin Culligan (CCS/ NSPS EGU RUle)
Peter Tsirigotis (CCS et al))

Conference Line: 866-299-3188 /Access # 202-564-4700

Joseph Goffman
Senior Counsel to the Assistant Administrator
Office of Air and Radiation
US EPA
202 564 3201

From: Porterfield, Teri
Sent: Monday, September 16, 2013 7:12 PM
To: Goffman, Joseph;Vaught, Laura;Beauvais, Joel
Subject: RE: 2:00 hearing prep

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Peter Tsirigotis (CCS et al))

Conference Line: 866-299-3188 /Access # 202-564-4700

Joseph Goffman
Senior Counsel to the Assistant Administrator
Office of Air and Radiation
US EPA
202 564 3201

To:
Subject:

Monday, September 16, 2013 2:57 PM
Goffman, Joseph
RFF Connection: The Endangered Species Act at 40

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In This Issue

- > New Research
- > Publications
- > Upcoming Event
- > Commentaries

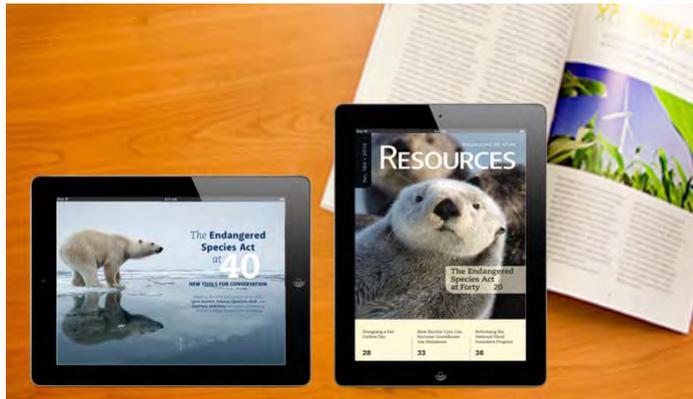
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New Research

The Endangered Species Act at 40



The new issue of *Resources* magazine is out, featuring Lynn Scarlett and Rebecca Epanchin-Niell on the Endangered Species Act at 40, Carolyn Kousky on reforming the National Flood Insurance Program, Roger Sedjo on lifecycle emissions from biofuels, and more. Now available for *Resources* app subscribers on the iPad, iPhone, and Android.

Publications

[Cheaper Fuels for the Light-Duty Fleet: Opportunities and Barriers](#)
Emerging technologies allow for the expansion of natural gas-based fuels in the US light-duty fleet of cars and trucks, according to a new RFF discussion paper by Arthur Fraas, Winston Harrington, and Richard Morgenstern. The result could be lower costs at the pump, reduced oil imports, and possible emissions reductions.

[Moving from Concept to Implementation: The Emergence of the Northern Everglades Payment for Environmental Services Program](#)
RFF's Len Shabman and Sarah Lynch of the World Wildlife Fund discuss lessons learned from an innovative market-based program designed to encourage environmentally friendly water management practices by ranchers in Florida.

[Addressing Affordability in the National Flood Insurance Program](#)
With premiums for many policyholders going through the roof, RFF's Carolyn Kousky and Howard Kunreuther of The Wharton Risk Management Center at the University of Pennsylvania look at options for keeping flood insurance affordable for low- and moderate-income residents while avoiding the moral hazard of artificially low prices.

Upcoming Event

[The Future of US Water Supplies](#)

October 2, 2013

According to two recent federal government reports, US water supply

may face potential disruptions over the next 50 to 100 years. RFF's Center for the Management of Ecological Wealth is hosting a First Wednesday Seminar to discuss these findings and explore the potential for economic mechanisms (water pricing, trading, and ecosystem service valuation, for example) to help reduce future gaps between supply and demand.

Video and presentations are available for the following events:

[Findings from RFF's Initiative "Managing the Risks of Shale Gas Development"](#)

[The Role of a Carbon Tax in Tax Reform and Deficit Reduction](#)

Commentaries

Visit [Common Resources](#), RFF's blog on current research and policy debates.

Ray Kopp: [Economic Growth and Carbon Taxes](#)

Joel Darmstadter and Alan Krupnick: [Estimating the Social Cost of Carbon: Robert Pindyck's Critique](#)

Nathan Richardson: [The UK, Fracking, and Mineral Rights](#)

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From: Kurlansky, Ellen
Sent: Monday, September 16, 2013 12:24 PM
To: Beauvais, Joel;Goffman, Joseph;Culligan, Kevin;Wayland, Robertj;Harvey, Reid;Stenhouse, Jeb;Eschmann, Erich;Meroney, William;Moss, Jacob;Ortega, Kellie;Kakade, Seema;Lawrence.mansueti@hq.doe.gov;caitlin.callaghan@hq.doe.gov;michelle.dallafior@hq.doe.gov;Holmes.Hummel@hq.doe.gov;Aaron.Bergman@Hq.Doe.Gov;John.Larsen@Hq.Doe.Gov;douglas.middleton@hq.doe.gov;maria.hanley@netl.doe.gov;JulieA.Smith@hq.doe.gov;Erin.Boyd@Hq.Doe.Gov;eric.grol@netl.doe.gov;christy.walsh@ferc.gov;michael.bardee@ferc.gov;david.andrejcek@ferc.gov;nano.sierra@ferc.gov;edward.franks@ferc.gov;Ryan H. Westphal
Cc: Dunham, Sarah;Tsirigotis, Peter;Page, Steve;DeMocker, Jim;Brooks, Phillip;patricia.hoffman@hq.doe.gov;ticonna.wills@hq.doe.gov
Subject: Update with MISO

This is a reminder that we have an update call with MISO tomorrow, Tuesday at 10:00 EDT. There are no materials. Talk to you then.

Ellen Kurlansky
Office of Air and Radiation
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1669

From: COOP & Emergency Planning in Gov Workshop XIV <Training@COOP.PotomacForum.org>
Sent: Monday, September 16, 2013 11:55 AM
To: Goffman, Joseph
Subject: Training on Gov COOP & Emergency Planning



DHS COOP Speakers Announced: Is Your Agency Prepared for Emergencies or Disasters?
Can Your Agency Defend their COOP Plans and Program Before Congress?
- Please Forward to Your Associates: Emergency Planners, Operations, CIO, CTO, COOP, Program Managers, IG,
Agency Leadership and Managers/Staff Responsible for Emergency & COOP Response -
(Gov and Industry Partners Invited to Attend) -

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*- Last Requirements and Guidance from DHS!
-What You Need to Know to Plan for and Implement an
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(Including Current Government Policy and Regulations)*

Link: www.potomacforum.org

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DHS COOP Speakers Just Announced:

Veronica M. Glass

Chief, Continuity Program, Policy, & Plans
Department of Homeland Security

Kenneth L. Briscoe

Deputy Branch Chief, Business Continuity and
Emergency Preparedness Branch
Department of Homeland Security

Kelly Dempsey, CISSP
Computer Security Division

NIST

&

Dean Gallup

Lead COOP Associate,
Booz Allen Hamilton

CoAuthors of Information Systems Contingency Planning Guidance

NIST Special Publication 800-34 Rev. 1

Contingency Planning Guide for Federal Information Systems

Instructors Include:

Marko G. Bourne

Principal, Booz Allen Hamilton

Former Director of Policy and Program Analysis, FEMA

and

Founding Director of DHS National Incident Management System Integration Center

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Develop an Action Plan for Delivering your COOP Program

The recent government challenges with electrical outages, fires, and natural
disasters reinforce the importance of having a workable COOP.

Executives and managers who support COOP will be commended for their
foresight.

**Can your agency afford not having a practical, implementable &
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- Justify COOP program and testing
- Describe the activities involved in developing and implementing a sound COOP strategy

- Distinguish between COOP and Disaster Recovery and understand how both topics are critical to contingency planning
- Understand the new Federal requirements and guidelines
- Develop an action plan for delivering your COOP Program
- Understand COOP and IT Infrastructure support
- Develop a COOP Implementation plan complete with Emergency Response Strategies
- Develop a COOP Testing, Training, and Exercise Plan & Program for tracking your COOP posture
- Understand Government regulations on COOP and Business Continuity and how they pertain to your agency and why (including The Disaster Recovery Plan and the Information Technology Contingency Plan according to NIST 800-34 Rev 1 and Federal COOP Guidelines
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Student Comments from Previous COOP Training Workshops

This workshop was well worth the price of admission! Topics were all relevant, well organized, and substantive in content and professionally delivered. I have novices updating COOP plans and developing a Reconstitution and Devolution Plan. They will benefit from the CDs (provided by Potomac Forum) I will send them to help with their tasks. I am very critical of presentations and this was impressive and worth my time.

Director - Emergency Response and Continuity Programs
Civilian Agency

I cannot express to you how pleased I am with the content of instruction and the caliber of the presenters. I have a renewed commitment to make my program visible and best in class. Thank you (Potomac Forum) for giving me the tools for COOP success.

Emergency Management Officer
OIG - Government Civilian Agency

Well Run - excellent information. Great Presenters. The depth of information and knowledge shown by presenters was exceptional Thank You! I will recommend this workshop to our leadership and will send other son my team to the next event.

Emergency Response Coordinator
Civilian Department

The workshop was very beneficial. If I had to develop a COOP plan, I would be able to know where to start and know what to do. Thank You! The instructors were very knowledgeable and if other courses are offered, I would love to attend.

Security Specialist

Department of Commerce Agency

The workshop was excellent. It helped me see the picture and also offered great insight on how to move forward, gain state-holder buy-in and leverage existing resources.

Information Systems Security Officer

DHS Agency

Very good information that can be used at any level of agency

IT Specialist (Security)

Dept of Interior

Very Knowledgeable speakers and Up to date/current information

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Managing Government Records Directive Updates: Lessons Learned and Best Practices

September 18, 2013

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Leading to Success for PortfolioStat2.0 Training Workshop
Selecting and Managing the Right Investments, Reducing Duplication and
Preparing for PortfolioStat Reviews:
What You Need to Know to be Successful in this
Reduced Budget Environment
September 24, 2013**

**3. COOP and Emergency Planning in Government Training
Workshop XIV
Preparing Your Agency for a Disaster or Emergency
September 26-27, 2013**

**4. Navigating the Federal Financial Management Shared
Services Landscape Training Workshop:
Complying with the OMB Directive
(M-13-08, Improving Financial Systems Through Shared Services)
"All Executive Agencies will use, with limited Exceptions, A Shared
Service Solution for future modernizations of
core accounting or mixed systems"
October 8, 2013**

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How to get the most from Government teleworkers and other
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This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

From: william.bumpers@bakerbotts.com
Sent: Monday, September 16, 2013 11:54 AM
To: Goffman, Joseph
Subject: RE: Breaking News: EPA Affirms Support For Carbon Capture

Any update on timing or when you could speak to our group? Again, either the 19th or afternoon of the 20th is fine.

From: Goffman, Joseph [mailto:Goffman.Joseph@epa.gov]
Sent: Thursday, September 12, 2013 4:04 PM
To: Bumpers, William
Subject: RE: Breaking News: EPA Affirms Support For Carbon Capture

And you're asking me this question based on an Inside EPA "report"?!?!?

From: william.bumpers@bakerbotts.com [mailto:william.bumpers@bakerbotts.com]
Sent: Thursday, September 12, 2013 3:45 PM
To: Goffman, Joseph
Subject: FW: Breaking News: EPA Affirms Support For Carbon Capture

Joe,

In light of this, I assume you could, possibly, join us for the meeting on the 19th to share your thoughts on the rule? Seems like this cat clawed it way out of the bag pretty early.

Let me know if that is possible. If not, I still need to know if you can do a meeting/call with the group on the afternoon of Sept. 20.

Thanks.

Bill

From: Watkins, Allison
Sent: Thursday, September 12, 2013 3:41 PM
To: Jezouit, Debra; Bumpers, William; Detterman, Brook
Subject: FW: Breaking News: EPA Affirms Support For Carbon Capture

FYI -

"While President Obama required EPA to issue the new proposal by Sept. 20, McCabe said it may now be issued as soon as Sept. 19."

From: InsideEPA.com [mailto:epa-alerts@iwpnews.com]
Sent: Thursday, September 12, 2013 3:39 PM
To: Watkins, Allison
Subject: Breaking News: EPA Affirms Support For Carbon Capture



September 12, 2013

Latest News

On Eve Of NSPS, EPA Reaffirms Support For Carbon Capture In GHG Policy

A top EPA official is reaffirming support for carbon capture and sequestration (CCS) technology, all but assuring that the agency's revised new source performance standard (NSPS) for new power plants plants, slated for release next week, will require CCS for coal-fired units.

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From: Drinkard, Andrea
Sent: Monday, September 16, 2013 11:14 AM
To: Goffman, Joseph
Cc: Ashley, Jackie
Subject: RE: Asking For ...

In reverse order...

For #2

We plan to have updated versions of the fact sheets tonight for your review. Is that too late?

For #1:

Link: <http://www.eenews.net/greenwire/2013/09/13/stories/1059987219>

Full story:

New power plant rule legally sturdier but still requires CCS -- source Jean Chemnick, E&E reporter

Published: Friday, September 13, 2013

U.S. EPA may be poised to introduce a proposal for new power plant carbon dioxide emissions that is legally sturdier than the one it issued last year but that still relies on a costly emissions-reduction technology that coal-fired utilities say is not commercially viable.

A source briefed on a draft of the new power plant proposal that dates back to July says it would rescind last year's proposal, creating separate standards for coal- and natural-gas-fired power plants instead of putting forward one unified standard for all technologies.

But the standard for coal-fired units would still require them to use carbon capture and storage to trap about 60 percent of their CO₂ emissions in order to comply with a limit of 1,100 pounds of CO₂ per megawatt-hour. This is slightly laxer than the 1,000-pound standard proposed last year, but it does not include the earlier standard's provision allowing plants to phase in CCS after the first decade of operation.

EPA has more frequently used a "technology first" approach of this kind in the past when drafting new source performance standards under the Clean Air Act. It tracks with many of the comments the agency received on last year's proposal, which called the combined standard a legal liability.

But industry is already preparing to attack the CCS requirement as unachievable, especially in an economic environment that already heavily favors gas. National Mining Association spokesman Luke Popovich said in a recent interview that when coal industry representatives met with EPA Administrator Gina McCarthy earlier in the summer, they drove home the point that a proposal that relied on CCS "wouldn't be helpful to us."

The revised proposal is undergoing interagency review at the White House's Office of Management and Budget and is expected to be released next week. It is not clear whether its language has been changed since July.

The coal industry had hoped that EPA would promulgate a standard that would allow state-of-the-art pulverized coal plants to comply without using CCS. But the July draft dismisses those technologies as unable to provide significant emissions reductions.

The draft says partial implementation of CCS constitutes the best system of emissions reduction that has been adequately demonstrated, according to the source. It establishes this by citing "an extensive literature record," the fact that CCS has been used for enhanced oil recovery and other purposes in the U.S., and the construction of the nation's first integrated gasification combined cycle (IGCC) power plant with capture technology in Kemper County, Miss., by Mississippi Power, a Southern Co. subsidiary.

Industry representatives argue that the CCS requirement will place coal-fired power plants at an even greater disadvantage compared with natural gas facilities, which would not be required to use CCS.

Large gas plants would still be held to the 1,000-pound standard put forward in last year's draft, but that limit would be relatively easy for them to meet. The draft dismisses a CCS requirement for natural gas as too costly and too likely to disrupt U.S. electricity supply.

Smaller gas plants and single cycle turbines would be limited to 1,100 pounds per MWh, like coal plants.

The draft says that coal with CCS can compete on a cost basis with nuclear energy, biomass, enhanced oil recovery and geothermal energy.

Bill Bumpers, a lawyer with Baker Botts LLP, said there appeared to be little value in EPA rescinding its previous rule if it was only to put forward another standard that relies on CCS.

But he said by proposing separate standards for the two source categories, EPA has probably strengthened its hand from a legal standpoint.

"I think it's likely that the natural gas combined cycle standard will be easily defensible," he said. Now that it is no longer tied to the more vulnerable coal standard, it is more likely that the rule for gas plants will stand, he added.

"EPA is still going to have to defend its conclusion that CCS on a coal-fired power plant at this stage is commercially available," Bumpers said. But he said industry might be able to poke holes in the agency's argument that the current use of CCS at gas processing plants and elsewhere proves that the technology is ready to be applied to commercial power plants. The processes for the two kinds of plants are very different, he said.

"It's not clear to me that capturing CO₂ from a gas processing plant is truly analogous to trying to capture gas at a large coal-fired power plant," Bumpers added.

Ann Weeks of the Clean Air Task Force said she would be "disappointed" if EPA rescinds last year's proposal or if the agency does not include a flexible compliance provision for achieving the standard using CCS at new coal-fired power plants. The 2012 compliance provision allowed plants to delay capturing their emissions in the first years of operation if they committed to use a higher level of CCS beginning in their 11th year of operation. Such flexible compliance mechanisms help keep costs down. And, Weeks said, "We have been encouraging them to hold on to all of their options so that the final rule can be as strong as possible."

But Bumpers said it might not be feasible for the agency to take comments on two proposals for new power plants at the same time.

Under the section of the Clean Air Act that EPA is using to craft the rule, he said, new sources are subject to the rule as of the day of the proposal.

"If the prior rule is not rescinded, a new source would face two different standards," he said. "The source might be able to comply with one and not the other."

Andrea Drinkard

U.S. Environmental Protection Agency
Office of Air and Radiation
Email: drinkard.andrea@epa.gov
Phone: 202.564.1601
Cell: 202.236.7765

-----Original Message-----

From: Goffman, Joseph
Sent: Monday, September 16, 2013 10:39 AM
To: Drinkard, Andrea
Subject: Asking For ...

1. Clip with the Ann Weeks quote.
2. Latest version of fact sheet.

Thanks.

From: POLITICO Pro Whiteboard <politicoemail@politicopro.com>
Sent: Monday, September 16, 2013 10:41 AM
To: Goffman, Joseph
Subject: Gasoline prices will average above \$3 a gallon for record 1,000 days

9/16/13 10:39 AM EDT

Gasoline prices Tuesday will hit a dubious milestone of being above \$3 a gallon for 1,000 straight days. And the current streak — which began Dec. 23, 2010 — could last at least another 1,000 days barring another economic recession, according to AAA.

“Paying less than \$3.00 per gallon for gasoline may be automotive history for most Americans, like using 8-track tapes or going to a drive-in movie,” AAA President and CEO Bob Darbelnet said. “The reality is that expensive gas is here to stay, which is tough on millions of people who need a car to live their lives.”

Today’s national average for regular gasoline is \$3.52 a gallon. Since Dec. 23, 2010, that average has been \$3.25 or higher for 913 total days, \$3.50 or higher for 643 days and \$3.75 or higher for 189 total days, according to AAA. It has yet to average \$4 a gallon or higher during this streak. The all-time record remains \$4.11 a gallon in July 2008, right before prices plummeted with the market collapse.

Gasoline prices first went up over \$3 a gallon for eight days right after Hurricane Katrina in early September 2005. The longest prior streak above \$3 a gallon was for 244 days from February to October 2008, AAA said. The national average then fell below \$3 a gallon for 796 days from October 2008 to December 2010 due to a weaker economy that caused less demand for gasoline and oil.

— *Darren Goode*

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