



# Letters

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## EPA Cleans Up Its Science; Now It's Congress' Turn

by Steve Milloy, Senior Policy Fellow  
As Appearing in the *Wall Street Journal*



The Environmental Protection Agency will no longer rely on “secret” scientific data to justify regulations, Administrator Scott Pruitt announced last week. EPA regulators and agency-funded researchers have become accustomed to producing unaccountable, dodgy science to advance a political agenda.

The saga began in the early 1990s, when the EPA sought to regulate fine particulate matter known as PM2.5—dust and soot smaller than 2.5 microns in diameter. PM2.5 was not known to cause death, but by 1994 EPA-supported scientists had developed two lines of research purporting to show that it did. When the studies were run past the EPA’s Clean Air Science Advisory Committee, it balked. It believed the studies relied on dubi-

ous statistical analysis and asked for the underlying data. The EPA ignored the request.

As the EPA prepared to issue its proposal for PM2.5 regulation in 1996, Congress stepped in. Rep. Thomas Bliley, chairman of the House Commerce Committee, sent a sharply written letter to Administrator Carol Browner asking for the data underlying studies. Ms. Browner delegated the response to a subordinate, who told Mr. Bliley the EPA saw “no useful purpose” in obtaining the data. Congress responded by inserting a provision in a 1998 bill requiring that data used to support federal regulation must be made available to the public via the Freedom of Information Act. But it was hastily written, and a federal appellate court held the law unenforceable in 2003.

The controversy went dormant until 2011, when a newly Republican Congress took exception to the Obama EPA’s antioil rules, which relied on the same PM2.5 studies. Again the EPA was defiant. Administrator Gina McCarthy refused requests for the data sets and defied a

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## The Legal Shakedown Of America's Energy Industry Is Flagrant Abuse Of The Courts

by Craig Richardson, President  
As Appearing in the *Daily Caller*



It used to be that responsible liberal politicians made at least a token effort to distance themselves from extremist environmentalists and their efforts to shutter America's energy industry manufacturing jobs. But these times definitely have changed and fringe "green" activists funded by deep, even foreign pockets are now apparently calling the shots within the political left.

New York City Mayor Bill De Blasio, noted for trips to the gym in the back of an SUV, recently signaled his willingness to be guided by the ultra-left, filing suit against five major oil and natural gas companies. Obviously, success would leave all major energy interests and many others next on the hook. Hizzoner is demanding that companies pay billions of dollars, alleging American energy companies are responsible for global climate change – even the damage caused by Hurricane Sandy in 2012.

Bill McKibbin, founder of 350.org, a "Keep It In the Ground" group which advocates that no fossil fuels be extracted, refined, transported or consumed, praised De Blasio for having "declared war on the fossil fuel industry." He should have said on you. If New Yorkers think home heating was expensive this winter, they're in for a cold, costly more dangerous future if Mayor De Blasio prevails.

Several California cities firmly in the far left's control have filed similar lawsuits. San Francisco, Oakland, Imperial Beach, Marin County and

San Mateo County, for example, filed separate lawsuits against major energy companies insisting that they fork over billions of dollars to set up a fund that would finance sea walls and other projects to combat rising ocean levels that haven't actually occurred yet but might someday. In true Chicken-little fashion, Santa Cruz and Santa Cruz County have practically announced the sky is falling and are seeking damages against 29 energy companies not just for rising ocean levels but for drought and wildfire allegedly brought on by upsetting the hydrologic cycle.

ExxonMobil has fired back with legal countermeasures against some of the plaintiffs for their breath-taking hypocrisy and lack of evidence. The company notes, for example, that despite claiming it runs a 99 percent risk of a devastating flood by 2050 in its lawsuit, Marin County makes no mention of that assertion in its offering to bond investors. Similarly, San Mateo County represents to bond investors that it is "unable to predict whether sea level rise or other impacts of climate change or flooding from a major storm will occur," yet in its lawsuit it is somehow able to assert that there's a 93 percent risk of a devastating flood there by 2050. So which time if any are these cities and counties telling the truth? When filing claims of climate change catastrophe, or assuring potential bond investors all is fine in their hometowns.

And remember this has all been tried before. A group of left-wing state attorneys general led by New York's Eric Schneiderman tried in 2015 to sue ExxonMobil for alleged wrongs associated with climate change. Others came after think tanks. Embarrassed AG's eventually fled from their lawsuits or let them lay dormant.

The state attorney general's effort and the municipal lawsuits are both from a playbook created at the

infamous 2012 La Jolla Conference in suburban San Diego. At the meeting hosted by the left-wing Union of Concerned Scientists and paid for by the Rockefeller Foundation, seasoned environmental activists and lawyers latched onto the legal strategy of applying anti-racketeering laws that were used to win a \$246 billion settlement against tobacco companies, the largest in American history. The scheme called for close coordination between sympathetic government officials and environmental group operatives who crafted everything from talking points to media strategy.

If this extreme-left faction succeeds, consumer energy prices would certainly increase, ironically disproportionately harming low-income households in California, which already suffers the nation's highest poverty rate. An example of how California's poor and low-income residents are already being hit by high energy prices, the state recently instituted an additional 12 cents per gallon gas tax. Also, over a year period, California ratepayers paid nearly \$5 billion more than the average US ratepayer elsewhere when consuming the same amount of energy. Elsewhere you should expect spikes in hypothermia deaths like those seen in Europe. Plus, do we really think any money awarded as a result of litigation would actually go toward climate change remediation?

Politicians seeking to curry favor with an insatiable environmental movement and their donor base are attempting to feed a beast that will never be satisfied while threatening America's energy producers, thousands of domestic manufacturers, and billions in pension plans and retirement funds that are correctly invested in American energy production. These frivolous lawsuits pursue a dangerous agenda, and represent an abuse of our legal system. □

## Environmental street fighting

by Greg Walcher, Senior Policy Fellow  
As Appearing in *The Daily Sentinel*



Kenny Rogers' classic tune about the "Coward of the County" concludes with the pearl of wisdom that "sometimes you've got to fight to be a man." As much as we wish otherwise, there are times when fighting cannot be avoided, especially when our safety, families, or even country, are threatened. That's why many leaders, from Lincoln and Churchill to Wilson and Bush, came into office with high hopes on domestic issues, but instead spent their tenure fighting wars.

Remember Churchill's famous call to action, "we shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets..." He was referring, of course, to the Nazis, the greatest threat to the survival of freedom in his century. He would never have used such incendiary verbiage to describe common disagreements on public policy, between members of different political parties in his own country.

How far we have fallen since those days of such precise language, to a time when the rhetoric of "street fighting" is used precisely that way. New Mexico Attorney General Hector Balderas is now famous for proudly boasting that he brings that "street fight" mentality to issues of "environmental justice." Asked by one environmental reporter to

explain the comment, he said, "My motivation was to primarily get into a street fight using power on behalf of the public interest."

Is seeking power to get into street fights really the job of an attorney general? Granting that the phrase is rhetorical, not literal, many observers still wonder if such provocative images are helpful in addressing controversial issues. At least some top business leaders in his state think not. Carla Sonntag, president of the New Mexico Business Coalition (a sort-of statewide chamber of commerce) is among many saying, "Attorney General Balderas is talking tough with his 'street fight' rhetoric in regards to environmental issues, but that's not what New Mexico needs."

I have written several times about the decline of civility in our society, and the need for more open and honest dialogue on difficult issues. It seems especially notable in debates over environmental issues, where we are in a quagmire of partisan politics, divisive bickering, and lawsuits. Opposite sides in these contentious "battles" cannot talk to each other across a conference table, much less a dinner table, because they continually face each other across a courtroom table. It's Republicans against Democrats, liberals against conservatives, East against West, ecology against economy, and environmentalists against corporations.

This contentious approach elevates the importance of minutia, lawsuits, meetings, and process, to the detriment of the environment itself. Americans have loved their environment from the very beginning and worked hard to conserve and improve it. That noble legacy is part of the history and culture of the West, and it needs to be encouraged and proudly passed along to future

generations, not further divided.

That is why the essential first step in changing this contentious debate is changing the language. The world of environmental politics is filled with hype and spin, and it generally creates more heat than light. Politicians, reporters and lobbyists hurl accusations cloaked in the most outrageous terms. One side calls the other "enviro-Nazis" and "wackos." They respond by accusing opponents of "pillaging" or even "raping" the environment. (I myself have been called a "bulldozing wilderness rapist" and worse.) Such abusive language causes people on both sides to dig in their heels, raises the level of anger, and in the end makes it more difficult to achieve consensus. We need to turn down the volume and admit to ourselves, and to each other, that we all care deeply about the treasures of the environment we live in.

There will always be disagreements on environmental policies, of course. Those issues create one of our generation's most difficult challenges, namely, how to supply the natural resources needed to build a prosperous society — in a way that our grandchildren will be proud of. How can we use our abundant natural resources to improve our standard of living, while also preserving those resources for future generations? Those are the truly exciting questions for new leaders. Sadly, there is a great vacuum for such leadership in today's environmental movement.

So often, the only reaction to environmental issues is to stop everything, hurl insults, and start a legal "street fight." But if Lincoln could wish "malice toward none," even after America's bloodiest war, surely we could dispassionately debate a few political issues and make decisions as a community. □

## Coloradans are taking on the state's largest monopoly utility

by Amy Oliver Cooke, Senior Policy Fellow  
As appearing in *The Hill*



Just because President Obama's controversial and costly Clean Power Plan is dead at the federal level doesn't mean Colorado ratepayers are out of financial danger. Nearly 1.4 million state electricity customers await a Colorado Public Utilities Commission (COPUC) decision on Xcel Energy's legally tenuous Colorado Energy Plan (CEP).

With COPUC approval, Xcel, the state's largest monopoly utility, plans to shift its generating portfolio from away from majority hydrocarbons (coal and natural gas) in favor of industrial wind, solar, and battery storage.

Besides building out industrial wind and solar, the \$2.5 billion CEP would retire prematurely 660 megawatts (enough to power roughly 660,000 homes) of relatively young, low-cost, highly-utilized, environmentally state-of-art coal-fueled power plants.

The company makes the wild claim that the CEP will save ratepayers money or at the very least not cost anything. That claim is one of the reasons why my employer, the Independence Institute, is leading the Coalition of Ratepayers, a Colorado non-profit concerned with issues impacting small business and residential ratepayers that otherwise have no advocate and no voice.

Our coalition petitioned and was granted intervenor status in the CEP proceeding in front of the commission.

Coalition witness Charles Griffey, a nationally recognized electric utility expert, discovered Xcel has its thumb on the financial scale, titling it in the company's favor. Among Griffey's discoveries — \$88 million worth of errors in Xcel's modeling, which the

company was forced to acknowledge; a failure to account for hundreds of millions of dollars in sunk costs and transmission costs; and a legally questionable accounting gimmick that would use funds from a renewable energy fee to pay for the coal plant retirements.

Further, Xcel is doing this without state legislative approval, something the company a year ago said should be the purview of the Colorado General Assembly.

"If we are going to fundamentally restructure the way that we do resource planning in Colorado ... then that is a question for the General Assembly," stated Xcel VP Alice Jackson in Jan. 30, 2017 written testimony to the COPUC.

Yet, the General Assembly rejected such a plan during the 2017 legislative session, which ended in May. By summer 2017, Xcel didn't believe it needed legislative approval. Instead, the company is relying upon a Gov. John Hickenlooper executive order issued on July 11, 2017, as its authority to seek regulatory approval of the CEP. The order directs Hickenlooper's executive branch agencies to cooperate with any company that wants to voluntarily reduce carbon emissions.

Watch what you wish for — circumventing the General Assembly is dangerous territory.

If the COPUC, whose commissioners are appointed by the governor, goes along with this scheme, they would clear the way for future governors to do the same thing on the backs of captive ratepayers.

The next governor could issue an executive order voluntarily asking for 100 percent renewables, which we've calculated to cost \$44.88 billion dollars just for the conversion, or 100 percent nuclear, which is the logical choice for those who claim to care about emissions, or, perhaps, 100% coal.

What the CEP really reveals is the dirty secret of monopoly utilities. With flat or declining retail sales reve-

nue due in part to conservation efforts, for-profit monopolies must build on the backs of captive ratepayers in order to survive financially. Ultimately their fiduciary responsibility is to shareholders, not ratepayers.

The CEP is all about Xcel building and adding to its asset base on which the company earns an authorized return on equity of nearly 10 percent. This plan allows Xcel to own 50 percent of the new renewable and 75 percent of natural gas capacity, while at the same time recovering the cost of early retirement of perfectly useful coal generation.

If extra power is needed or even if more wind power is desired, Xcel could just purchase excess energy from other suppliers in more of a market situation, which is cheaper for customers but doesn't provide more profits for Xcel shareholders.

Colorado electricity consumers have nowhere to turn. They can't choose their provider, and Colorado's Office of Consumer Counsel, once considered a consumer watchdog, signed on to the CEP without adequately vetting the plan.

Since 2006, Xcel's assets have increased a whopping 77 percent. The company's profits have increased 93.89 percent, and profit margins have increased from 12 percent in 2006 to nearly 22 percent in 2016. Also impressive has been Xcel's profit per ratepayer, which has jumped 76.7 percent from \$178.09 in 2006 to \$314.75 in 2016. All of this with low load and customer growth.

If Xcel had any competition, we'd be applauding them for doing so well in a tough market. But they don't, and it's why we formed the Coalition of Ratepayers.

Fighting a monopoly like Xcel isn't cheap. It will cost the coalition hundreds of thousands of dollars. Considering we've already kept \$88 million in consumers' pockets rather than the bank account of a monopoly utility, we think that's a pretty good return on our investment. □

## CA Cities' Shakedown of Oil Industry Wrought With Fraud

by Katy Grimes, Senior Media Fellow  
As appearing in *Flash Report*



Environmentalists claim global warming can be mitigated, but only if humans are forced to reduce greenhouse gas emissions. This pseudo-science is what California's leftist politicians have adopted to control human activity, and the unelected bureaucrats at the California Air Resources Board based its cap-and-trade carbon auction program on.

Now, seven California municipalities – four cities and three counties – are suing Exxon Mobil Corp. and other major oil producers to force those companies to cover the costs and hold fossil-fuel companies responsible for climate-change costs of sea walls and other coastal infrastructure projects, the Wall Street Journal reported earlier this week in “California Municipalities’ Debt Disclosures Contrast With Climate Warnings.”

The good news is that Exxon Mobil is fighting back against this shakedown attempt. “Now Exxon, one of the defendants, is launching a new counterattack by highlighting past bond disclosures in which its government critics suggested they couldn’t predict whether and when sea levels would rise,” WSJ reported.

These greedy municipal cheaters are now caught between two significant, self-imposed frauds: Either their lawsuits are fraudulent, or their bond offerings are.

Oakland, San Francisco, Santa Cruz and Imperial Beach are plaintiffs, as are San Mateo County, Santa Cruz County and Marin Coun-

ty. While these seven local California governments are suing the oil and gas industry in an effort to stick them with the bills for preparing for rising sea levels, these same cities are also lying about one issue or the other. When they sold debt to investors in the form of bonds, these local governments indicated they were entirely unsure whether they are vulnerable to the effects of climate change. These California cities attempting to make money off oil companies appear to be using the Jesse Jackson/Al Sharpton Shakedown and Extortion approach in which the truth does not matter.

### More Climate Hypocrisy Coming From the Left

Taking oil companies to court, and blaming them for anticipated catastrophes is purely politically motivated. These seven cities are looking to blame someone else to get out of footing the bills for a real or imagined problem. Without getting into the weeds on climate change, let’s agree that climate changes. I’m pretty sure that the sun causes climate changes, rather than my exhaling breath, or my Eco-Diesel Jeep Grand Cherokee. Even the EPA agrees: “Changes in the sun’s intensity have influenced Earth’s climate in the past.”

“San Francisco’s lawsuit said it faced ‘imminent risk of catastrophic storm surge flooding,’ while a general obligation bond offering last year said the city ‘is unable to predict whether sea-level or rise or other impacts of climate change... will occur,’” the WSJ reported. “Santa Cruz County said in its complaint it was experiencing more frequent and extreme droughts, precipitation events, heat waves and wildfires, and faced a 98% chance of a ‘devastating’ three-foot flood by 2050. Yet a bond offering last year mentioned only

‘unpredictable climatic conditions, such as flood, droughts and destructive storms’ as a risk factor.”

Some California communities are quick to point out the costs of climate change when its politically advantageous, but they ignore the issue when it’s financially expedient. The stark disparity between what these local government allege in their lawsuits against the energy industry, and what they disclosed to investors in their bond offerings, demonstrates a level of outright fraud. But fraud is nothing new to California’s politicians.

One blatant example: the cap and trade funds extorted from California businesses by way of carbon offset auctions, are being laundered through Western Climate Initiative, Inc., “WCI Inc.,” a Delaware Corporation formed by the California Air Resources Board under Mary Nichols, CARB Chairwoman. What is a state agency doing funneling public money to a Delaware shell Corporation? That’s easy. Wealthy individuals and businesses who want to mask their ownership stash billions of dollars in tax havens in Delaware, or offshore accounts. Nichols has never explained why WCI Inc. was registered as a Delaware corporation, and not registered instead in California, just as the businesses the California Air Resources Board regulates are. Josh Rosner, writing for Seeking Alpha, analyzed the lawsuits and municipal and city bond issuance documents. “The lawsuits against Chevron (CVX), Exxon Mobil, BP (BP), Shell Oil (RDS.A) (RDS.B) and over a dozen other firms now may provide the bond insurers and investors with a cause of action against the California plaintiffs in this case for failure to disclose, in bond deals, what it claims are massive environmental risks and damages to those counties and cities.

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## CA Cities' Shakedown of Oil Industry (Cont.)

Rosner compiled a full analysis of each municipal bond issued, and plans to expose all relevant details in the coming days. "In 2016 and 2017 alone, these issuers sold bonds with over \$25.36 billion of principal amount."

Rosner notes as a result of the subprime mortgage crisis, many of the same California counties suing the oil companies" filed suits against the five largest municipal bond insurers for "forcing" local governments to needlessly buy bond insurance in order to get higher credit ratings and issue debt with lower interest rates."

### California Shakedown Experts

California's liberal Attorneys General have historically made a practice of filing shakedown lawsuits against certain politically incorrect industries and businesses, designed to force acquiescence to leftist political policies such as global warming, and climate change regulations. California's current Democratic Attorney General Xavier Becerra has 24 lawsuits filed

against the Trump administration, most of which are about climate change, and most of which he has lost. However, Becerra's epic losing streak has not deterred him – Becerra is apparently not results-oriented.

Becerra's predecessor Kamala Harris, now a U.S. Senator, was also notorious for harassing and shaking down politically incorrect industries and businesses.

California has sued the auto industry, utility companies, energy-producing businesses such as oil companies, and Republican Presidential administrations.

California Governor Jerry Brown, the state's Attorney General 2007-2009, threatened to sue the George W. Bush Administration for "acting in collusion with the auto and oil industries," accused the Bush administration for illegally adopting "dangerously misguided" gas mileage rules, filed suit against the U.S. Department of Energy over the Bush Administration's "grossly inadequate" home furnace and boiler efficiency regu-

lations, which Brown said "did not do nearly enough to reduce energy use, greenhouse gas emissions and consumer costs from boilers and furnaces." And Brown sued the Bush Administration over its "effort to gut the Endangered Species Act," claiming Bush was undermining the dubious and abusive Act.

Is it any wonder that AG Becerra thinks his job is to harass the Republican Presidential administration, or why seven California cities are suing Exxon and other oil companies?

"The level of potential coordination is suspect and the conflicting representations the parties appear to have made suggest two possible conclusions: either the claims against energy manufacturers are frivolous, or the municipalities have made misleading, and perhaps fraudulent, statements to investors," The Manufacturers' Accountability Project noted in a press statement. "Either way, the integrity of the lawsuits and the government officials and lawyers behind them has been called into question." □

## EPA Cleaned Up Its Science, Now's it Congress' Turn (Cont.)

congressional subpoena.

Bills to resolve the problem died in the Senate. Democrats argued that requiring data for study replication is a threat to intellectual property and an invasion of medical privacy. In fact, the legislation would protect property by requiring a confidentiality agreement, and no personal medical data or information would have been released.

This sort of data is already routinely made public for research

use. In 2012 I was desperate for a way around the Obama EPA's secrecy on the PM2.5 issue, I found out in 2012 that I could get California death-certificate data in electronic form. The state's Health Department calls this sort of data "Death Public Use Files." They are scrubbed of all personal identifying and private medical information. Some of my colleagues used this data to prepare a 2017 study, which found PM2.5 was not associated with death.

The best part is that if you don't believe the result, you can get the same data for yourself from California and run your own analysis. Then we'll compare, contrast and debate. That's how science is supposed to work.

It would be better if Congress would pass a law requiring data transparency. A future administrator may backslide on the steps Mr. Pruitt is taking. In the meantime, we have science in the sunshine. □

## No special interest behind Ingersoll wind energy talk

by Kevon Martis, Senior Policy Fellow  
As appearing in *Midland Daily News*



My recent wind energy zoning presentation at Bullock Creek High School on behalf of the Ingersoll Township Concerned Citizens spawned an ill-informed op-ed by Peter Sinclair in which he accuses me of misleading and distorted statements and further questions my objectivity and financial motivations.

Thankfully there is a complete video record of the event so Midland County residents can do their own analysis: <https://www.youtube.com/watch?v=rer-jCB-4VX8>

While the video presentation speaks for itself, Mr. Sinclair's naked attempt to discredit me by attempting to tie me to big oil, big coal or now, apparently, even big tobacco are not really worthy of response. Nonetheless, I will simply repeat what I have told Peter several times publicly: I receive no funding from any industry sources and my position as director of the non-profit Interstate Informed Citizen's Coalition and my fellowship with E&E Legal are unpaid.

While I encourage everyone to simply watch the entire presentation and judge for themselves whether Sinclair's analysis is reasonable, several points must be responded to in print.

Sinclair chastises the Ingersoll Township Concerned Citizens for not bringing anyone to counter

my presentation in the interest of "balance." While his condescending tone is lamentable, the truth is that I welcome debate on any facet of wind energy development, from land use to economics to environmental impacts and have done so in several venues. But the wind industry is no longer willing to be part of such forums.

Sinclair knows this is true. He was present recently in Greenwood Township in St. Clair County where 5 Lakes Energy had committed to 45 minutes in response to my 45-minute presentation but then failed to appear. This theme was repeated in Beaver Township in Bay County where DTE Energy had committed to 20 minutes of equal time with me but then abruptly canceled.

So while Sinclair wishes to paint the Ingersoll meeting as a deck stacked sharply against wind energy development, the truth is that wind interests routinely refuse to share the platform with me anywhere. If the case for wind is as strong as Sinclair claims, one must wonder why DTE and 5 Lakes with their large staffs and ample resources do not relish every possible chance to publicly refute my claims instead of backing out at the last minute.

Further, Sinclair's op-ed chose to ignore several critical points made in my presentation and they are worth repeating:

- DTE Energy is demanding that the Ingersoll Township board create wind regulations that measure turbine noise and safety setbacks that are measured from neighboring homes rather than property lines. This in effect would grant an uncompensated nuisance and safety

ease to DTE across unleased private property. This is fundamentally unjust and flies in the face of sound zoning principles.

- The setback distances demanded by DTE are significantly shorter than evacuation distances published in turbine manufacturer's own safety literature for employees.

- The noise limits proposed by DTE are above noise limits that are known to cause human health issues as shown by the World Health Organization

- Michigan's wind resource is so anemic, DTE's latest Pine River wind project in Gratiot County will produce 2016's most expensive wind energy anywhere in the U.S. as indicated by DOE wind contract data. The wind in Ingersoll is arguably worse.

- Regarding climate change, wind energy reduces CO2 emissions at a cost of \$237/ton despite the Obama administration showing that the economic harm from CO2 emissions is only about \$40/ton.

- Finally, regarding wind turbine impacts upon property values, far from making a simple "anecdotal" statement, I showed 11 independent reports indicating substantial property value impacts and referenced this study by the not-exactly-big-fossil-funded London School of Economics.

Again: I encourage people to simply watch the video and then re-read Mr. Sinclair's letter. My points are valid and are able to withstand any honest scrutiny, let alone Mr. Sinclair's cynical revisionist history. □

## As E&E Legal Predicted, Next Stop for Climate Shakedown Crowd: Pensions & Politician-Led Suits



E&E Legal knows a thing or two about New York shakedown schemes. Through our public records pursuits and subsequent lawsuits, we exposed an intricate scam consisting of green ‘rent seekers,’ willing public officials like New York Attorney General Eric Schneiderman and his co-ringer leader, former Vermont Attorney General William Sorrell, big donors like Tom Steyer and ideological scolds like the Rockefellers.

We exposed their real game of scheming to extract a tobacco-style settlement from the fossil fuel extraction, processing and production industries — and then, industries that use the energy sources, such as electric utilities — which would provide a gusher of revenues for politicians and their pet groups but do nothing to “save the planet”. We also exposed more details of how major party donors and Rockefeller nags got law enforcement going on the scheme, and that it was expressly, according to the AGs’ own correspondence, to impose a failed political agenda. That hurt.

E&E Legal also knew that the next battleground for this crowd would be the creation of “climate risk disclosure” industry (and bar) and public pension funds, having first uncovered Schneiderman’s office working with Rockefellers and Wall Street interests beginning in 2012 — the same year the “climate RICO scheme” was hatched, with several overlapping principals. Having seen Albany’s involvement, and certain political ambition emanating from that donor-base hive Manhattan, we sent public records requests to the

New York City of New York and State comptroller offices back in 2014 seeking records related to “climate risk” and divestment efforts away. These document productions showed a broader mix of what was still the same crowd of Rockefeller interests, Wall Street investors and party-base activists joining ambitious New York politicians in the effort.

So when the New York Times recently reported on New York City Mayor Bill de Blasio looking to buck up the flagging and disgraced campaign by Attorney General Eric Schneiderman, and pick up the Rockefellers’ water-pail, we weren’t surprised. This is part of a multi-prong campaign which, against grudging resistance, we have uncovered that seeks to silence political opposition, extract tributes in order to keep operating, and take them over through “proxy access” and forcing party activists on to the boards of publicly traded companies.

The general philosophy we have helped expose is to spin the tobacco-settlement model out, for the money but also political gain, using the threat of capital flight from targeted industries as a weapon to get their way. The campaign seeks to impede access to capital, destroy value — one player called it “divestment through value destruction” — with some participants positioning to benefit from the fallout through their own positions in funds designed in whole or in part for the purpose. The industry consists of State AGs, public pension funds, Comptrollers/Treasurers, and lawmakers combining with interest groups, contingency fee lawyers, investors, and possible settlement beneficiaries including academia. They pursue gains both political and financial. Everyone gets a taste, except those whose investments are degraded for political virtue-signaling and axe-grinding.

Think Lois Lerner, and the IRS targeting of political opponents, meets

Willie Sutton. It is a three-pronged campaign:

- ♦ Climate RICO
- ♦ Divestment, pressure/occupy lenders to restrict targets’ access to capital markets
- ♦ Engagement to Occupy: mobs, pressure, proxy access

ExxonMobil was clearly targeted after being voted “most likely to settle”. The fight that company has instead put up is encouraging and surely shocked this cabal. While the campaign against their poster child is the focus of most coverage, it is by no means the movement’s sole focus.

So, for now, we will just say, We told you so, with these latest entrants vowing divestment — in pursuit of underperforming assets, incidentally, a questionable interpretation of fiduciary responsibility — and to sue these companies for allegedly causing bad weather.

When it comes to doing the Rockefellers’ bidding, money talks as it always has, there is always a willing and ambitious politician anxious to do whatever is necessary, and getting Wall Street onboard is never difficult since as Gordon Gekko famously noted, “Greed is good.” □

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