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My name is David Straley, resident of North Dakota, and these comments are made on my own behalf. Please don't misinterpret my comments as supporting any part of EPA's Clean Power Plan (CPP) or its misconceived and supposed benefits. Neither should you take my comments as an attack on what you are trying to accomplish. But from my perspective, CPP, which is often referred to as the Obamacare of Energy, is nothing more than another effort to crush the coal industry in this country.

Before I delve any further, I would like to begin by saying that I support what the North Dakota Department of Health (NDDOH) is doing. You are in the best position to determine our collective fate via a State Implementation Plan (SIP) of the Electrical Generation Facilities in our great state. I do think we need to explore our options for compliance but we must be realistic in our approach. We must remember that for many of us, this rule is totally unreasonable and unachievable.

Given the complexity of this endeavor, I would encourage the NDDOH to not only ask for an extension, but I recommend you explore the possibility of some sort of waiver or extended delay in compliance beyond the traditional extension. It is imperative that we have the necessary time to flesh out all of the potential pitfalls and unintended consequences that will arise as we work our way through this laborious process. I have no doubt that if this process moves forward on its current path, the impact will be devastating for North Dakotans. The impact will go way beyond just the massive economic impact. We are sure to have very real issues with reliability and delivering power to our trusted

customers. The truth is we have seen less complex issues take much longer to implement than what we are dealing with here.

It is absurd to require coal-fired power plants to meet “arbitrary” standards when our experts have told us repeatedly that the technology to meet such standards is nowhere near operational on a commercial scale. It is quite obvious that EPA ultimately wants to shut our industry down. By requiring the use of carbon capture technology that has never been adequately demonstrated on this scale, the EPA has left us with few reasonable options going forward.

For the record, I agree and support the comments made by others in the listening sessions about what the SIP should not include. It should not include any plans or parts thereof that would lead to job losses in North Dakota or elsewhere. It should not include unreasonable spikes in our electricity costs. It should not cause electric reliability issues. And it should not include provisions that would deny the rights of the individuals who own the coal or companies the right to mine it. It should not allow early retirement or early termination of those individuals and companies rights to continue to mine coal over the remaining life of the contracts of the existing facilities in North Dakota or elsewhere.

Lastly, I would like to offer some additional perspective on Cap and Trade proposals over the last decade. As you know, there have been numerous pieces of legislation introduced on this topic at the federal level. We do not need to cover all of the proposals, but I would like to point out a couple of proposed legislation that were so egregious that even a very liberal U.S. House and Senate could not get them passed and signed into law.

You might remember the Lieberman-Warner bill, which was introduced back in 2007. The bill was intended to create a national cap-and-trade scheme for greenhouse gas emissions. It would have driven this country

off an economic cliff. It sought to reduce emissions by 63% below 2005 levels by the year 2050. The bill made it out of committee but failed on the Senate floor and this is when the Senate was very much under Democratic control! For the record, then-Sen. Dorgan voted no and then-Sen. Conrad didn't vote.

How about the Waxman-Markey bill back in 2009? This legislation passed the U.S. House by only seven votes! This is when the Democrats controlled the legislature by a very large margin. In fact, they lost 44 of their own colleagues in the next election on that single vote. What did the Senate do with this legislation? Under tremendous public pressure, then-Majority Leader Harry Reid announced that because the bill was not bi-partisan enough, it would not get floor consideration. But we know what really happened here. Sen. Reid knew that it was political suicide to move forward. The American people made it very clear that they did not want to see their electricity prices skyrocket and they certainly did not want to deal with reliability issues for decades to come.

Now we are in a situation where the American people have no voice. President Obama has decided he cannot leave office without fulfilling his legacy by implementing his extreme Cap and Trade proposals via regulation. When the American people rebuffed all previous legislative attempts to do so as we have discussed here tonight, the president circumvented the process and is now using the EPA to "regulate" his way there. He has no interest in proposals that would help our industry advance in a meaningful way in the pursuit of clean, affordable and reliable energy. Instead, we are stuck with a rule that if implemented as is, will have us facing an uncertain and costly energy future—and all of these people in the room tonight will be paying heavy costs for it!

Thank you for the opportunity to respectfully submit these comments. I look forward to working directly with you throughout this process.