



**Arthur J. Harrington**  
414.287.9414  
aharrington@gklaw.com



**John L. Clancy**  
414.287.9256  
jclancy@gklaw.com



**Ned B. Witte**  
414.287.9518  
nwitte@gklaw.com

## “Knowledge is Power”: Important strategies discussed at Godfrey & Kahn’s recent Clean Power Plan seminar

On Wednesday, Dec. 2, 2015, Godfrey & Kahn hosted a seminar focusing on the Clean Power Plan (CPP)<sup>1</sup>.

More than 80 representatives from the business and utility sectors attended the half-day seminar at Milwaukee Marriott Downtown to hear plenary presentations by Dr. Susan Hedman, Region 5 Director of the U.S. Environmental Protection Agency and Ms. Delanie Breuer, Deputy Assistant Attorney General responsible for the state of Wisconsin’s litigation challenging the CPP in federal court. The seminar also featured panel comments from representatives of the utility sector (Andy Kellen, WPPI Energy; Kris McKinney, WEC Energy Group and Trevor Stiles, American Transmission Company) and representatives of the business community (Patrick Henderson, Quad/Graphics Inc.; Chuck McGinnis, Johnson Controls Inc. and Erick Shambarger, City of Milwaukee). Based on the feedback of attendees, the seminar was very well-received and was also the subject of a follow-up report on Milwaukee Public Radio (WUWM): <http://wuwm.com/post/debate-continues-swirl-around-clean-power-plan>.

At the seminar, it was mentioned that the state of Wisconsin will be facing some very important decisions regarding submittal of a plan under the CPP. These decisions include the following:

- Should the state of Wisconsin submit a plan while it is challenging the CPP in federal court? The September 2016 deadline for a submittal of a plan is fast approaching.
- Should the state of Wisconsin adopt an emissions standard or a state measures program for plan submittal?
- Should the state of Wisconsin adopt a rate-based or mass-based program for regulating CO<sub>2</sub> emissions from the regulated electrical generation units?
- What should be the emission reduction trajectory that Wisconsin adopts for the time period for 2022 – 2030 (the “Interim Reduction Period”)?
- Should the state of Wisconsin adopt a trading program (intrastate or interstate) for Emission Reduction Credits (if the state of Wisconsin adopts a rate-based program) or Allowances (if the state of Wisconsin adopts a mass-based program)?
- Should the state of Wisconsin make the necessary commitments on or before September 2016 to participate in the Clean Energy Incentive Program provided under the CPP?

There also was discussion at the seminar about what interested parties should be doing now under the CPP. The suggested action included the following:

- Business customers should be measuring and verifying their respective improvements in electricity use resulting from the installation of energy efficiency and or clean renewable energy projects at their facilities since January 1, 2013.
- Manufacturers of energy efficient products should be considering modeling the electricity reductions associated with the use of their products by customers under the CPP.
- Interested parties should be considering organizing coalitions to engage state and federal officials on the important implementation issues associated with CPP, including those identified above, because implementation deadlines are fast approaching.
- Interested parties should consider filing comments to the important terms and conditions contained in the proposed federal implementation plan (FIP). The deadline for filing comments to the proposed FIP is January 21, 2016.

Written materials for the seminar are available for interested parties. Please feel free to contact any member of the Environment & Energy Strategies practice group if you desire to receive an electronic link for access to the seminar materials.

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<sup>1</sup>In a previous newsletter, Godfrey & Kahn reported on the significance of the CPP: <http://www.gklaw.com/resources/documents/Environmental%20100915.pdf>

## Environment & Energy Strategies Team Members

### GREEN BAY OFFICE:

Winston A. Ostrow  
wostrow@gklaw.com

### MADISON OFFICE:

John L. Clancy  
jclancy@gklaw.com

Emily M. Ertel  
eertel@gklaw.com

David J. Gilles  
dgilles@gklaw.com

Nathan J. Zolik  
nzolik@gklaw.com

### MILWAUKEE OFFICE:

Jessica A. Franklin  
jfranklin@gklaw.com

Arthur J. Harrington  
aharrington@gklaw.com

Diane M. Marchik  
dmarchik@gklaw.com

Brian L. Pierson  
bpierson@gklaw.com

Edward (Ned) B. Witte  
nwitte@gklaw.com