



NEWS RELEASE
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**Public Service Commission Says Supreme Court Decision
Against EPA is a Step in the Right Direction**

BISMARCK, ND – The North Dakota Public Service Commission says yesterday’s Supreme Court ruling that invalidates the EPA’s Mercury and Air Toxics Standards (MATS) rule for failing to consider costs when regulating power plant emissions is good news for North Dakota customers and a step in the right direction, but not the end of concerns with EPA regulations.

“The Supreme Court’s decision reins in the EPA and tells the agency to provide more balance in crafting its rules,” said Commission Chairman Julie Fedorchak. “The real cost of regulations matters and needs to be considered fully from the beginning of rulemaking so it can be weighed fairly against the benefits that will be achieved. This has not occurred in the carbon dioxide rulemaking to date.”

The Supreme Court ruled Monday against the EPA’s rule to limit power plant emissions of mercury and other hazardous air pollutants. In the ruling, the court said that the EPA should have taken cost into account before deciding to regulate power plant mercury emissions. The 5-4 ruling said the agency had acted “unreasonably” in not considering costs before it began drafting the MATS Standards.

“Sadly, the EPA is operating as a rogue agency, imposing enormous costs on American ratepayers with little or no benefit,” said Commissioner Randy Christmann. “By the time the courts rein them in, as they have in this case, the damage has been done and the EPA is likely moving on to their next attack on coal, oil and agriculture.”

The rule, aimed at limiting emissions of mercury, arsenic and other toxics from power plants, took effect in April and will remain in place while the case goes back to a lower court for further action. North Dakota was one of 23 states that joined in a lawsuit against this rule.

“The biggest threat to North Dakota consumers continues to be the overreaching policies of the EPA,” said Commissioner Brian Kalk. “We must continue the fight to retain state’s jurisdiction as we determine North Dakota’s energy future.”

EPA currently is working on rules expected to be released sometime this summer aimed at curbing carbon dioxide emissions from coal-fired power plants. The Commission has filed formal comments to the EPA about the rules saying they threaten to increase costs of electricity, decrease reliability, and that technology to meet the standards is not currently available.

The North Dakota Public Service Commission is a constitutionally created state agency with authority to permit, site and regulate certain business activities in the state including electric and gas utilities, telecommunications companies, power plants, electric transmission lines, pipelines, railroads, grain elevators, auctioneers, commercial weighing devices, pipeline safety and coal mine reclamation. For more information, contact the Public Service Commission at (701) 328-2400 or www.psc.nd.gov.

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