STF-JKA-2-9 Attachment F

Edison Electric INSTITUTE

Emily Sanford Fisher
Executive Vice President, Clean Energy,
and General Counsel & Corporate Secretary

May 23, 2023

Hon. Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Administrator Regan:

The Edison Electric Institute (EEI) requests that the U.S. Environmental Protection Agency (EPA or Agency) provide a brief, 30-day extension of the public comment period for the proposed rules, *New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units: Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule* (Proposed 111 Rules). 88 *Fed. Reg.* 33,240 (May 23, 2023).

EEI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for more than 235 million Americans and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than seven million jobs in communities across the United States. In addition to our U.S. members, EEI has more than 65 international electric companies as International Members, and hundreds of industry suppliers and related organizations as Associate Members.

Today, the Proposed 111 Rules were published in the *Federal Register*, starting the clock for a 60-day comment period. This complex set of proposals, which EPA first made public less than two weeks ago, is inextricably bound up in our industry's ongoing clean energy transition, seeking both to reinforce the progress already made in reducing carbon emissions and to accelerate the deployment of critical, but still developing clean energy technologies. Electric companies want to provide robust, technical comments in response to the Proposed 111 Rules and the related technical analysis and modeling. Getting these rules right is essential to the continued provision of affordable, reliable, and clean energy to electricity customers across the country.

Moreover, a brief extension is warranted because the Proposed 111 Rules contain numerous elements that overlap with EPA's recently proposed Effluent Limitations Guidelines (ELG), legacy coal combustion residual (CCR) Surface Impoundments rules, and Mercury and Air Toxics (MATS) Risk and Technology Review (RTR). EPA has repeatedly indicated its intent to regulate the power sector through a holistic approach, recognizing that the Agency has multiple authorities with overlapping statutory timelines

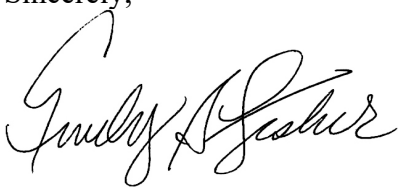
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that affect EEI members' plans regarding coal- and gas-based electric generating units and the continued clean energy transformation. Additional time is needed to assess the Proposed 111 Rules from this holistic perspective

Accordingly, given the complexity of the Proposed 111 Rules—especially the proposed limits for new and existing gas and the coal retirement subcategories—and their interaction with other, recent EPA proposals, our members would benefit from additional time to analyze and provide substantive feedback to EPA on how all of these proposals might impact our industry's ongoing clean energy transition and to ensure that the regulatory framework being considered by EPA is consistent with our commitment to providing affordable, reliable, and increasing clean power to customers.

Thank you for your consideration of this request. We would appreciate a response well before the 60-day comment period elapses, especially as two major holidays are encompassed in this period, which will create complications for scheduling critical meetings to review and assess the Proposed 111 Rules and draft comments. We have made good use of the time since EPA made the proposals public, which has underscored the need for additional time to draft and file comments.

Sincerely,



Emily Sanford Fisher