

News Release

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Seminole Electric Cooperative, Inc.

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Seminole Electric Cooperative Challenges EPA “Clean Power Plan” in Federal Court

TAMPA, FL – Today, Friday, October 23, 2015, Seminole Electric Cooperative, Inc., in partnership with the National Rural Electric Cooperative Association (NRECA), filed a “Petition to Review” the Environmental Protection Agency’s (EPA) Clean Power Plan (CPP). This petition asks the United States Court of Appeals for the District of Columbia Circuit to examine whether the CPP was legally enacted. Additionally, Seminole asked the court to delay compliance with the rule until the petition could be resolved. This delay is referred to as a “stay.”

“The Clean Power Plan represents a massive overreach of EPA’s regulatory authority. Today’s filing is the next step in Seminole’s strategy to protect our Member cooperatives, and consumers at the end of the line, from the rate increases required to implement the Clean Power Plan,” said Lisa Johnson, Seminole’s CEO and General Manager. “Having exhausted all other measures, including testifying at EPA listening sessions, submitting detailed public comments about the rule, testifying in front of the Federal Energy Regulatory Commission, testifying in front of Congress, meeting with EPA Administrator Gina McCarthy, and meeting with the President’s Office of Management and Budget, Seminole is pursuing one of the few remaining options to protect the affordable, reliable electrical service that our Members enjoy today.”

Based in Tampa, Florida, Seminole is one of the largest generation and transmission cooperatives in the country. Its mission is to provide reliable, competitively priced, wholesale electric power to its nine not-for-profit, consumer-owned distribution electric cooperatives. Seminole and its Members collectively serve 1.4 million individuals and businesses in 42 Florida counties, providing essential electric service in primarily rural and low income areas of Florida stretching from west of Tallahassee to south of Lake Okeechobee. Approximately one-third of Seminole’s residential customers have household incomes below the poverty level.

“Unfortunately, despite the hundreds of millions of dollars of our Members’ resources that we have spent on state-of-the-art emissions control equipment, there is no commercially viable technology that we can install at our plants to meet the emissions rate requirements of the Clean Power Plan,” Johnson continued. “Seminole’s primary generating facility, the Seminole Generating Station, is currently financed through 2042. Should the EPA ultimately require us to close this plant, our Members will continue to make payments on it, while also needing to pay for new sources of electricity. Early estimates of the proposed rule have indicated that it may raise individual electric bills in Florida by more than 25%.”

Seminole operates two primary generating facilities, the coal-fired Seminole Generating Station (SGS) located in Palatka, Florida and the natural gas-fired Midulla Generating Station (MGS) located in Bowling Green, Florida. Seminole's power plants cannot meet the emissions rates required by the CPP on a unit-by-unit basis.

"While compliance options such as buying carbon emissions credits, or interstate carbon trading, may become available in the future, they are not available today," said Johnson. "Without protection from the court system, Seminole will need to begin making planning decisions as if our plants are going to be shut down. As a result, Seminole is asking the court to review the rule to ensure that it is legally sound before we are forced to make the kinds of decisions that could close our plants and raise our Members' electric rates."

The Federal Court System has shown a recent willingness to stand firm against EPA expansions of its own authority. Earlier this summer, the Supreme Court overturned EPA's Mercury and Air Toxic Standards (MATS) rule after years of legal fighting. A federal court also recently delayed enforcement of the much maligned EPA "Waters of the United States" (WOTUS) rule, remarking that the stay "temporarily silences the whirlwind of confusion that springs from uncertainty about the requirements of the new rule and whether they will survive legal testing."

"While we recognize that our request for a stay of the Clean Power Plan may be an up-hill battle, Seminole is hopeful that the Court's recent trend toward tempering the EPA's regulatory onslaught will provide our Members with some relief," said Johnson. "We're just trying to keep the lights on in rural Florida."

Seminole's nine member-owned distribution cooperatives are:

- Central Florida Electric Cooperative, Chiefland, FL
- Clay Electric Cooperative, Keystone Heights, FL
- Glades Electric Cooperative, Moore Haven, FL
- Peace River Electric Cooperative, Wauchula, FL
- Sumter Electric Cooperative, Sumterville, FL
- Suwannee Valley Electric Cooperative, Live Oak, FL
- Talquin Electric Cooperative, Quincy, FL
- Tri-County Electric Cooperative, Madison, FL
- Withlacoochee River Electric Cooperative, Dade City, FL

A copy of the declaration Seminole filed today is available here: (http://www.seminole-electric.com/pdf/compliance/33399966_Final_Seminole_Declaration-c.PDF)

Individuals concerned about how the Clean Power Plan will affect them should visit www.action.coop to contact their elected officials.

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Seminole Electric is an equal opportunity provider and employer.