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Delaware Department of Natural Resources v. EPA — Reading the tea leaves for the Clean Power Plan

May 6, 2015 | *Lisa G. Dowden*

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While this decision will have implications for those that use RICE engines, the court's decision is likely to more broadly affect other EPA rulemakings — namely, the Clean Power Plan. Specifically, the court was particularly concerned with EPA's apparent disregard for the rule's potential to distort organized capacity and energy markets. Additionally, the court criticized EPA for failing to have evidence of consultation with NERC and FERC in its rulemaking record.

In this newsletter, we briefly discuss the court's opinion and its implications for future EPA energy sector rulemakings.

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EPA — Reading the tea leaves for the Clean Power Plan

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