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Affordable Clean Energy Rule Vacatur/Biden Administration/Energy Mix and Grid Resilience: Stuart Spencer (Mitchell Williams)/Franz Litz (Consultant) March 16th Webinar

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Stuart Spencer (Mitchell Williams) and Franz Litz (Consultant) undertook a March 16th webinar titled:

ACE No More: Analyzing the D.C. Circuit's Vacatur and Remand of EPA's Affordable Clean Energy (ACE) Rule, the Biden Administration's Clean Slate to Regulate Carbon Dioxide, and Musings on the Energy Mix and Grid Resilience ("Webinar")

The Webinar addressed:

- U.S. D.C. Circuit Court of Appeals Decision vacating and remanding the Affordable Clean Energy Rule
- Analysis of short/long-term implications on environmental, energy and administrative law
- President Biden's climate agenda
- Does vacatur of the Affordable Clean Energy Rule provide a clean slate to develop CO2 mitigation?
- Discussion of grid considerations as related to fuel type and mix
- How grid resiliency and reliability factor into a climate policy agenda

Additional subjects discussed include:

- Clean Power Plan ("CPP") (Climate Rule That Never Fully Was)
- Proposed first-ever national standards to address carbon pollution from electric-generating units
- Relied on generation shifting to lower-emitting sources of electricity through the grid system such as natural gas and renewables
- U.S. Environmental Protection Agency ("EPA") stated CPP would reduce carbon pollution from power sector by 32 percent below 2005 levels
- Opponents claimed the rule exceeded the scope of EPA's Clean Air Act authority
- Impact on Arkansas
- Review of litigation challenging/supporting CPP
- Affordable Clean Energy Rule ("ACE")
- Repealed the CPP
- Power plant efficiency-based guidelines
- Unit-level compliance

- EPA asserted that the CPP was impermissibly based on implementation rather than application of BSER
- ACE designated facilities
- Arkansas subunit identification (seven units at five power plants)
- Requirements for state plans
- Compliance pathways
- Litigation opposing/supporting ACE (District of Columbia Circuit Court of Appeals Vacates ACE)
- President Biden's EPA
- People
- Priorities
- Timing
- How will ACE be replaced?
- Arkansas Issues
- Governor Hutchinson establishes Energy Resources Planning Task Force
- Formed to assess?
- Charged with addressing which issues?
- Task Force personnel
- Sierra Club/Energy Settlement addressing coal-fired plants and natural gas plant
- Arkansas legislation

A copy of the webinar slides can be downloaded [here](#).