

**PETITIONER CO₂ TASK FORCE OF THE FLORIDA ELECTRIC
POWER COORDINATING GROUP, INC.'S NONBINDING
STATEMENT OF ISSUES TO BE RAISED**

The CO₂ Task Force of the Florida Electric Power Coordinating Group, Inc., submits this preliminary and nonbinding statement of issues to be raised in its challenge to the final action of the Respondent United States Environmental Protection Agency (“EPA”) titled *Carbon Pollution Emission Guidelines for Existing Sources: Electric Generating Units*, 80 Fed. Reg. 64,662 (Oct. 23, 2015) (“Final Rule”).

1. Whether EPA’s imposition of detailed standards of performance usurping state implementation authority under Section 111(d) is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
2. Whether EPA’s regulation of existing fossil fuel-fired electric generating units under Section 111(d) when those sources are already regulated under Section 112 is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
3. Whether EPA’s imposition of standards of performance for existing units that are more stringent than those for new sources in the same category is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;

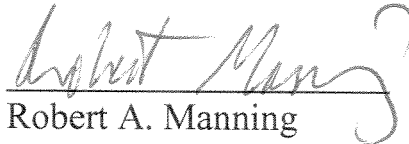
4. Whether EPA's definition of the best system of emission reduction to include "outside-the-fence" measures such as construction of renewable energy sources is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
5. Whether EPA's incorporation of interstate emissions trading for sources to achieve compliance with state plans is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
6. Whether EPA's interpretation of "stationary sources" as including "owners or operators" of a source is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
7. Whether EPA's failure to adequately demonstrate prescribed heat rate improvement achievability is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
8. Whether EPA's determination of sources gas-shifting capabilities in the absence of state, region, or national-level data is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
9. Whether EPA's establishment of fleet-wide standards of performance is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;

10. Whether EPA's evaluation of individual Building Block achievability in lieu of collective achievability is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
11. Whether EPA's imposition of standards of performance requiring generation reduction or closure of affected sources as part of the best system of emission reduction is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
12. Whether EPA's failure to provide states a meaningful opportunity to consider the remaining useful life of affected sources, among other factors, is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
13. Whether EPA's failure to adequately address reliability concerns is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law;
14. Whether EPA's failure to adequately consider costs of compliance when developing the standards of performance is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law; and
15. Whether EPA's unprecedented overreach into areas of the States' and other agencies authority in an effort to regulate the entire electricity

industry is unconstitutional, and arbitrary, capricious, an abuse of discretion, or otherwise contrary to law.

Dated: December 18, 2015

Respectfully submitted by:



Robert A. Manning

Fla. Bar No. 35173

robertm@hgslaw.com

Joseph A. Brown

Fla. Bar No. 76157

josephb@hgslaw.com

HOPPING GREEN & SAMS

119 South Monroe St., Suite 300

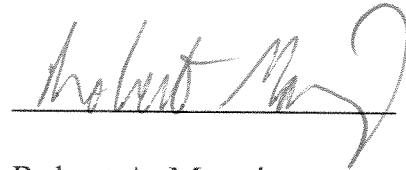
Tallahassee, FL 32301

(850) 222-75001

*Counsel for the CO₂ Task Force of
the Florida Electric Power
Coordinating Group, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served, this 18th day of December, 2015, on all registered counsel through the Court's CM/ECF system.



Robert A. Manning
Fla. Bar. No. 35173
robertm@hgslaw.com
Joseph A. Brown
Fla. Bar No. 76157
josephb@hgslaw.com
HOPPING GREEN & SAMS
119 South Monroe Street
Suite 300
Tallahassee, FL 32301
Tel: (850) 222-7500
Fax: (850) 224-8551