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**From:** megan.berge@bakerbotts.com  
**Sent:** Fri 5/26/2017 5:28:32 PM  
**Subject:** Western Farmers Electric Cooperative Petition for Reconsideration of Oklahoma State and Unit Budgets under CSAPR  
Subject: EPA-HQ-OAR-2015-0500; Re-Submission of Petition for Reconsideration of the Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS

Dear Administrator Pruitt,

This email follows up on a petition by Western Farmers Electric Cooperative (“WFEC”) for reconsideration of the final rule entitled “Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS,” 81 Fed. Reg. 74,504 (Oct. 26, 2016). The petition was originally submitted on December 22, 2016, and re-submitted on April 19, 2017, in both electronic and hard-copy form. The petition requests re-allocation of allowances to WFEC’s Anadarko Plant units and re-calculation of Oklahoma’s state budget. Most critically, WFEC seeks for EPA to correct a technical error that drastically under-allocated allowances to its Anadarko Plant units. WFEC believes its request is discrete (i.e., unit- and state-specific) and could be accomplished within the existing CSAPR program framework.

WFEC is an electric power generation and transmission cooperative serving customers in Oklahoma and New Mexico. WFEC also is proud to serve Altus Air Force Base. Failure to obtain relief from the CSAPR Update Rule in a timely manner may increase costs for these customers. Given that the 2017 ozone season is now underway, WFEC must make decisions about purchasing allowances and taking other actions to comply with the rule. As it stands, WFEC is facing an allowance shortfall for the 2017 ozone season.

Granting WFEC’s petition would be consistent with Executive Order 13771, “Reducing Regulation and Controlling Regulatory Costs.” Any resulting rulemakings are unlikely to qualify as “significant” regulatory actions subject to the order because they would be minor, technical actions affecting only a subset of regulated units or states. Further, any such rulemakings are unlikely to result in new incremental costs; to the extent they have total costs less than zero, they could qualify as “offsetting” de-regulatory actions that help EPA comply with the order.

WFEC appreciates any clarity you or your team can provide on EPA’s intention to act on the petition. Thank you for your consideration.

Respectfully,

Megan

**Megan Heuberger Berge**

Partner

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