

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** POLITICO Pro Energy Whiteboard  
**Sent:** Thur 11/9/2017 9:55:55 PM  
**Subject:** Court again freezes Clean Power Plan litigation for 60 days

By Alex Guillén

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The D.C. Circuit Court of Appeals today once again placed the lawsuits over the Obama administration's Clean Power Plan in abeyance for another 60 days, until Jan. 8.

The court's single-page order did not include any sort of note such as the one included in the court's previous 60-day abeyance order on Aug. 8. In that order, two of the judges attached a stern note saying EPA was skirting its statutory duty to regulate greenhouse gases.

EPA last month released its proposed repeal, and will take public comment through Jan. 16. The agency has yet to release its advance notice of proposed rulemaking seeking suggestions on whether and how to craft a narrower replacement regulation.

**WHAT'S NEXT:** The court ordered EPA to file status updates on its CPP repeal effort every 30 days.

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