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From: POLITICO Pro Energy Whiteboard
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Subject: Green groups ask court to issue Clean Power Plan ruling

By Alex Guillén

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Environmental groups today asked the D.C. Circuit Court of Appeals to issue its ruling on the Obama administration's Clean Power Plan because it remains unclear when the Trump administration will propose its repeal of that rule.

The groups cite the White House's Unified Agenda, which was released last month. The document provided no deadline for proposing or finalizing the CPP repeal, which it classified as a "long-term action," those for which the agency does not expect to act for at least 12 months.

That classification "demonstrates that even the preliminary step of a *proposed* rule may be delayed for at least another year," the green groups wrote.

"These facts further underscore that this Court should not continue to postpone a decision in this fully briefed case, which was argued en banc on September 27, 2016, for a period far longer than the Supreme Court presumed when it issued its stay pending this Court's disposition of the merits," the groups wrote. "The Court should decide the case on the merits, or terminate it by remanding the case to EPA."

WHAT'S NEXT: If the court decides to consider the request, it likely will ask EPA and the CPP's challengers to weigh in first.

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