

**To:** Karla Sanchez[Karla.Sanchez@ag.ny.gov]  
**Cc:** Christina Harvey[Christina.Harvey@ag.ny.gov]; Lemuel Srolovic[Lemuel.Srolovic@ag.ny.gov]  
**From:** Alvin Bragg[/O=LAWNET/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABRAGG]  
**Sent:** Tue 11/10/2015 4:56:40 PM (UTC-05:00)  
**Subject:** Re: Following up on Conversation with NY AG

I didn't.

Sent from my iPhone

On Nov 10, 2015, at 4:10 PM, Karla Sanchez <[Karla.Sanchez@ag.ny.gov](mailto:Karla.Sanchez@ag.ny.gov)> wrote:

Not me

**Karla**

---

**From:** Christina Harvey  
**Sent:** Tuesday, November 10, 2015 3:10 PM  
**To:** Alvin Bragg  
**Cc:** Lemuel Srolovic; Karla Sanchez  
**Subject:** Re: Following up on Conversation with NY AG

Did anyone get any response?

Message sent from a Blackberry device

---

**From:** Christina Harvey  
**Sent:** Monday, November 09, 2015 01:58 PM  
**To:** '[esuhr@fahrllc.com](mailto:esuhr@fahrllc.com)' <[esuhr@fahrllc.com](mailto:esuhr@fahrllc.com)>  
**Cc:** Alvin Bragg; Lemuel Srolovic; Karla Sanchez  
**Subject:** Following up on Conversation with NY AG

Erin-

I am following up on a conversation that New York Attorney General Eric Schneiderman had with NextGen Climate founder Tom Steyer over the weekend. I understand that you may have some studies about climate change or climate change denial groups that you'd like to get to the team working on the Exxon matter. I have included those individuals here (Executive Deputy Attorney General for Social Justice Alvin Bragg, Executive Deputy Attorney General for Economic Justice Karla Sanchez, and Environmental Protection Bureau Chief Lem Srolovic).

Thanks,

Christina

Christina Harvey

Senior Advisor and Director of Operations

NYS Office of the Attorney General

120 Broadway - 25th Floor

New York, NY 10271

212-416-8095

FOIL G000316-051423 000001



**To:** 'esuhr@fahrlc.com'[esuhr@fahrlc.com]  
**Cc:** Alvin Bragg[Alvin.Bragg@ag.ny.gov]; Lemuel Srolovic[Lemuel.Srolovic@ag.ny.gov]; Karla Sanchez[Karla.Sanchez@ag.ny.gov]  
**From:** Christina Harvey[/O=LAWNET/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CHARVEY]  
**Sent:** Mon 11/9/2015 1:58:38 PM (UTC-05:00)  
**Subject:** Following up on Conversation with NY AG

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[christina.harvey@ag.ny.gov](mailto:christina.harvey@ag.ny.gov)

**IMPORTANT NOTICE:** This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

**To:** Alvin Bragg[Alvin.Bragg@ag.ny.gov]  
**Cc:** Lemuel Srolovic[Lemuel.Srolovic@ag.ny.gov]; Karla Sanchez[Karla.Sanchez@ag.ny.gov]  
**From:** Christina Harvey[/O=LAWNET/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CHARVEY]  
**Sent:** Tue 11/10/2015 3:10:00 PM (UTC-05:00)  
**Subject:** Re: Following up on Conversation with NY AG

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**From:** Christina Harvey  
**Sent:** Monday, November 09, 2015 01:58 PM  
**To:** 'esuhr@fahrllc.com' <esuhr@fahrllc.com>  
**Cc:** Alvin Bragg; Lemuel Srolovic; Karla Sanchez  
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212-416-8095

[christina.harvey@ag.ny.gov](mailto:christina.harvey@ag.ny.gov)

**To:** Christina Harvey[Christina.Harvey@ag.ny.gov]; Alvin Bragg[Alvin.Bragg@ag.ny.gov]  
**Cc:** Lemuel Srolovic[Lemuel.Srolovic@ag.ny.gov]  
**From:** Karla Sanchez[O=LAWNET/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=KSANCHEZ]  
**Sent:** Tue 11/10/2015 4:10:21 PM (UTC-05:00)  
**Subject:** RE: Following up on Conversation with NY AG

Not me

**Karla**

---

**From:** Christina Harvey  
**Sent:** Tuesday, November 10, 2015 3:10 PM  
**To:** Alvin Bragg  
**Cc:** Lemuel Srolovic; Karla Sanchez  
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**To:** Christina Harvey[Christina.Harvey@ag.ny.gov]  
**Cc:** Alvin Bragg[Alvin.Bragg@ag.ny.gov]; Karla Sanchez[Karla.Sanchez@ag.ny.gov]  
**From:** Lemuel Srolovic[O=LAWNET/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=LSROLOVI]  
**Sent:** Tue 11/10/2015 3:52:47 PM (UTC-05:00)  
**Subject:** Re: Following up on Conversation with NY AG

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[christina.harvey@ag.ny.gov](mailto:christina.harvey@ag.ny.gov)

**From:** Christina Harvey <Christina.Harvey@ag.ny.gov>  
**Sent:** Monday, November 9, 2015 1:59 PM  
**To:** 'esuhr@fahrllc.com'  
**Cc:** Alvin Bragg <Alvin.Bragg@ag.ny.gov>; Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>; Karla Sanchez <Karla.Sanchez@ag.ny.gov>  
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**From:** Christina Harvey <Christina.Harvey@ag.ny.gov>  
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**To:** 'esuhr@fharllc.com'  
**Cc:** Alvin Bragg <Alvin.Bragg@ag.ny.gov>; Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>; Karla Sanchez <Karla.Sanchez@ag.ny.gov>  
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**Cc:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>; Karla Sanchez <Karla.Sanchez@ag.ny.gov>  
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[christina.harvey@ag.ny.gov](mailto:christina.harvey@ag.ny.gov)

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Tuesday, November 10, 2015 3:53 PM  
**To:** Christina Harvey <Christina.Harvey@ag.ny.gov>  
**Cc:** Alvin Bragg <Alvin.Bragg@ag.ny.gov>; Karla Sanchez <Karla.Sanchez@ag.ny.gov>  
**Subject:** Re: Following up on Conversation with NY AG

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[christina.harvey@ag.ny.gov](mailto:christina.harvey@ag.ny.gov)

FOIL G000316-051423 000010

FOIL160286\_000004

**From:** Karla Sanchez <Karla.Sanchez@ag.ny.gov>  
**Sent:** Tuesday, November 10, 2015 4:10 PM  
**To:** Christina Harvey <Christina.Harvey@ag.ny.gov>; Alvin Bragg <Alvin.Bragg@ag.ny.gov>  
**Cc:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Subject:** RE: Following up on Conversation with NY AG

---

Not me

*Karla*

---

**From:** Christina Harvey  
**Sent:** Tuesday, November 10, 2015 3:10 PM  
**To:** Alvin Bragg  
**Cc:** Lemuel Srolovic; Karla Sanchez  
**Subject:** Re: Following up on Conversation with NY AG

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**To:** 'esuhr@fahrllc.com' <esuhr@fahrllc.com>  
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212-416-8095

[christina.harvey@ag.ny.gov](mailto:christina.harvey@ag.ny.gov)

FOIL G000316-051423 000011

FOIL160286\_000005

**From:** Alvin Bragg <Alvin.Bragg@ag.ny.gov>  
**Sent:** Tuesday, November 10, 2015 4:57 PM  
**To:** Karla Sanchez <Karla.Sanchez@ag.ny.gov>  
**Cc:** Christina Harvey <Christina.Harvey@ag.ny.gov>; Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Subject:** Re: Following up on Conversation with NY AG

---

I didn't.

Sent from my iPhone

On Nov 10, 2015, at 4:10 PM, Karla Sanchez <[Karla.Sanchez@ag.ny.gov](mailto:Karla.Sanchez@ag.ny.gov)> wrote:

Not me

*Karla*

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**Sent:** Tuesday, November 10, 2015 3:10 PM  
**To:** Alvin Bragg  
**Cc:** Lemuel Srolovic; Karla Sanchez  
**Subject:** Re: Following up on Conversation with NY AG

Did anyone get any response?

Message sent from a Blackberry device

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**From:** Christina Harvey  
**Sent:** Monday, November 09, 2015 01:58 PM  
**To:** 'esuhr@fahrllc.com' <esuhr@fahrllc.com>  
**Cc:** Alvin Bragg; Lemuel Srolovic; Karla Sanchez  
**Subject:** Following up on Conversation with NY AG

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Christina Harvey

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FOIL G000316-051423 000012

FOIL160286\_000006

NYS Office of the Attorney General

120 Broadway - 25th Floor

New York, NY 10271

212-416-8095

[christina.harvey@ag.ny.gov](mailto:christina.harvey@ag.ny.gov)

**From:** Kristen Sageser <Kristen.Sageser@ag.ny.gov>  
**Sent:** Monday, November 9, 2015 1:11 PM  
**To:** Christina Harvey <Christina.Harvey@ag.ny.gov>; Siobhan Kennedy <Siobhan.Kennedy@ag.ny.gov>  
**Subject:** RE: Tom Steyer

---

I do not.

---

**From:** Christina Harvey  
**Sent:** Monday, November 09, 2015 1:09 PM  
**To:** Siobhan Kennedy; Kristen Sageser  
**Subject:** Tom Steyer

Do either of you have an office number for him? Eric wants me to follow up with someone in his office.

Christina Harvey  
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120 Broadway - 25th Floor  
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[christina.harvey@ag.ny.gov](mailto:christina.harvey@ag.ny.gov)

**From:** Christina Harvey <Christina.Harvey@ag.ny.gov>  
**Sent:** Monday, November 9, 2015 1:09 PM  
**To:** Siobhan Kennedy <Siobhan.Kennedy@ag.ny.gov>; Kristen Sageser  
<Kristen.Sageser@ag.ny.gov>  
**Subject:** Tom Steyer

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christina.harvey@ag.ny.gov

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Monday, February 23, 2015 11:09 AM  
**To:** Joan Smith <Joan.Smith@ag.ny.gov>  
**Subject:** FW: final attendee list

---

Here's the final attendance list for today's meeting at 1 pm in our conference room.

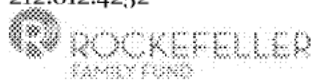
---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Monday, February 23, 2015 10:32 AM  
**To:** Lemuel Srolovic  
**Subject:** final attendee list

Matt Kasper  
Larry Shapiro  
John Passacantando  
Roland Davies  
Lee Wasserman

Thanks.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252





**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Friday, February 13, 2015 1:00 PM  
**To:** Michael J. Myers <Michael.Myers@ag.ny.gov>  
**Subject:** FW: follow up

---

Here's the date & time of follow-on re ExxonMobil.

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Wednesday, February 11, 2015 2:02 PM  
**To:** Lemuel Srolovic  
**Subject:** Re: follow up

Great. In the books for Monday, Feb. 23 at 1 pm. I'll provide you a complete list of attendees well before that date. thanks.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252



---

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Date:** Wednesday, February 11, 2015 at 11:58 AM  
**To:** Lee Wasserman <lwasserman@rffund.org>  
**Subject:** RE: follow up

1 pm is good.

Anyone you'd like to bring is welcome. If I can get an attendee list, it will make check in downstairs easier and quicker.

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Wednesday, February 11, 2015 10:56 AM  
**To:** Lemuel Srolovic  
**Subject:** Re: follow up

Lem, Monday Feb 23 works for everyone. 1 pm ok?

The other folks' coming are:

John Passacantando & Kert Davies. They may bring an assistant if that works for you. Can Steve join us?

Thanks.

Lee

Lee Wasserman  
Rockefeller Family Fund

On Feb 11, 2015, at 10:48 AM, Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov> wrote:

Lee – confirming our conversation just now, I have penciled in the early afternoons of Monday or Tuesday (2/23-24) for meeting re climate change and fossil fuel companies.

Thanks for arranging this conversation, Lem

FOIL G000316-051423 000017

FOIL160286\_000011

---

**From:** Lee Wasserman [<mailto:lwasserman@rffund.org>]  
**Sent:** Friday, February 06, 2015 12:34 PM  
**To:** Lemuel Srolovic  
**Subject:** FW: follow up

Hi, Lem,  
Just want to get this back on the top of your email.  
Hope we can make this happen. I think you'll find the material of great use.

Thanks.  
Lee

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252  
<image001.png>

---

**From:** Lee Wasserman <[lwasserman@rffund.org](mailto:lwasserman@rffund.org)>  
**Date:** Tuesday, February 3, 2015 at 7:00 PM  
**To:** "[lemuel.srolovic@ag.ny.gov](mailto:lemuel.srolovic@ag.ny.gov)" <[lemuel.srolovic@ag.ny.gov](mailto:lemuel.srolovic@ag.ny.gov)>  
**Subject:** follow up

Lem,  
Since we spoke I have been in touch with folks who probably know more about company X's past efforts to obfuscate than just about anyone. They have a trove of material to share that speaks to many of the issues touched upon today.

Can you see what days and time might work for us to get together next week with these folks and their material? I'm hoping Steve G can join us. I know Tue doesn't work, but other dates, depending on time, are possible. Thanks.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252  
<image001.png>

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Wednesday, February 11, 2015 5:18 PM  
**To:** Jodi Feld <Jodi.Feld@ag.ny.gov>; Mauricio Roma <Mauricio.Roma@ag.ny.gov>  
**Subject:** FW: follow up

---

Please calendar meeting below if you're available. It relates to big oil arctic exploration issue.

---

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**To:** Lemuel Srolovic  
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FOIL G000316-051423 000019

FOIL160286\_000013

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<image001.png>

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**Date:** Tuesday, February 3, 2015 at 7:00 PM  
**To:** "[lemuel.srolovic@ag.ny.gov](mailto:lemuel.srolovic@ag.ny.gov)" <[lemuel.srolovic@ag.ny.gov](mailto:lemuel.srolovic@ag.ny.gov)>  
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212.812.4252  
<image001.png>

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Thursday, February 19, 2015 10:21 AM  
**To:** John Oleske <John.Oleske@ag.ny.gov>; Michael J. Myers <Michael.Myers@ag.ny.gov>  
**Cc:** Alvin Bragg <Alvin.Bragg@ag.ny.gov>; Steven Glassman <Steven.Glassman@ag.ny.gov>  
**Subject:** FW: meeting

---

Here's the preview to Monday's fossil fuel and climate change meeting.

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Thursday, February 19, 2015 9:43 AM  
**To:** Lemuel Srolovic; Steven Glassman  
**Subject:** meeting

Lem & Steve,  
The guys you'll meet, John Passacantando & Kert Davies, have spent well over a decade tracking deceptive or misleading statements by major oil and coal companies and certain utilities. Based on a combination of public and private information, they have identified the creation of grasstops corporate coalitions created for the sole purpose of minimizing the risks associated with climate change. They also are aware of money flows from corporate actors to these coalitions and individual scientists who have made it their career to cast doubt on climate science.

While most of the documents and coalitions formed happened a number of years ago, the material they have demonstrate a long-term and collaborative pattern. Moreover, John & Kert are about to break news—watch your paper in the next couple of days— about one scientist, Willie Soon, who has been taking money for the past several years from one of these companies to sow confusion on the science.

As noted in a Martin Act case I know you're familiar with, *Cadplaz Sponsors*, 69 Misc. 2d at 419, the AG has the authority to go after "all deceitful practices contrary to the plain rules of common honesty" or "acts tending to deceive or mislead the public."

As I understand the law, if the AG were to solely pursue a concealment or a failure to disclose case, then he would have to prove materiality. We believe, however, that there has been a general pattern of deception, which does not require a materiality finding (although I think the AG could readily prove that finding as well).

The energy companies failed to disclose their scientific analyses on climate, certainly, but the other point is that they are actively misleading the capital markets by pumping out misinformation about the reality and consequences of climate change. If the companies admitted what they know about climate science, it would almost certainly hasten greater regulatory changes to restrict the extraction of fossil fuels.

[REDACTED] Even if greater regulation were not to occur, climate change will have meaningful financial consequences, both positive and negative, e.g. inundation of infrastructure and opening of the Arctic and other previously inaccessible places for drilling.

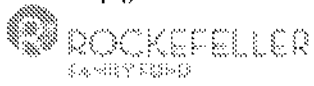
Lee

FOIL G000316-051423 000021

FOIL160286\_000015

PS for the security guards, please note that Kert Davies' actual name is Roland Davies—Kert is a nickname.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252



**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Monday, February 23, 2015 10:22 AM  
**To:** Michael J. Myers <Michael.Myers@ag.ny.gov>; John Oleske <John.Oleske@ag.ny.gov>; Mauricio Roma <Mauricio.Roma@ag.ny.gov>; Jodi Feld <Jodi.Feld@ag.ny.gov>; Guy Ben-Ishai <Guy.Ben-Ishai@ag.ny.gov>  
**Subject:** FW: meeting

---

Latest development (NY Times story link at bottom) in climate change project of climate researchers coming in at 1 this afternoon from this group:

<http://www.climateinvestigations.org/>

Link below also has recent documents:

<http://www.nature.com/news/documents-spur-investigation-of-climate-sceptic-1.16972>

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**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Saturday, February 21, 2015 4:02 PM  
**To:** Lemuel Srolovic; Steven Glassman  
**Subject:** Re: meeting

Lem & Steve,

This just went up on the Times website and involves the funding by fossil interests of faux scientists, in this case Willie Soon.

Kert and John, who you'll see on Monday, were responsible for the research that led to this story.

<http://www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html?hp&action=click&pgtype=Homepage&module=first-column-region&region=top-news&WT.nav=top-news&r=0>

Thanks.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252



---

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Date:** Thursday, February 19, 2015 at 10:19 AM  
**To:** Lee Wasserman <lwasserman@rffund.org>, Steven Glassman <Steven.Glassman@ag.ny.gov>  
**Subject:** RE: meeting

Lee, thanks much. This is helpful. Lem

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Thursday, February 19, 2015 9:43 AM  
**To:** Lemuel Srolovic; Steven Glassman  
**Subject:** meeting

FOIL G000316-051423 000023

FOIL160286\_000017

Lem & Steve,

The guys you'll meet, John Passacantando & Kert Davies, have spent well over a decade tracking deceptive or misleading statements by major oil and coal companies and certain utilities. Based on a combination of public and private information, they have identified the creation of grassroots corporate coalitions created for the sole purpose of minimizing the risks associated with climate change. They also are aware of money flows from corporate actors to these coalitions and individual scientists who have made it their career to cast doubt on climate science.

While most of the documents and coalitions formed happened a number of years ago, the material they have demonstrate a long-term and collaborative pattern. Moreover, John & Kert are about to break news—watch your paper in the next couple of days— about one scientist, Willie Soon, who has been taking money for the past several years from one of these companies to sow confusion on the science.

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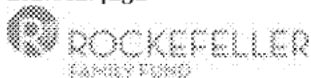
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[REDACTED] Even if greater regulation were not to occur, climate change will have meaningful financial consequences, both positive and negative, e.g. inundation of infrastructure and opening of the Arctic and other previously inaccessible places for drilling.

Lee

PS for the security guards, please note that Kert Davies' actual name is Roland Davies—Kert is a nickname.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252





**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Saturday, February 21, 2015 10:32 PM  
**To:** 'lemsrolovic@gmail.com'  
**Subject:** Fw: meeting

---

Message sent from a Blackberry device

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**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Saturday, February 21, 2015 04:01 PM Eastern Standard Time  
**To:** Lemuel Srolovic; Steven Glassman  
**Subject:** Re: meeting

Lem & Steve,

This just went up on the Times website and involves the funding by fossil interests of faux scientists, in this case Willie Soon.

Kert and John, who you'll see on Monday, were responsible for the research that led to this story.

<http://www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html?hp&action=click&pgtype=Homepage&module=first-column-region&region=top-news&WT.nav=top-news&r=0>

Thanks.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252



---

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Date:** Thursday, February 19, 2015 at 10:19 AM  
**To:** Lee Wasserman <lwasserman@rffund.org>, Steven Glassman <Steven.Glassman@ag.ny.gov>  
**Subject:** RE: meeting

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**Subject:** meeting

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FOIL G000316-051423 000025

FOIL160286\_000019

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[REDACTED]. Even if greater regulation were not to occur, climate change will have meaningful financial consequences, both positive and negative, e.g. inundation of infrastructure and opening of the Arctic and other previously inaccessible places for drilling.

Lee

PS for the security guards, please note that Kert Davies' actual name is Roland Davies—Kert is a nickname.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252



**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Thursday, February 19, 2015 7:04 PM  
**To:** Joan Smith <Joan.Smith@ag.ny.gov>  
**Subject:** FW: meeting  
**Attach:** image001.png

---

Another add from outside for Monday climate change meeting.

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Thursday, February 19, 2015 6:57 PM  
**To:** Lemuel Srolovic  
**Subject:** Re: meeting

Lem, Larry Shapiro will also be joining us. Thanks.

Lee Wasserman  
Rockefeller Family Fund

On Feb 19, 2015, at 8:30 AM, Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov> wrote:

Lee -- for logistics, will it be you, John and Kert (nickname) from outside?

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Thursday, February 19, 2015 9:43 AM  
**To:** Lemuel Srolovic; Steven Glassman  
**Subject:** meeting

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Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252  
<image001.png>

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Thursday, February 19, 2015 2:55 PM  
**To:** Joan Smith <Joan.Smith@ag.ny.gov>  
**Subject:** FW: meeting  
**Attach:** image001.png

---

Here's the outside participants in Monday's meeting.

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Thursday, February 19, 2015 12:06 PM  
**To:** Lemuel Srolovic  
**Subject:** Re: meeting

Correct.

Lee Wasserman  
Rockefeller Family Fund

On Feb 19, 2015, at 8:30 AM, Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov> wrote:

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---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Thursday, February 19, 2015 9:43 AM  
**To:** Lemuel Srolovic; Steven Glassman  
**Subject:** meeting

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475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252  
<image001.png>

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Thursday, February 19, 2015 10:22 AM  
**To:** Joan Smith <Joan.Smith@ag.ny.gov>  
**Subject:** FW: meeting

---

Joan – note name at end of e-mail for security guards for Monday meeting.

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Thursday, February 19, 2015 9:43 AM  
**To:** Lemuel Srolovic; Steven Glassman  
**Subject:** meeting

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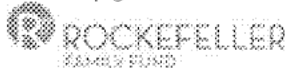
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Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252



**From:** Lee Wasserman <lwasserman@rffund.org>  
**Sent:** Thursday, February 19, 2015 9:43 AM  
**To:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>; Steven Glassman <Steven.Glassman@ag.ny.gov>  
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212.812.4252



FOIL G000316-051423 000032

FOIL160286\_000026



**From:** Jodi Feld <Jodi.Feld@ag.ny.gov>  
**Sent:** Wednesday, February 11, 2015 6:48 PM  
**To:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>; Mauricio Roma <Mauricio.Roma@ag.ny.gov>  
**Subject:** Re: follow up

---

Will do. Mauricio- lets try to talk tomorrow and I will fill you in.

Message sent from a Blackberry device

---

**From:** Lemuel Srolovic  
**Sent:** Wednesday, February 11, 2015 05:18 PM  
**To:** Jodi Feld; Mauricio Roma  
**Subject:** FW: follow up

Please calendar meeting below if you're available. It relates to big oil arctic exploration issue.

---

**From:** Lee Wasserman [mailto:[lwasserman@rffund.org](mailto:lwasserman@rffund.org)]  
**Sent:** Wednesday, February 11, 2015 2:02 PM  
**To:** Lemuel Srolovic  
**Subject:** Re: follow up

Great. In the books for Monday, Feb. 23 at 1 pm. I'll provide you a complete list of attendees well before that date. thanks.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252



---

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Date:** Wednesday, February 11, 2015 at 11:58 AM  
**To:** Lee Wasserman <[lwasserman@rffund.org](mailto:lwasserman@rffund.org)>  
**Subject:** RE: follow up

1 pm is good.

Anyone you'd like to bring is welcome. If I can get an attendee list, it will make check in downstairs easier and quicker.

---

**From:** Lee Wasserman [mailto:[lwasserman@rffund.org](mailto:lwasserman@rffund.org)]  
**Sent:** Wednesday, February 11, 2015 10:56 AM  
**To:** Lemuel Srolovic  
**Subject:** Re: follow up

Lem, Monday Feb 23 works for everyone. 1 pm ok?

The other folks' coming are:

John Passacantando & Kert Davies. They may bring an assistant if that works for you. Can Steve join us?

Thanks.

Lee

FOIL G000316-051423 000033

FOIL160286\_000027

Lee Wasserman  
Rockefeller Family Fund

On Feb 11, 2015, at 10:48 AM, Lemuel Srolovic <[Lemuel.Srolovic@ag.ny.gov](mailto:Lemuel.Srolovic@ag.ny.gov)> wrote:

Lee – confirming our conversation just now, I have penciled in the early afternoons of Monday or Tuesday (2/23-24) for meeting re climate change and fossil fuel companies.

Thanks for arranging this conversation, Lem

---

**From:** Lee Wasserman [<mailto:lwasserman@rffund.org>]  
**Sent:** Friday, February 06, 2015 12:34 PM  
**To:** Lemuel Srolovic  
**Subject:** FW: follow up

Hi, Lem,  
Just want to ge this back on the top of your email.  
Hope we can make this happen. I think you'll find the material of great use.

Thanks.  
Lee

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252  
<image001.png>

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**From:** Lee Wasserman <[lwasserman@rffund.org](mailto:lwasserman@rffund.org)>  
**Date:** Tuesday, February 3, 2015 at 7:00 PM  
**To:** "[Lemuel.Srolovic@ag.ny.gov](mailto:Lemuel.Srolovic@ag.ny.gov)" <[Lemuel.Srolovic@ag.ny.gov](mailto:Lemuel.Srolovic@ag.ny.gov)>  
**Subject:** follow up

Lem,  
Since we spoke I have been in touch with folks who probably know more about company X's past efforts to obfuscate than just about anyone. They have a trove of material to share that speaks to many of the issues touched upon today.

Can you see what days and time might work for us to get together next week with these folks and their material? I'm hoping Steve G can join us. I know Tue doesn't work, but other dates, depending on time, are possible. Thanks.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252  
<image001.png>

**From:** Mauricio Roma <Mauricio.Roma@ag.ny.gov>  
**Sent:** Thursday, February 12, 2015 7:58 AM  
**To:** Jodi Feld <Jodi.Feld@ag.ny.gov>; Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Subject:** RE: follow up

---

Ok

---

**From:** Jodi Feld  
**Sent:** Wednesday, February 11, 2015 6:48 PM  
**To:** Lemuel Srolovic; Mauricio Roma  
**Subject:** Re: follow up

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Director  
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**Subject:** Re: follow up

FOIL G000316-051423 000035

FOIL160286\_000029

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Thanks.

Lee

Lee Wasserman

Rockefeller Family Fund

On Feb 11, 2015, at 10:48 AM, Lemuel Srolovic <[Lemuel.Srolovic@ag.ny.gov](mailto:Lemuel.Srolovic@ag.ny.gov)> wrote:

Lee – confirming our conversation just now, I have penciled in the early afternoons of Monday or Tuesday (2/23-24) for meeting re climate change and fossil fuel companies.

Thanks for arranging this conversation, Lem

---

**From:** Lee Wasserman [<mailto:lwasserman@rffund.org>]

**Sent:** Friday, February 06, 2015 12:34 PM

**To:** Lemuel Srolovic

**Subject:** FW: follow up

Hi, Lem,

Just want to get this back on the top of your email.

Hope we can make this happen. I think you'll find the material of great use.

Thanks.

Lee

Lee Wasserman

Director

475 Riverside Drive, Suite 900 | New York, NY 10115

212.812.4252

<image001.png>

---

**From:** Lee Wasserman <[lwasserman@rffund.org](mailto:lwasserman@rffund.org)>

**Date:** Tuesday, February 3, 2015 at 7:00 PM

**To:** "Lemuel.Srolovic@ag.ny.gov" <[Lemuel.Srolovic@ag.ny.gov](mailto:Lemuel.Srolovic@ag.ny.gov)>

**Subject:** follow up

Lem,

Since we spoke I have been in touch with folks who probably know more about company X's past efforts to obfuscate than just about anyone. They have a trove of material to share that speaks to many of the issues touched upon today.

Can you see what days and time might work for us to get together next week with these folks and their material? I'm hoping Steve G can join us. I know Tue doesn't work, but other dates, depending on time, are possible. Thanks.

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**From:** Lee Wasserman <lwasserman@rffund.org>  
**Sent:** Wednesday, February 11, 2015 2:02 PM  
**To:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Subject:** Re: follow up

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Great. In the books for Monday, Feb. 23 at 1 pm. I'll provide you a complete list of attendees well before that date. thanks.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252



---

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Date:** Wednesday, February 11, 2015 at 11:58 AM  
**To:** Lee Wasserman <lwasserman@rffund.org>  
**Subject:** RE: follow up

1 pm is good.

Anyone you'd like to bring is welcome. If I can get an attendee list, it will make check in downstairs easier and quicker.

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Wednesday, February 11, 2015 10:56 AM  
**To:** Lemuel Srolovic  
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John Passacantando & Kert Davies. They may bring an assistant if that works for you. Can Steve join us?  
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Lee

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Hi, Lem,

FOIL G000316-051423 000037

FOIL160286\_000031

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FOIL G000316-051423 000039

FOIL160286\_000033

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Wednesday, February 11, 2015 11:58 AM  
**To:** 'Lee Wasserman' <lwasserman@rffund.org>  
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**To:** "Lemuel.Srolovic@ag.ny.gov" <Lemuel.Srolovic@ag.ny.gov>  
**Subject:** follow up

FOIL G000316-051423 000040

FOIL160286\_000034



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**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Wednesday, February 11, 2015 5:16 PM  
**To:** 'Lee Wasserman' <lwasserman@rffund.org>  
**Subject:** RE: follow up

---

Great. Looking forward to conversation.

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Wednesday, February 11, 2015 2:02 PM  
**To:** Lemuel Srolovic  
**Subject:** Re: follow up

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Rockefeller Family Fund

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FOIL G000316-051423 000042

FOIL160286\_000036

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**From:** Lee Wasserman <[lwasserman@rffund.org](mailto:lwasserman@rffund.org)>  
**Date:** Tuesday, February 3, 2015 at 7:00 PM  
**To:** "[lemuel.srolovic@ag.ny.gov](mailto:lemuel.srolovic@ag.ny.gov)" <[lemuel.srolovic@ag.ny.gov](mailto:lemuel.srolovic@ag.ny.gov)>  
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**From:** Lee Wasserman <lwasserman@rffund.org>  
**Sent:** Saturday, February 21, 2015 4:02 PM  
**To:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>; Steven Glassman <Steven.Glassman@ag.ny.gov>  
**Subject:** Re: meeting

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Lem & Steve,

This just went up on the Times website and involves the funding by fossil interests of faux scientists, in this case Willie Soon.

Kert and John, who you'll see on Monday, were responsible for the research that led to this story.

<http://www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html?hp&action=click&pgtype=Homepage&module=first-column-region&region=top-news&WT.nav=top-news&r=0>

Thanks.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252



---

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Date:** Thursday, February 19, 2015 at 10:19 AM  
**To:** Lee Wasserman <lwasserman@rffund.org>, Steven Glassman <Steven.Glassman@ag.ny.gov>  
**Subject:** RE: meeting

Lee, thanks much. This is helpful. Lem

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Thursday, February 19, 2015 9:43 AM  
**To:** Lemuel Srolovic; Steven Glassman  
**Subject:** meeting

Lem & Steve,

The guys you'll meet, John Passacantando & Kert Davies, have spent well over a decade tracking deceptive or misleading statements by major oil and coal companies and certain utilities. Based on a combination of public and private information, they have identified the creation of grasstops corporate coalitions created for the sole purpose of minimizing the risks associated with climate change. They also are aware of money flows from corporate actors to these coalitions and individual scientists who have made it their career to cast doubt on climate science.

While most of the documents and coalitions formed happened a number of years ago, the material they have demonstrate a long-term and collaborative pattern. Moreover, John & Kert are about to break news—watch your paper in the next couple of days— about one scientist, Willie Soon, who has been taking money for the past several years from one of these companies to sow confusion on the science.

As noted in a Martin Act case I know you're familiar with, *Cadplaz* ~~SP0115008366-Misc23d-000119~~, the

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As I understand the law, if the AG were to solely pursue a concealment or a failure to disclose case, then he would have to prove materiality. We believe, however, that there has been a general pattern of deception, which does not require a materiality finding (although I think the AG could readily prove that finding as well).

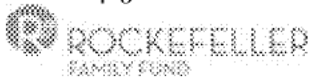
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.Even if greater regulation were not to occur, climate change will have meaningful financial consequences, both positive and negative, e.g.inundation of infrastructure and opening of the Arctic and other previously inaccessible places for drilling.

Lee

PS for the security guards, please note that Kert Davies' actual name is Roland Davies—Kert is a nickname.

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**From:** Lee Wasserman <lwasserman@rffund.org>  
**Sent:** Sunday, February 22, 2015 9:42 PM  
**To:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>; Steven Glassman <Steven.Glassman@ag.ny.gov>  
**Subject:** Re: meeting

---

Another worthwhile article to read before we see you tomorrow.  
Best, Lee

<http://www.nature.com/news/documents-spur-investigation-of-climate-sceptic-1.16972>

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**Date:** Saturday, February 21, 2015 at 4:01 PM  
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**Date:** Thursday, February 19, 2015 at 10:19 AM  
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**Sent:** Thursday, February 19, 2015 9:43 AM  
**To:** Lemuel Srolovic; Steven Glassman

FOIL G000316-051423 000046

FOIL160286\_000040

**Subject:** meeting

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The energy companies failed to disclose their scientific analyses on climate, certainly, but the other point is that they are actively misleading the capital markets by pumping out misinformation about the reality and consequences of climate change. If the companies admitted what they know about climate science, it would almost certainly hasten greater regulatory changes to restrict the extraction of fossil fuels. In our opinion, [REDACTED]

[REDACTED]. Even if greater regulation were not to occur, climate change will have meaningful financial consequences, both positive and negative, e.g. inundation of infrastructure and opening of the Arctic and other previously inaccessible places for drilling.

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**From:** Joan Smith <Joan.Smith@ag.ny.gov>  
**Sent:** Friday, February 20, 2015 9:23 AM  
**To:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Subject:** RE: meeting

---

Lem,  
So far I have Larry Shapiro, John Passacantando, Roland Davies and Lee Wasserman on the visitors log for Monday. Is that correct?



**Joan Smith | Exec. Ass't to the Executive Deputy AG for Social Justice  
and the Environmental Protection Bureau Chief**

Office of the New York State Attorney General  
120 Broadway, New York, NY 10271-0332

☎ 212-416-8443 | 📠 212-416-6007

✉ [Joan.Smith@ag.ny.gov](mailto:Joan.Smith@ag.ny.gov)

---

**From:** Lemuel Srolovic  
**Sent:** Thursday, February 19, 2015 7:04 PM  
**To:** Joan Smith  
**Subject:** FW: meeting

Another add from outside for Monday climate change meeting.

---

**From:** Lee Wasserman [<mailto:lwasserman@rffund.org>]  
**Sent:** Thursday, February 19, 2015 6:57 PM  
**To:** Lemuel Srolovic  
**Subject:** Re: meeting

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Rockefeller Family Fund

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Lee -- for logistics, will it be you, John and Kert (nickname) from outside?

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**Sent:** Thursday, February 19, 2015 12:06 PM  
**To:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Subject:** Re: meeting  
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Correct.

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Rockefeller Family Fund

On Feb 19, 2015, at 8:30 AM, Lemuel Srolovic <[Lemuel.Srolovic@ag.ny.gov](mailto:Lemuel.Srolovic@ag.ny.gov)> wrote:

Lee -- for logistics, will it be you, John and Kert (nickname) from outside?

---

**From:** Lee Wasserman [<mailto:lwasserman@rffund.org>]  
**Sent:** Thursday, February 19, 2015 9:43 AM  
**To:** Lemuel Srolovic; Steven Glassman  
**Subject:** meeting

Lem & Steve,

The guys you'll meet, John Passacantando & Kert Davies, have spent well over a decade tracking deceptive or misleading statements by major oil and coal companies and certain utilities. Based on a combination of public and private information, they have identified the creation of grasstops corporate coalitions created for the soul purpose of minimizing the risks associated with climate change. They also are aware of money flows from corporate actors to these coalitions and individual scientists who have made it their career to cast doubt on climate science.

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As noted in a Martin Act case I know you're familiar with, *Cadplaz Sponsors*, 69 Misc. 2d at 419, the AG has the authority to go after "all deceitful practices contrary to the plain rules of common honesty" or "acts tending to deceive or mislead the public."

As I understand the law, if the AG were to solely pursue a concealment or a failure to disclose case, then he would have to prove materiality. We believe, however, that there has been a general pattern of deception, which does not require a materiality finding (although I think the AG could readily prove that finding as well).

The energy companies failed to disclose their scientific analyses on climate, certainly, but the other point is that they are actively misleading the capital markets by pumping out misinformation about the reality and consequences of climate change. If the companies admitted what they know about climate science, it would almost certainly hasten greater regulatory changes to restrict the extraction of fossil fuels. [REDACTED]

[REDACTED]. Even if greater regulation were not to occur, climate change will have meaningful financial consequences, both positive and negative, e.g. inundation of infrastructure and opening of the Arctic and other previously inaccessible places for drilling.

Lee

PS for the security guards, please note that Kert Davies' actual name is Roland Davies—Kert is a nickname.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252  
<image001.png>

**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Monday, February 23, 2015 11:08 AM  
**To:** Alan Belenz <Alan.Belenz@ag.ny.gov>  
**Subject:** RE: meeting

---

Ok. Good.

---

**From:** Alan Belenz  
**Sent:** Monday, February 23, 2015 10:43 AM  
**To:** Lemuel Srolovic  
**Subject:** RE: meeting

Lem. I plan on sitting in on this call. Alan

---

**From:** Mauricio Roma  
**Sent:** Monday, February 23, 2015 10:30 AM  
**To:** Alan Belenz  
**Subject:** FW: meeting

---

**From:** Lemuel Srolovic  
**Sent:** Monday, February 23, 2015 10:22 AM  
**To:** Michael J. Myers; John Oleske; Mauricio Roma; Jodi Feld; Guy Ben-Ishai  
**Subject:** FW: meeting

Latest development (NY Times story link at bottom) in climate change project of climate researchers coming in at 1 this afternoon from this group:

<http://www.climateinvestigations.org/>

Link below also has recent documents:

<http://www.nature.com/news/documents-spur-investigation-of-climate-sceptic-1.16972>

---

**From:** Lee Wasserman [mailto:lwasserman@rffund.org]  
**Sent:** Saturday, February 21, 2015 4:02 PM  
**To:** Lemuel Srolovic; Steven Glassman  
**Subject:** Re: meeting

Lem & Steve,  
This just went up on the Times website and involves the funding by fossil interests of faux scientists, in this case Willie Soon.  
Kert and John, who you'll see on Monday, were responsible for the research that led to this story.

[http://www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html?hp&action=click&pgtype=Homepage&module=first-column-region&region=top-news&WT.nav=top-news&\\_r=0](http://www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html?hp&action=click&pgtype=Homepage&module=first-column-region&region=top-news&WT.nav=top-news&_r=0)

Thanks.

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Lee Wasserman  
Director  
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212.812.4252



---

**From:** Lemuel Srolovic <[Lemuel.Srolovic@ag.ny.gov](mailto:Lemuel.Srolovic@ag.ny.gov)>  
**Date:** Thursday, February 19, 2015 at 10:19 AM  
**To:** Lee Wasserman <[lwasserman@rffund.org](mailto:lwasserman@rffund.org)>, Steven Glassman <[Steven.Glassman@ag.ny.gov](mailto:Steven.Glassman@ag.ny.gov)>  
**Subject:** RE: meeting

Lee, thanks much. This is helpful. Lem

---

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**Subject:** meeting

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[REDACTED] Even if greater regulation were not to occur, climate change will have meaningful financial consequences, both positive and negative, e.g. inundation of infrastructure and opening of the Arctic and other previously inaccessible places for drilling.

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Lee

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**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Thursday, February 19, 2015 11:30 AM  
**To:** 'Lee Wasserman' <lwasserman@rffund.org>  
**Subject:** RE: meeting

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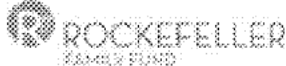
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**From:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Sent:** Thursday, February 19, 2015 10:19 AM  
**To:** 'Lee Wasserman' <lwasserman@rffund.org>; Steven Glassman <Steven.Glassman@ag.ny.gov>  
**Subject:** RE: meeting

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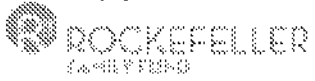
Lee

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**From:** Michael J. Myers <Michael.Myers@ag.ny.gov>  
**Sent:** Tuesday, February 24, 2015 4:55 PM  
**To:** Alan Belenz <Alan.Belenz@ag.ny.gov>; Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Subject:** Too Soon

---

Note the Sen. Markey action at the end.

#### **4. ADVOCACY:**

### **Records show climate skeptic was funding magnet for Harvard-Smithsonian**

Gayathri Vaidyanathan, E&E reporter

Published: Tuesday, February 24, 2015

News that Harvard astrophysicist and climate skeptic Wei-Hock "Willie" Soon received funding from energy companies has shed an unflattering light on the mutually beneficial relationship between Soon and his employer, the Harvard-Smithsonian Center for Astrophysics in Cambridge, Mass.

Emails between the astrophysics center and representatives of energy companies show that the center received significant percentages of Soon's funding to cover its electricity, overheads and miscellaneous operating expenses. This is standard operating practice "not only at our institution, but at other institutions," said Christine Pulliam, public affairs specialist at the center, in a phone interview.

But the astrophysics center's other practices are not standard procedure. At one point, the Harvard-Smithsonian's external affairs director emailed funders and got them to remove restrictions on the use of Soon's funds. The institute then channeled the money into a discretionary fund controlled by the institute's director, Charles Alcock.

In that case, 29 percent of the funds Soon received from Exxon Mobil Corp. in 2010 were transferred to the director's spending account.

Such budget allocations reveal how Soon, a well-known climate skeptic whose studies have been vociferously challenged by the scientific community and media, has managed to retain his perch at one of the most prestigious American universities.

The emails were obtained through a Freedom of Information Act request by the Climate Investigations Center, headed by the former Greenpeace activist Kert Davies.

### **Smithsonian asks for probe**

Albert Horvath, acting secretary of the Smithsonian Institution in Washington, D.C., has requested the Smithsonian's inspector general to investigate the astrophysics center, according to a statement.

In the fallout precipitated by the emails, the Smithsonian sought to distance itself from Soon, whom it labeled a "part-time researcher" in a statement.

"He was hired to conduct research on long-term stellar and solar variability. The Smithsonian does not fund Dr. Soon; he pursues external grants to fund his research," the Smithsonian said in a statement.

The institute was complicit in Soon's securing such grants, writing actively to funders on his behalf, the emails show.

"We were aware that these grants were coming in, absolutely," said Pulliam of the astrophysics center. The center overall receives more than \$100 million annually in contracts and grants, she said.

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Soon was not available to most media outlets seeking comment, but he is quoted on Breitbart, a conservative media outlet that does not believe in global warming, stating that the astrophysics center could not sack him since "he was also bringing in too much money."

## Gifts for salary and overhead

Over the years, Soon has received at least \$273,611 from the American Petroleum Institute; \$230,000 from the Charles G. Koch Foundation; \$234,799 from Donors Trust, a think tank that advocates for limited government; \$335,106 from Exxon Mobil; and \$349,945 from Southern Co., according to information provided to *ClimateWire* by Davies in January.

In one case, Soon was awarded \$60,003 from Southern Co., of which he received \$24,693 as salary. The remaining was used for overhead by the astrophysics center.

The spotlight on Soon follows a *ClimateWire* story that found he and his co-authors had published a study that challenges climate models in the *Chinese Science Bulletin*. Soon did not declare his conflicts of interest to the journal editors in that study (*ClimateWire*, Jan. 23).

Senator Ed Markey (D-Mass.) said that he will be sending letters to energy companies, trade groups and others requesting details on the scientists they are funding on climate-related research.

"For years, fossil fuel interests and front groups have attacked climate scientists and legislation to cut carbon pollution using junk science and debunked arguments," he said in a statement. "The American public deserve an honest debate that isn't polluted by the best junk science fossil fuel interests can buy."

Michael J. Myers  
Chief, Affirmative Litigation Section  
Environmental Protection Bureau  
New York State Attorney General  
The Capitol  
Albany, NY 12224  
(518) 776-2382\*\***Please note the change in phone number**\*\*  
[michael.myers@ag.ny.gov](mailto:michael.myers@ag.ny.gov)

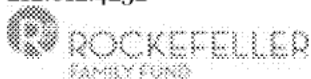
**From:** Lee Wasserman <lwasserman@rffund.org>  
**Sent:** Monday, February 23, 2015 10:32 AM  
**To:** Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>  
**Subject:** final attendee list

---

Matt Kasper  
Larry Shapiro  
John Passacantando  
Roland Davies  
Lee Wasserman


Thanks.

Lee Wasserman  
Director  
475 Riverside Drive, Suite 900 | New York, NY 10115  
212.812.4252



**From:** [EnergyGuardian](#)  
**To:** [Eric Schneiderman](#)  
**Subject:** 184 House lawmakers urge EPA not to proceed with RFS biofuel targets  
**Date:** Thursday November 05 2015 12:37:08 PM

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 Energy and environment headlines for the morning of Thursday, November 5, 2015



## 184 House lawmakers urge EPA not to proceed with RFS biofuel targets

By Kevin Rogers

The Environmental Protection Agency's biofuel blending levels for 2014, 2015 and 2016 are

facing a final White House review, and a bipartisan group of 184 House members is urging the administration not to proceed with goals the lawmakers consider "impractical" for the marketplace.

In a [letter](#) to EPA Administrator Gina McCarthy, the group, led by Reps. Bill Flores, R-Texas, Peter Welch, D-Vt., Bob Goodlatte, R-Va., Jim Costa, D-Calif., and Steve Womack, R Ark., asked the agency to reverse course on its 2016 Renewable Fuel Standard proposal, which would require nearly 10 percent of the nation's transportation fuel to come from biofuels.

"We write to express significant concern with the recently proposed 2016 Renewable Volume Obligations (RVO) under the Renewable Fuel Standard," the members wrote. "The RVO as currently proposed would constitute a breach of the ethanol blend wall, which would cause adverse impacts on American consumers and the economy."

The blend wall is the 10 percent threshold where RFS opponents say the market

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becomes saturated with ethanol and other biofuels; they say higher ethanol blend could damage engines and that the nation doesn't yet have adequate fueling infrastructure for E15 and E85.

"EPA acknowledges that its 2016 RVO proposal would require significant greater use of E15 and E85 in order to meet the proposed mandate in 2016," the members wrote.

"Therefore, this proposal is problematic not only in principle, but it is also impractical since it would take decades, not months to build out the compatible vehicle fleet and install the necessary retail infrastructure to accommodate the higher blends of ethanol," they continued.

The group also pledged to work toward reforming the standard, though in the meantime they said the agency would have to act on its own.

EPA said it had received the letter and would review it. The agency submitted the regulations to the Office of Management and Budget last week, and it plans to have the final rules released by Nov. 30.

"The final rule to establish the RFS standards for 2014, 2015, and 2016, and the biomass-based diesel standard for 2017, is currently under interagency review," the agency said. "EPA is committed to the long term growth in biofuels that will strengthen energy security and increase greenhouse gas emissions benefits."

The agency has come under fire from ethanol and other biofuels groups for proposing to use a waiver authority, allowed by the 2005 law that created the RFS, to set blending levels below the statute. EPA officials, in proposing the three years of standards, said that slower-than-expected growth in the biofuels sector and lower overall fuel consumption made the waiver a necessity.

The Renewable Fuels Association, an industry group representing ethanol manufacturers, said that the lawmakers were simply spitting oil industry talking points about the RFS.

"It should come as no surprise that, as the November 30th deadline for the EPA to issue its final rule on the 2014-2016 RVOs looms, the Big Oil spin machine has gone into overdrive and the petroleum industry is pulling out all the stops in an attempt to confuse the public and mislead policymakers about this important program," President and CEO Bob Dinneen said. "The fact that members of Congress are parroting Big Oil's blend wall narrative is shameful evidence that money talks."

The American Council for Capital Formation, a group opposed to the RFS that has financed a recent report highlighting some of the environmental shortcomings of the program, praised the lawmakers.

"In a Congress that can hardly agree on much these days, this broad bipartisan coalition reflects the significant progress and momentum behind fixing this



broken policy once and for all after a decade of failure,” Executive Vice President Dave Banks said in a statement.

In the run up to this month’s reveal of the final RFS, money has been pumped into the media as interest groups have been pushing their messages. Pro-RFS groups like RFA and Americans for Energy Security and Innovation, as well as opponents like the American Petroleum Institute and Smarter Fuels Future have launched ad campaigns aimed at swaying the White House in the final weeks of review.



## Quick Links

By The Numbers: Clean Power Plan foes include most carbon intensive states

Brown had state workers research oil on ranch

Witness testifies ex-Massey CEO couldn't 'afford a disaster'

Oklahoma town knows how to survive oil busts: A backup plan

Details of controversial Pacific trade deal are released

Upcoming climate talks just latest chapter in a long history

Scientists tinker with evolution to save Hawaii coral reefs

US probes dolphin death after Navy uses sonar

Puerto Rico to debate PREPA restructuring bill on tight deadline

House rejects gasoline tax cut

EPA science advisers challenge fracking finding

Smith steps up confrontation with NOAA over climate

Court reverses BLM on Nevada wind project

Nuclear industry losing economic battle

Oil recovering from slide

California to have significant presence at Paris talks

New minister says Canada must step up climate fight

Cost cutting helps Energy Transfer Equity to \$293M 3Q profit

Transocean sees revenue drop despite reporting profit in 3Q

Dynegy reports 3Q net loss and another coal retirement

Upcoming Events

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## **By The Numbers: Clean Power Plan foes include most carbon-intensive states**

**By Brad Kalbfeld**

The 26 states going to court to kill the Environmental Protection Agency's Clean Power Plan include the nation's most carbon-intensive economies, while the 18 states who have requested to defend the regulation include the least-carbon-intensive, an EnergyGuardian analysis of government figures shows.

States on both sides are intervening in a lawsuit filed in U.S. Court of Appeals for the District of Columbia Circuit that aims to throw out the Environmental Protection Agency's rule requiring reductions in carbon emissions from existing power plants over the next 15 years, and to issue a stay on implementation until it renders its decision. On Wednesday, 18 states asked the court to allow them to join the case on EPA's side.

The analysis examined [2013 state-by-state emissions figures](#) released by the Energy Information Administration last month. West Virginia, the lead state in the lawsuit, had the nation's second-most carbon intensive economy, EIA's figures show, while New York, the state leading the effort to defend the rule, had the least carbon-intensive economy.

EIA defined carbon intensity as the amount of energy-related carbon dioxide emitted per dollar of the state's gross domestic product. The higher that number, the more carbon-intense the economy.

The EnergyGuardian analysis ranked the states 1 through 50, and found that, on average, states suing to overturn the rule ranked twice as high in carbon-intensity as the states that want to support the plan in court. The average carbon-intensity rank of opposing states was between 17 and 18, while the average rank of supporting states was 38.

The 10 most carbon-intensive state economies include Wyoming, West Virginia, North Dakota, Louisiana, Montana, Kentucky, Alaska, Indiana, Alabama and Oklahoma. All but Alaska are party to the suit. The 10 least carbon-intensive states are New York, Connecticut, Massachusetts, California, Maryland, Washington, Oregon, Rhode Island, Vermont and New Jersey. All were part of Wednesday's pro-EPA filing except New Jersey.

The findings track across other rankings in the EIA data.

The suing states include 9 of the 10 states with the highest percentage of carbon emissions from electric generation, 8 of the 10 states with the highest carbon intensity of energy supply, 9 of the 10 states with the highest per capita energy-related carbon emissions, and 9 of the 10 top emitters of carbon from coal-fired power plants.

Among all states, opponents ranked, on average, twice as high as CPP supporters in all of these areas.

The import of the data is reflected in the remarks officials have made in their legal filings.

"The states are being immediately and irreparably harmed by EPA's illegal effort to force states to reorder their electrical generation systems," the 26 opposing states wrote in their petition for an immediate stay of the regulation.

The 18 states that applied for permission to join EPA's court defense wrote that they "have a compelling interest in defending the Clean Power Plan as a means to achieve their goal of preventing and mitigating climate change harms in their states and municipalities."

New York State Attorney General Eric Schneiderman told reporters Wednesday that the 18 states want to "ensure that some states aren't working hard to reduce carbon emissions only to have it come in from across the borders." The carbon rule, he said, "makes sure every state steps up to the plate and does its fair share."

## **Brown had state workers research oil on ranch**

**By Ellen Knickmeyer**

SAN FRANCISCO (AP) — Gov. Jerry Brown last year directed state oil and gas regulators to research, map and report back on any mining and oil drilling potential and history at the Brown family's private land in Northern California.

After a phone call from the governor and follow-up requests from his aides, senior staffers in the state's oil and gas regulatory agency over at least two days produced a 51-page historical report and geological assessment, plus a personalized satellite imaged geological and oil and gas drilling map for the area around Brown's family ranchland near the town of Williams.

Ultimately, the regulators told the governor, prospects were "very low" for any commercial drilling or mining at the 2,700-acre property, which has been in Brown's family for more than a century.

Through the state's open records law, The Associated Press obtained the research that state regulators carried out for Brown, and the emails among senior oil and gas regulators scrambling to fulfill the governor's request.

[More](#)

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## **Witness testifies ex-Massey CEO couldn't 'afford a disaster'**

**By John Raby**

CHARLESTON, W.Va. (AP) — A key government witness testified Wednesday that he warned his former coal company's top executive who questioned the cost of hiring more workers to address safety problems that the company couldn't "afford to have a disaster."

Former Massey Energy safety official William Ross testified for a second day in the federal trial of ex-CEO Don Blankenship, who is charged with conspiring to break safety laws at the Upper Big Branch mine in southern West Virginia and lying to financial regulators and investors about safety.

Ross discussed a lunch meeting he had with Blankenship in Williamson in the summer of 2009, less than a year before an explosion at Upper Big Branch killed 29 miners.

The meeting occurred after Ross made recommendations in company memos about dealing with safety violations at Massey mines.

[More](#)

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## **Oklahoma town knows how to survive oil busts: A backup plan**

**By Tammy Webber**

PONCA CITY, Okla. (AP) — It's a slow day at Fun Bob's shaved ice stand, though the temperature is in the 80s. With summer over, only an occasional car pulls up to the blue-and-white-striped shack where David Anderson sits atop a picnic table and explains his plan for replacing the income from the oilfield job he lost this year.

The new entrepreneur is adding coffee, cappuccinos and lattes to his menu. With a bit of luck, he hopes he'll no longer have to endure the boom-and-bust cycles that have been a part of life in this oil town for more than a century.

But nothing is certain, so the 34-year-old ex-Marine is also enrolled in

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Northern Oklahoma College's process technology program, which prepares students for jobs in the petroleum and power industries.

"A lot of it depends on how this turns out," said Anderson, who bought the business in January after oil prices plummeted and he was laid off. "If this turns into a profitable source of income, where I can run this shack and do coffee and snow cones, I'll stay here."

More

## **Details of controversial Pacific trade deal are released**

**By Paul Wiseman and Elaine Kurtenbach**

WASHINGTON (AP) — Details of a sweeping Pacific Rim trade deal released Thursday set the stage for a raucous debate in the U.S. Congress but also may provide reassurances to those who worried the agreement could gut protections for the environment, public health and labor.

The text of the Trans Pacific Partnership agreement between the U.S. and 11 other countries including Japan and Mexico runs to 30 chapters and hundreds of pages. It is mind-boggling in its detail, laying out plans for the handling of trade in everything from zinc dust to railway sleepers and live eels.

Governments of the 12 member countries released the [complete text](#) online Thursday, making public the specifics of an agreement that critics complain was forged in secrecy.

The documents show the pact reached Oct. 5 in Atlanta after several years of talks is chock full of good intentions. Negotiators agreed to promote environmental sustainability, respect the rights and needs of indigenous peoples, and temper protections for drug patents with safeguards for public health and access to medicines.

More

### **A message from the American Petroleum Institute**

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## **Upcoming climate talks just latest chapter in a long history**

**By Seth Borenstein**

WASHINGTON (AP) — You can't say we haven't been warned.

The upcoming climate summit in Paris is just the latest chapter in the surprisingly long history of grappling with global warming, a history that began with the discovery of the greenhouse effect in the 19th century — before the telephone, the radio or Al Gore. And the first government warning that the world was warming came exactly a half century ago.

On Nov. 5, 1965, President Lyndon B. Johnson's science advisory committee told him that "Man is unwittingly conducting a vast geophysical experiment," and that by the year 2000, carbon dioxide levels would increase enough to "almost certainly cause significant changes in the temperature and other properties of the stratosphere."

The upshot? Not much. The world warmed about 1.4 degrees (0.8 degrees Celsius) in the next 50 years, according to the National Oceanic and Atmospheric Administration.

[More](#)

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## **Scientists tinker with evolution to save Hawaii coral reefs**

**By Caleb Jones**

COCONUT ISLAND, Hawaii (AP) — Scientists at a research center on Hawaii's Coconut Island have embarked on an experiment to grow "super coral" that they hope can withstand the hotter and more acidic oceans that are expected with global warming.

The quest to grow the hearty coral comes at a time when researchers are warning about the dire health of the world's reefs, which create habitats for marine life, protect shorelines and drive tourist economies.

When coral is stressed by changing environmental conditions, it expels the symbiotic algae that live within it and the animal turns white or bright yellow, a process called bleaching, said Ruth Gates, director of the Hawaii Institute of Marine Biology.

If the organisms are unable to recover from these bleaching events, especially when they recur over several consecutive years, the coral will die. Gates

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estimated that about 60 to 80 percent of the coral in Kaneohe Bay has bleached this year.

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## **US probes dolphin death after Navy uses sonar**

**By Audrey McAvoy**

HONOLULU (AP) — The National Marine Fisheries Service on Wednesday said it was investigating the death of two dolphins found washed ashore in California shortly after Navy ships were using sonar in nearby waters.

Necropsies have been conducted, and the animals are being analyzed to try to determine what caused them to get stranded, agency spokesman Jim Milbury said.

The dolphins were common bottlenose dolphins, Navy spokeswoman Lt. Julie Holland said. They were found Oct. 21 at Imperial Beach and at Silver Strand beach in San Diego.

Two Navy ships were using mid-frequency active sonar 80 nautical miles away from where the dolphins were found, Holland said. They used the sonar for slightly more than an hour over two days from Oct. 19.

[More](#)

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## **Puerto Rico to debate PREPA restructuring bill on tight deadline**

**By Danica Coto**

SAN JUAN, Puerto Rico (AP) — Puerto Rico's governor submitted a long-awaited bill Wednesday to restructure the island's heavily indebted public power company as legislators rush to debate multiple measures to help keep the U.S. territory financially afloat.

The measure was sent to lawmakers less than a day after the Puerto Rico Electric Power Authority obtained a brief extension to finalize a deal with creditors and bondholders on restructuring part of its \$9 billion debt.

Many Puerto Ricans thought the bill would reveal details of an anticipated increase in power bills, but the measure said the proposed rate structure would not be revealed until restructuring bonds are issued. Power bills in Puerto Rico are on average twice that of the U.S. mainland and an increase would represent another burden for islanders recently hits with new taxes and tax increases.

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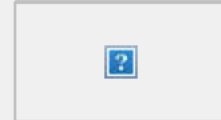
Gov. Alejandro Garcia Padilla's administration said it has lowered energy costs through artificial means in recent years, but those measures are not enough. It noted the power company faces a \$1 billion shortfall this fiscal year.

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**Week in Review – Federal Courts Yield to Obama’s EPA**

Power plant rule challenge to be decided after Pari [CLICK HERE TO READ THE BRIEF](#)



## House rejects gasoline tax cut

House lawmakers have voted down an amendment to the highway funding bill – sponsored by Rep. Ron DeSantis, R-Fla. – that called for a substantial cut in the 18.4 cents-per-gallon federal gasoline tax, The Hill reports.

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## EPA science advisers challenge fracking finding

The Environmental Protection Agency’s panel of science advisers is finding fault with EPA’s June announcement that hydraulic fracturing hasn’t posed widespread, systematic problems with drinking water safety, E&E reports.

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## Smith steps up confrontation with NOAA over climate

House Science, Space and Technology Committee Chairman Lamar Smith, R-Texas, sent a letter Wednesday to the National Oceanic and Atmospheric Administration demanding all external agency correspondence about a climate change study that maintained there’s been no “pause” in global warming, the Washington Examiner reports.

[More](#)

## Court reverses BLM on Nevada wind project

A court has sided with environmentalists and thrown out the Bureau of Land



Management's approval for Nevada's Searchlight Wind Energy Project, ruling the agency didn't properly evaluate the threat the turbines would pose to tortoises and golden eagles in the Mojave Desert, E&E reports.

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## **Nuclear industry losing economic battle**

Despite its low carbon footprint, the nuclear industry is struggling in the face of high expenses for building and operating nuclear power plants, as evidenced by two recent announcement of closures, The Hill reports.

[More](#)

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## **Oil recovering from slide**

Oil prices rose slightly Thursday morning following a crash the day before on data from the Energy Information Administration showing a build in crude stockpiles. U.S. benchmark crude gained 18 cents to \$46.50 a barrel in electronic trading on the Nymex, while in London Brent increased 24 cents to \$48.82, Reuters reports.

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## **California to have significant presence at Paris talks**

Gov. Jerry Brown, former Gov. Arnold Schwarzenegger and activist Tom Steyer are expected to attend the upcoming Paris conference on climate change, the Los Angeles Times reports.

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## **New minister says Canada must step up climate fight**

Canadian Prime Minister Justin Trudeau has added climate change to the title of his environment minister and named Catherine McKenna to the post in an effort to highlight his commitment to act on the issue, the CBC reports.

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## **Cost cutting helps Energy Transfer Equity to \$293M 3Q profit**

Lower costs and trimmed expenses helped Energy Transfer Equity overcome a decline in revenue in the third quarter, with the company seeing its profit jump 56 percent to \$293 million in the third quarter, The Wall Street Journal reports.

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## **Transocean sees revenue drop despite reporting profit in 3Q**

Hurt by production cuts as a result of the oil glut, offshore driller Transocean reported a 29 percent drop in revenue in the third quarter, although the company reported a \$321 million profit, Marketwatch reports.

More

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## **Dynegy reports 3Q net loss and another coal retirement**

Mild weather that depressed power demand was partly responsible for Dynegy's net loss of \$24 million in the third quarter, the company said Wednesday, adding that it would shut down a coal-fired plant in Alton, Illinois next year but otherwise is seeing strong operating income from its fleet of gas-fired plants, FuelFix reports.

More

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## **Upcoming Events**

- Nov. 5, Washington: The House Science Space and Technology Committee to hold a full committee hearing on the Environmental Protection Agency's handling of the proposed Pebble Mine. Pebble Limited Partnership Tom Collier, Cohen Group Chairman William Cohen, DLA Piper Senior Counsel Charles Scheeler and former Alaska Senate President Rick Halford to testify. 10:00 am , 2318 Rayburn.
- Nov. 5, Washington: The House Energy and Commerce Subcommittee on Energy and Power to host European Parliament Chairman Jerzy Buzek and other parliament members for a roundtable on energy security issues. 10:00 am , 2123 Rayburn .
- Nov. 5, Washington: The Senate Agriculture, Nutrition and Forestry Committee to hold a hearing on the budget risks of wildfires and threats to state, federal and private resources. 10:00 am , 328A Russell.
- Nov. 5, Washington: The House Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management to hold a hearing on regulatory reviews. Interior Associate Deputy Secretary Elizabeth Klein and Environmental Protection Agency Office of Regulatory Policy and Management Acting Director William Nickerson. 9:30 am , Dirksen 342.
- Nov. 5, Washington: Interior Secretary Sally Jewell and other department officials to speak at the annual White House Tribal Nations Conference. 8:30 am , The White House.



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**From:** [EnergyGuardian](#)  
**To:** [Eric Schneiderman](#)  
**Subject:** First since '96: NRC approves Watts Bar 2 license  
**Date:** Tuesday, November 17, 2015, 11:42:08 AM

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 Energy and environment headlines for the afternoon of Thursday, October 22, 2015



## First since '96: NRC approves Watts Bar 2 license

By Kevin Rogers

The Nuclear Regulatory Commission on Thursday approved its first nuclear generating license in nearly 20 years, authorizing the Tennessee Valley Authority to run the second reactor at its Watts Bar Nuclear Plant, more than four decades after ground was first broken.

Supporters said it was a “hallmark day” for the nuclear industry, but one critic called Watts Bar 2 a “zombie reactor” and said its approval was merely an “anomaly” that doesn’t represent a turnaround for the nuclear sector.

The license -- the first granted by NRC since Unit 1 at Watts Bar was authorized in 1996 -- allows Unit 2, under construction since January 1973, to operate until 2055.

NRC said the unit will be the first nuclear site in the U.S. to fully comply with post-Fukushima safety requirements.

“After devoting more than 200,000 hours over eight years conducting extensive safety reviews and inspections, we’re satisfied Unit 2 is safe to operate and we’ve issued TVA the operating license,” Office of Nuclear Reactor Regulation Bill Dean

Jobs



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said in a statement.

Construction stopped on the second unit in 1985, when TVA suspended the project to focus on completing the first reactor. It applied to renew the Unit 2 construction permit in 2000, and the NRC has been reviewing its license application since 2007.

TVA said the reactor was set to begin operating in early 2016, and would power as many as 650,000 homes. Combined, the two Watts Bar reactors will power 1.3 million homes.

“Completing Watts Bar Unit 2 was a sound business decision made for the long-term good of the Tennessee Valley,” TVA CEO Bill Johnson said in a statement. “The unit is essential to diversifying TVA’s power sources to assure the more than 9 million people served by TVA and its local power company partners have affordable and reliable electricity generated in an environmentally friendly manner.”

Nuclear Energy Institute President Marvin Fertel said in a statement that the license proved that nuclear power can remain relevant, especially as the nation looks to reduce greenhouse gas emissions.

“This is a hallmark day for the U.S. nuclear energy industry,” he said. “All told, nuclear energy facilities provide 63 percent of America’s zero-carbon electricity supply—evidence that significant greenhouse gas reductions in the electric sector can’t be achieved unless our nation keeps the nuclear facilities we already have and builds more of them.”

But Greenpeace Nuclear Policy Analyst Jim Riccio said the nuclear industry had little to celebrate, pointing to the reactor's estimated \$4.5 billion cost and its nearly 43-year construction history.

“I don't think even the industry should be cheering too loudly for this one, because it's an example of everything that's wrong with nuclear power,” Riccio said.

He also contended that TVA, as a federally owned corporation, had credit opportunities that other power companies can't hope to access.

“No other corporation could afford to have left this reactor—we call them zombie reactors—sitting on its books as long as TVA did,” he said. “But because TVA has the unique situation where it has a \$30 billion debt ceiling, that's why you see this weird anomaly of them actually finishing Watts Bar 2.”

The announcement was celebrated by Sen. Lamar Alexander, R-Tenn., one of the leading proponents of nuclear power in Congress. He has said that nuclear would be a far more effective path forward for low-carbon energy than renewable sources such as wind power.

“Watts Bar Unit 2 is the country’s first new reactor built in the 21st Century, and I am very pleased to see it is ready to go online,” he said in a statement. “Soon, it will bring cheap, clean and reliable energy, as well as good-paying jobs, to the Tennessee Valley.”



## Quick Links

EPA to publish carbon rule Friday, open gates for legal challenges

VW says newer engine may also have had trick software

Flooring company pleads guilty to environmental crimes

Caterpillar weighed down by slowing global economic growth

Venezuela's ex oil czar dismisses media report of corruption

US-led forces strike IS-controlled oil field in Syria

Southern Thailand hit by the worst haze from Indonesia ever

Steyer promises no letup in campaign climate spending

Cybersecurity main topic as NRC, FERC confer

Bloomberg analysts predicting sustained low oil prices

Oil and gas woes drag Freeport McMoRan to big 3Q loss

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Think tank predicts drop in demand for fossil fuels

EQT to narrow its gas drilling focus

Noble looks to midstream IPO to raise cash

Dow cutting back in Kuwait but building U.S. Gulf Coast plant

Dyson getting into the battery business

Upcoming Events

## EPA to publish carbon rule Friday, open

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# gates for legal challenges

**By Kevin Rogers**

The Environmental Protection Agency on Thursday announced that it would move to publish its final Clean Power Plan in Friday's Federal Register, opening the door for industry and state governments to pursue legal action against the power plant carbon rules.

The federal government will publish the two rules: [One for existing plants](#) which relies on state-specific carbon emission-reduction targets—and [one for new fossil fuel-fired plants](#)—which includes hard emissions limits. The rules seek to cut, by 2030, sector carbon pollution to 32 percent below 2005 levels.

Publication starts a 60 day countdown for states and industry to file legal action against the regulation and for Congress to act on any review process to attempt to block the regulations.

States led by West Virginia, have threatened to sue over the rules, as has the coal company Murray Energy Corporation. They argue that the new rules infringe on state authority. Senate Majority Leader Mitch McConnell, R-Ky., has said he would consider using the Congressional Review Act in an attempt to overrule the regulations.

The agency on Friday will also publish a [proposed federal implementation plan](#), which would be used in the absence of a state plan. That proposal will be open for comment from stakeholders until January 21, 2016.

On a call with reporters, Acting Assistant Administrator for Air and Radiation Janet McCabe said the more than two-month gap between finalization and publication wasn't intended to forestall legal challenges, as some opponents have alleged.

“This has actually moved fairly rapidly considering the length of these rules and the fact that there were three packages,” she said.

She also said there were no “substantive” changes made between the pre-publication version and the rules that will be published.

The American Coalition for Clean Coal Electricity, an industry group opposed to the regulations, said the publication would “finally” allow states and industries to take legal action against the agency.

“We are hopeful they will be successful and that the courts act quickly and decisively to quash this illegal rule,” President and CEO Mike Duncan said in a statement.

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**VW says newer engine may also have had**

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## **trick software**

### **By The Associated Press**

BERLIN (AP) — German automaker Volkswagen said Thursday that the U.S. cars identified as having been fitted with software to cheat on emissions tests include some vehicles with a newer diesel engine.

The company said after the emissions-rigging scandal became public last month that the software was installed on cars with variants of the EA 189 diesel engine built to the "Euro 5" emissions standard.

The company is now looking at cars with the EA 288 diesel engine and that same emissions standard, Volkswagen spokesman Pietro Zollino said. Vehicles with that engine built to the newer "Euro 6" standard are not affected, he added.

He said 70,000 cars in the U.S. with the early version of the EA 288 engine — including certain Golf models, the Beetle, Jetta, Passat and Audi A3, all from 2015 — are among the 482,000 vehicles which have been identified in the U.S. as containing the suspect software.

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## **Flooring company pleads guilty to environmental crimes**

### **By The Associated Press**

NORFOLK, Va. (AP) — Lumber Liquidators has pleaded guilty to environmental crimes related to its importation of illegally sourced wood products.

The Toano, Virginia-based company pleaded guilty Thursday to four misdemeanors and one felony and agreed to pay \$13.2 million to end a federal investigation. Sentencing was set for Feb. 1 in U.S. District Court in Norfolk.

According to prosecutors, much of the illegally imported hardwood flooring was manufactured in China from timber illegally logged in eastern Russia, the habitat for the world's last remaining Siberian tigers and Amur leopards. The government said the company should have known the wood was illegally sourced.

The plea agreement is unrelated to the controversy over some of Lumber Liquidators' laminate flooring from China, which CBS' "60 Minutes" has reported contains high levels of the carcinogen formaldehyde.

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# Caterpillar weighed down by slowing global economic growth

**By The Associated Press**

PEORIA, Ill. (AP) Caterpillar was stung by ongoing weakness in the mining and oil and gas industries during the third quarter and revenue fell short of expectations.

The construction and mining equipment maker lowered its full-year earnings forecast with expectations that the costs of restructuring the company will rise sharply.

Shares fell more than 2 percent before the opening bell Thursday.

Last month Caterpillar announced another round of job cuts that could exceed 10,000 people through 2018. The company said that it would cut as many as 5,000 people mostly by the end of this year from its salaried and management workforce. It then could cut thousands more, raising the total above 10,000, as it figures out which factories and manufacturing sites to close through 2018.

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# Venezuela's ex oil czar dismisses media report of corruption

**By The Associated Press**

CARACAS, Venezuela (AP) Venezuela's representative to the United Nations is dismissing a Wall Street Journal article about a U.S. probe into billions of dollars in bribes allegedly paid to executives at the country's state-run oil giant that he used to run.

Rafael Ramirez posted messages on Twitter Thursday describing the report as attacks by "enemies of the people" in retaliation for the late President Hugo Chavez's recovery of the nation's oil wealth for the benefit of Venezuelans.

The Journal report Thursday is based on anonymous sources and law enforcement documents. It says a consulting business belonging to Ramirez's cousin demanded huge kickbacks from international vendors in exchange for awarding contracts with the PDVSA oil company.

Venezuela's government has yet to respond to the report.

**A message from the American Petroleum Institute**

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## US-led forces strike IS-controlled oil field in Syria

By Vivian Salama

BAGHDAD (AP) — U.S. led coalition forces in Iraq and Syria carried out a large-scale attack on Syria's Omar oil field as part of its mission to target the Islamic State group's ability to generate money, a coalition spokesman said Thursday.

Operations officer Maj. Michael Filanowski told journalists in Baghdad that airstrikes late Wednesday struck IS-controlled oil refineries, command and control centers and transportation nodes in the Omar oil field near the town of Deir el-Zour. Coalition spokesman Col. Steven Warren said the attack hit 26 targets, making it one of the largest set of strikes since launching the air campaign last year.

The refinery generates between \$1.7 and \$5.1 million per month for the Islamic State group.

"It was very specific targets that would result in long term incapacitation of their ability to sell oil, to get it out of the ground and transport it," Filanowski said.

[More](#)

## Southern Thailand hit by the worst haze from Indonesia ever

By The Associated Press

BANGKOK (AP) — Southern Thailand was hit Thursday by the most severe haze ever from forest fires in Indonesia, forcing all schools in a province to close and disrupting flights in a popular tourist area, officials said.

Thailand's south boasts beaches popular among tourists in Surat Thani and Phuket, two of the seven provinces suffering from the haze.

The haze, which has shrouded parts of Malaysia and Singapore for nearly two months, reached hazardous levels in the Thai city of Songkhla, with the pollution index hitting a record-high reading of 365. A reading of 101-200 is

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unhealthy, 201-300 is very unhealthy and above 300 is hazardous.

"This is a crisis," said Halem Jemarican, head of the Southern Environment Office. He said the pollution index in southern Thailand has never exceeded 300 before.

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Kasich Announces Energy Plan. **CLICK HERE TO READ THE BRIEF**



## Steyer promises no letup in campaign climate spending

Activist Tom Steyer says he'd be "shocked" if his climate action groups didn't spend as aggressively in the 2016 elections as they did last year, and maintains they are "definitely" part of the process of getting Americans to take the issue of climate change more seriously, The Hill reports.

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## Cybersecurity main topic as NRC, FERC confer

Members of the Nuclear Regulatory Commission and the Federal Energy Regulatory Commission ran down the cyber risks they face from contaminated vendor systems, addressed communications risks, and looked at potential cybersecurity regulations when they held a high-level meeting Wednesday, E&E reports.

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## Bloomberg analysts predicting sustained low oil prices

Bloomberg Intelligence analysts are predicting oil prices will go "even lower" and stay there for "even longer," likening the current picture to the decade-long downturn in the mid 1980s.

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## Oil and gas woes drag Freeport McMoRan to big 3Q loss

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Freeport McMoRan Inc., hit hard by low prices that torpedoed its venture into the oil and gas industry, has posted a loss of \$3.8 billion in the third quarter, compared to a profit of \$552 million in the period a year ago, The Wall Street Journal reports.

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## **Oil posts gains on bargain hunting**

Bargain hunting in the wake of this week's steep slide helped oil prices recover some equilibrium Thursday, if only temporarily, following yesterday's report of a big build in stockpiles. West Texas Intermediate crude for December delivery rose 18 cents to settle at \$45.38 a barrel on the Nymex, while in London, Brent ended 23 cents higher to \$48.08, Marketwatch reports.

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## **Think tank predicts drop in demand for fossil fuels**

An analysis from the London think tank Carbon Tracker Initiative offers reasons why there may be a big drop in demand for fossil fuels over the next 25 years, E&E reports.

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## **EQT to narrow its gas drilling focus**

Faced with falling natural gas prices, EQT Corp. will suspend drilling operations outside of its most profitable core of wells in the Marcellus and Utica Shale plays, the Pittsburgh Business Times reports.

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## **Noble looks to midstream IPO to raise cash**

Noble Energy says it hopes to raise \$100 million from an initial public offering of shares in Noble Midstream Partners, which will own infrastructure in the Colorado DJ Basin, FuelFix reports.

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## **Dow cutting back in Kuwait but building U.S. Gulf Coast plant**

Dow Chemical chief Andrew Liveris describes the decision to reduce the company's stake in Kuwait ventures as "disciplined portfolio management," as

the chemical giant also announced plans to build a monoethylene glycol plant on the U.S. Gulf Coast, FuelFix reports.

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## Dyson getting into the battery business

Vacuum cleaner maker Dyson has acquired University of Michigan based startup Sakti3 and plans to construct a battery production plant, potentially positioning it to compete with Tesla and Panasonic in the electric car battery market , USA Today reports.

[More](#)

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## Upcoming Events

- Oct. 22, Washington: The House Energy and Commerce Subcommittee on Energy and Power to hold a hearing on the legality of the Environmental Protection Agency's final Clean Power Plan. 2:00 pm , 2123 Rayburn.
- Oct. 22, Washington: The House Science, Space and Technology Committee to hold a hearing on the Environmental Protection Agency's final rule to set the ground-level ozone standard to 70 parts per billion. 10:00 am , 2318 Rayburn.
- Oct. 22, Washington: Environmental Protection Agency Administrator Gina McCarthy to discuss her agency's proposed rule to limit methane emissions from the oil and gas sector at an event hosted by the Center for American Progress. 10:00 am , 1333 H St. NW.
- Oct. 22, Washington: The House Energy and Commerce Subcommittee on Environment and the Economy to hold a hearing on a bill to assist rural communities to meet Environmental Protection Agency drinking water rules. 10:00 am , 2123 Rayburn.



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**Subject:** 184 House lawmakers urge EPA not to proceed with RFS biofuel targets  
**Date:** Thursday November 05 2015 12:37:08 PM

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 Energy and environment headlines for the morning of Thursday, November 5, 2015



## 184 House lawmakers urge EPA not to proceed with RFS biofuel targets

By Kevin Rogers

The Environmental Protection Agency's biofuel blending levels for 2014, 2015 and 2016 are

facing a final White House review, and a bipartisan group of 184 House members is urging the administration not to proceed with goals the lawmakers consider "impractical" for the marketplace.

In a [letter](#) to EPA Administrator Gina McCarthy, the group, led by Reps. Bill Flores, R-Texas, Peter Welch, D-Vt., Bob Goodlatte, R-Va., Jim Costa, D-Calif., and Steve Womack, R Ark., asked the agency to reverse course on its 2016 Renewable Fuel Standard proposal, which would require nearly 10 percent of the nation's transportation fuel to come from biofuels.

"We write to express significant concern with the recently proposed 2016 Renewable Volume Obligations (RVO) under the Renewable Fuel Standard," the members wrote. "The RVO as currently proposed would constitute a breach of the ethanol blend wall, which would cause adverse impacts on American consumers and the economy."

The blend wall is the 10 percent threshold where RFS opponents say the market

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becomes saturated with ethanol and other biofuels; they say higher ethanol blend could damage engines and that the nation doesn't yet have adequate fueling infrastructure for E15 and E85.

"EPA acknowledges that its 2016 RVO proposal would require significant greater use of E15 and E85 in order to meet the proposed mandate in 2016," the members wrote.

"Therefore, this proposal is problematic not only in principle, but it is also impractical since it would take decades, not months to build out the compatible vehicle fleet and install the necessary retail infrastructure to accommodate the higher blends of ethanol," they continued.

The group also pledged to work toward reforming the standard, though in the meantime they said the agency would have to act on its own.

EPA said it had received the letter and would review it. The agency submitted the regulations to the Office of Management and Budget last week, and it plans to have the final rules released by Nov. 30.

"The final rule to establish the RFS standards for 2014, 2015, and 2016, and the biomass-based diesel standard for 2017, is currently under interagency review," the agency said. "EPA is committed to the long term growth in biofuels that will strengthen energy security and increase greenhouse gas emissions benefits."

The agency has come under fire from ethanol and other biofuels groups for proposing to use a waiver authority, allowed by the 2005 law that created the RFS, to set blending levels below the statute. EPA officials, in proposing the three years of standards, said that slower-than-expected growth in the biofuels sector and lower overall fuel consumption made the waiver a necessity.

The Renewable Fuels Association, an industry group representing ethanol manufacturers, said that the lawmakers were simply spitting oil industry talking points about the RFS.

"It should come as no surprise that, as the November 30th deadline for the EPA to issue its final rule on the 2014-2016 RVOs looms, the Big Oil spin machine has gone into overdrive and the petroleum industry is pulling out all the stops in an attempt to confuse the public and mislead policymakers about this important program," President and CEO Bob Dinneen said. "The fact that members of Congress are parroting Big Oil's blend wall narrative is shameful evidence that money talks."

The American Council for Capital Formation, a group opposed to the RFS that has financed a recent report highlighting some of the environmental shortcomings of the program, praised the lawmakers.

"In a Congress that can hardly agree on much these days, this broad bipartisan coalition reflects the significant progress and momentum behind fixing this

broken policy once and for all after a decade of failure,” Executive Vice President Dave Banks said in a statement.

In the run up to this month’s reveal of the final RFS, money has been pumped into the media as interest groups have been pushing their messages. Pro-RFS groups like RFA and Americans for Energy Security and Innovation, as well as opponents like the American Petroleum Institute and Smarter Fuels Future have launched ad campaigns aimed at swaying the White House in the final weeks of review.



## Quick Links

By The Numbers: Clean Power Plan foes include most carbon intensive states

Brown had state workers research oil on ranch

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Oklahoma town knows how to survive oil busts: A backup plan

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Upcoming climate talks just latest chapter in a long history

Scientists tinker with evolution to save Hawaii coral reefs

US probes dolphin death after Navy uses sonar

Puerto Rico to debate PREPA restructuring bill on tight deadline

House rejects gasoline tax cut

EPA science advisers challenge fracking finding

Smith steps up confrontation with NOAA over climate

Court reverses BLM on Nevada wind project

Nuclear industry losing economic battle

Oil recovering from slide

California to have significant presence at Paris talks

New minister says Canada must step up climate fight

Cost cutting helps Energy Transfer Equity to \$293M 3Q profit



Transocean sees revenue drop despite reporting profit in 3Q

Dynegy reports 3Q net loss and another coal retirement

Upcoming Events

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## **By The Numbers: Clean Power Plan foes include most carbon-intensive states**

**By Brad Kalbfeld**

The 26 states going to court to kill the Environmental Protection Agency's Clean Power Plan include the nation's most carbon-intensive economies, while the 18 states who have requested to defend the regulation include the least-carbon-intensive, an EnergyGuardian analysis of government figures shows.

States on both sides are intervening in a lawsuit filed in U.S. Court of Appeals for the District of Columbia Circuit that aims to throw out the Environmental Protection Agency's rule requiring reductions in carbon emissions from existing power plants over the next 15 years, and to issue a stay on implementation until it renders its decision. On Wednesday, 18 states asked the court to allow them to join the case on EPA's side.

The analysis examined [2013 state-by-state emissions figures](#) released by the Energy Information Administration last month. West Virginia, the lead state in the lawsuit, had the nation's second-most carbon intensive economy, EIA's figures show, while New York, the state leading the effort to defend the rule, had the least carbon-intensive economy.

EIA defined carbon intensity as the amount of energy-related carbon dioxide emitted per dollar of the state's gross domestic product. The higher that number, the more carbon-intense the economy.

The EnergyGuardian analysis ranked the states 1 through 50, and found that, on average, states suing to overturn the rule ranked twice as high in carbon-intensity as the states that want to support the plan in court. The average carbon-intensity rank of opposing states was between 17 and 18, while the average rank of supporting states was 38.

The 10 most carbon-intensive state economies include Wyoming, West Virginia, North Dakota, Louisiana, Montana, Kentucky, Alaska, Indiana, Alabama and Oklahoma. All but Alaska are party to the suit. The 10 least carbon-intensive states are New York, Connecticut, Massachusetts, California, Maryland, Washington, Oregon, Rhode Island, Vermont and New Jersey. All were part of Wednesday's pro-EPA filing except New Jersey.

The findings track across other rankings in the EIA data.

The suing states include 9 of the 10 states with the highest percentage of carbon emissions from electric generation, 8 of the 10 states with the highest carbon intensity of energy supply, 9 of the 10 states with the highest per capita energy-related carbon emissions, and 9 of the 10 top emitters of carbon from coal-fired power plants.

Among all states, opponents ranked, on average, twice as high as CPP supporters in all of these areas.

The import of the data is reflected in the remarks officials have made in their legal filings.

"The states are being immediately and irreparably harmed by EPA's illegal effort to force states to reorder their electrical generation systems," the 26 opposing states wrote in their petition for an immediate stay of the regulation.

The 18 states that applied for permission to join EPA's court defense wrote that they "have a compelling interest in defending the Clean Power Plan as a means to achieve their goal of preventing and mitigating climate change harms in their states and municipalities."

New York State Attorney General Eric Schneiderman told reporters Wednesday that the 18 states want to "ensure that some states aren't working hard to reduce carbon emissions only to have it come in from across the borders." The carbon rule, he said, "makes sure every state steps up to the plate and does its fair share."

## **Brown had state workers research oil on ranch**

**By Ellen Knickmeyer**

SAN FRANCISCO (AP) — Gov. Jerry Brown last year directed state oil and gas regulators to research, map and report back on any mining and oil drilling potential and history at the Brown family's private land in Northern California.

After a phone call from the governor and follow-up requests from his aides, senior staffers in the state's oil and gas regulatory agency over at least two days produced a 51-page historical report and geological assessment, plus a personalized satellite imaged geological and oil and gas drilling map for the area around Brown's family ranchland near the town of Williams.

Ultimately, the regulators told the governor, prospects were "very low" for any commercial drilling or mining at the 2,700-acre property, which has been in Brown's family for more than a century.

Through the state's open records law, The Associated Press obtained the research that state regulators carried out for Brown, and the emails among senior oil and gas regulators scrambling to fulfill the governor's request.

[More](#)

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## **Witness testifies ex-Massey CEO couldn't 'afford a disaster'**

**By John Raby**

CHARLESTON, W.Va. (AP) — A key government witness testified Wednesday that he warned his former coal company's top executive who questioned the cost of hiring more workers to address safety problems that the company couldn't "afford to have a disaster."

Former Massey Energy safety official William Ross testified for a second day in the federal trial of ex-CEO Don Blankenship, who is charged with conspiring to break safety laws at the Upper Big Branch mine in southern West Virginia and lying to financial regulators and investors about safety.

Ross discussed a lunch meeting he had with Blankenship in Williamson in the summer of 2009, less than a year before an explosion at Upper Big Branch killed 29 miners.

The meeting occurred after Ross made recommendations in company memos about dealing with safety violations at Massey mines.

[More](#)

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## **Oklahoma town knows how to survive oil busts: A backup plan**

**By Tammy Webber**

PONCA CITY, Okla. (AP) — It's a slow day at Fun Bob's shaved ice stand, though the temperature is in the 80s. With summer over, only an occasional car pulls up to the blue-and-white-striped shack where David Anderson sits atop a picnic table and explains his plan for replacing the income from the oilfield job he lost this year.

The new entrepreneur is adding coffee, cappuccinos and lattes to his menu. With a bit of luck, he hopes he'll no longer have to endure the boom-and-bust cycles that have been a part of life in this oil town for more than a century.

But nothing is certain, so the 34-year-old ex-Marine is also enrolled in

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Northern Oklahoma College's process technology program, which prepares students for jobs in the petroleum and power industries.

"A lot of it depends on how this turns out," said Anderson, who bought the business in January after oil prices plummeted and he was laid off. "If this turns into a profitable source of income, where I can run this shack and do coffee and snow cones, I'll stay here."

More

## **Details of controversial Pacific trade deal are released**

**By Paul Wiseman and Elaine Kurtenbach**

WASHINGTON (AP) — Details of a sweeping Pacific Rim trade deal released Thursday set the stage for a raucous debate in the U.S. Congress but also may provide reassurances to those who worried the agreement could gut protections for the environment, public health and labor.

The text of the Trans Pacific Partnership agreement between the U.S. and 11 other countries including Japan and Mexico runs to 30 chapters and hundreds of pages. It is mind-boggling in its detail, laying out plans for the handling of trade in everything from zinc dust to railway sleepers and live eels.

Governments of the 12 member countries released the [complete text](#) online Thursday, making public the specifics of an agreement that critics complain was forged in secrecy.

The documents show the pact reached Oct. 5 in Atlanta after several years of talks is chock full of good intentions. Negotiators agreed to promote environmental sustainability, respect the rights and needs of indigenous peoples, and temper protections for drug patents with safeguards for public health and access to medicines.

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### **A message from the American Petroleum Institute**

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## **Upcoming climate talks just latest chapter in a long history**

**By Seth Borenstein**

WASHINGTON (AP) — You can't say we haven't been warned.

The upcoming climate summit in Paris is just the latest chapter in the surprisingly long history of grappling with global warming, a history that began with the discovery of the greenhouse effect in the 19th century — before the telephone, the radio or Al Gore. And the first government warning that the world was warming came exactly a half century ago.

On Nov. 5, 1965, President Lyndon B. Johnson's science advisory committee told him that "Man is unwittingly conducting a vast geophysical experiment," and that by the year 2000, carbon dioxide levels would increase enough to "almost certainly cause significant changes in the temperature and other properties of the stratosphere."

The upshot? Not much. The world warmed about 1.4 degrees (0.8 degrees Celsius) in the next 50 years, according to the National Oceanic and Atmospheric Administration.

[More](#)

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## **Scientists tinker with evolution to save Hawaii coral reefs**

**By Caleb Jones**

COCONUT ISLAND, Hawaii (AP) — Scientists at a research center on Hawaii's Coconut Island have embarked on an experiment to grow "super coral" that they hope can withstand the hotter and more acidic oceans that are expected with global warming.

The quest to grow the hearty coral comes at a time when researchers are warning about the dire health of the world's reefs, which create habitats for marine life, protect shorelines and drive tourist economies.

When coral is stressed by changing environmental conditions, it expels the symbiotic algae that live within it and the animal turns white or bright yellow, a process called bleaching, said Ruth Gates, director of the Hawaii Institute of Marine Biology.

If the organisms are unable to recover from these bleaching events, especially when they recur over several consecutive years, the coral will die. Gates

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estimated that about 60 to 80 percent of the coral in Kaneohe Bay has bleached this year.

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## **US probes dolphin death after Navy uses sonar**

**By Audrey McAvoy**

HONOLULU (AP) — The National Marine Fisheries Service on Wednesday said it was investigating the death of two dolphins found washed ashore in California shortly after Navy ships were using sonar in nearby waters.

Necropsies have been conducted, and the animals are being analyzed to try to determine what caused them to get stranded, agency spokesman Jim Milbury said.

The dolphins were common bottlenose dolphins, Navy spokeswoman Lt. Julie Holland said. They were found Oct. 21 at Imperial Beach and at Silver Strand beach in San Diego.

Two Navy ships were using mid-frequency active sonar 80 nautical miles away from where the dolphins were found, Holland said. They used the sonar for slightly more than an hour over two days from Oct. 19.

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## **Puerto Rico to debate PREPA restructuring bill on tight deadline**

**By Danica Coto**

SAN JUAN, Puerto Rico (AP) — Puerto Rico's governor submitted a long-awaited bill Wednesday to restructure the island's heavily indebted public power company as legislators rush to debate multiple measures to help keep the U.S. territory financially afloat.

The measure was sent to lawmakers less than a day after the Puerto Rico Electric Power Authority obtained a brief extension to finalize a deal with creditors and bondholders on restructuring part of its \$9 billion debt.

Many Puerto Ricans thought the bill would reveal details of an anticipated increase in power bills, but the measure said the proposed rate structure would not be revealed until restructuring bonds are issued. Power bills in Puerto Rico are on average twice that of the U.S. mainland and an increase would represent another burden for islanders recently hits with new taxes and tax increases.

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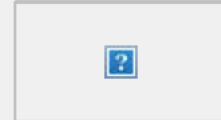
Gov. Alejandro Garcia Padilla's administration said it has lowered energy costs through artificial means in recent years, but those measures are not enough. It noted the power company faces a \$1 billion shortfall this fiscal year.

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**Week in Review – Federal Courts Yield to Obama’s EPA**

Power plant rule challenge to be decided after Paris Agreement. [CLICK HERE TO READ THE BRIEF](#)



## House rejects gasoline tax cut

House lawmakers have voted down an amendment to the highway funding bill – sponsored by Rep. Ron DeSantis, R-Fla. – that called for a substantial cut in the 18.4 cents-per-gallon federal gasoline tax, The Hill reports.

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## EPA science advisers challenge fracking finding

The Environmental Protection Agency’s panel of science advisers is finding fault with EPA’s June announcement that hydraulic fracturing hasn’t posed widespread, systematic problems with drinking water safety, E&E reports.

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## Smith steps up confrontation with NOAA over climate

House Science, Space and Technology Committee Chairman Lamar Smith, R-Texas, sent a letter Wednesday to the National Oceanic and Atmospheric Administration demanding all external agency correspondence about a climate change study that maintained there’s been no “pause” in global warming, the Washington Examiner reports.

[More](#)

## Court reverses BLM on Nevada wind project

A court has sided with environmentalists and thrown out the Bureau of Land

Management's approval for Nevada's Searchlight Wind Energy Project, ruling the agency didn't properly evaluate the threat the turbines would pose to tortoises and golden eagles in the Mojave Desert, E&E reports.

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## **Nuclear industry losing economic battle**

Despite its low carbon footprint, the nuclear industry is struggling in the face of high expenses for building and operating nuclear power plants, as evidenced by two recent announcement of closures, The Hill reports.

[More](#)

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## **Oil recovering from slide**

Oil prices rose slightly Thursday morning following a crash the day before on data from the Energy Information Administration showing a build in crude stockpiles. U.S. benchmark crude gained 18 cents to \$46.50 a barrel in electronic trading on the Nymex, while in London Brent increased 24 cents to \$48.82, Reuters reports.

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## **California to have significant presence at Paris talks**

Gov. Jerry Brown, former Gov. Arnold Schwarzenegger and activist Tom Steyer are expected to attend the upcoming Paris conference on climate change, the Los Angeles Times reports.

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## **New minister says Canada must step up climate fight**

Canadian Prime Minister Justin Trudeau has added climate change to the title of his environment minister and named Catherine McKenna to the post in an effort to highlight his commitment to act on the issue, the CBC reports.

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## **Cost cutting helps Energy Transfer Equity to \$293M 3Q profit**

Lower costs and trimmed expenses helped Energy Transfer Equity overcome a decline in revenue in the third quarter, with the company seeing its profit jump 56 percent to \$293 million in the third quarter, The Wall Street Journal reports.

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## **Transocean sees revenue drop despite reporting profit in 3Q**

Hurt by production cuts as a result of the oil glut, offshore driller Transocean reported a 29 percent drop in revenue in the third quarter, although the company reported a \$321 million profit, Marketwatch reports.

More

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## **Dynegy reports 3Q net loss and another coal retirement**

Mild weather that depressed power demand was partly responsible for Dynegy's net loss of \$24 million in the third quarter, the company said Wednesday, adding that it would shut down a coal-fired plant in Alton, Illinois next year but otherwise is seeing strong operating income from its fleet of gas-fired plants, FuelFix reports.

More

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## **Upcoming Events**

- Nov. 5, Washington: The House Science Space and Technology Committee to hold a full committee hearing on the Environmental Protection Agency's handling of the proposed Pebble Mine. Pebble Limited Partnership Tom Collier, Cohen Group Chairman William Cohen, DLA Piper Senior Counsel Charles Scheeler and former Alaska Senate President Rick Halford to testify. 10:00 am , 2318 Rayburn.
- Nov. 5, Washington: The House Energy and Commerce Subcommittee on Energy and Power to host European Parliament Chairman Jerzy Buzek and other parliament members for a roundtable on energy security issues. 10:00 am , 2123 Rayburn .
- Nov. 5, Washington: The Senate Agriculture, Nutrition and Forestry Committee to hold a hearing on the budget risks of wildfires and threats to state, federal and private resources. 10:00 am , 328A Russell.
- Nov. 5, Washington: The House Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management to hold a hearing on regulatory reviews. Interior Associate Deputy Secretary Elizabeth Klein and Environmental Protection Agency Office of Regulatory Policy and Management Acting Director William Nickerson. 9:30 am , Dirksen 342.
- Nov. 5, Washington: Interior Secretary Sally Jewell and other department officials to speak at the annual White House Tribal Nations Conference. 8:30 am , The White House.



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**From:** [EnergyGuardian](#)  
**To:** [Eric Schneiderman](#)  
**Subject:** First since '96: NRC approves Watts Bar 2 license  
**Date:** Tuesday, November 17, 2015, 11:42:08 AM

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 Energy and environment headlines for the afternoon of Thursday, October 22, 2015



## First since '96: NRC approves Watts Bar 2 license

By Kevin Rogers

The Nuclear Regulatory Commission on Thursday approved its first nuclear generating license in nearly 20 years, authorizing the Tennessee Valley Authority to run the second reactor at its Watts Bar Nuclear Plant, more than four decades after ground was first broken.

Supporters said it was a “hallmark day” for the nuclear industry, but one critic called Watts Bar 2 a “zombie reactor” and said its approval was merely an “anomaly” that doesn’t represent a turnaround for the nuclear sector.

The license -- the first granted by NRC since Unit 1 at Watts Bar was authorized in 1996 -- allows Unit 2, under construction since January 1973, to operate until 2055.

NRC said the unit will be the first nuclear site in the U.S. to fully comply with post-Fukushima safety requirements.

“After devoting more than 200,000 hours over eight years conducting extensive safety reviews and inspections, we’re satisfied Unit 2 is safe to operate and we’ve issued TVA the operating license,” Office of Nuclear Reactor Regulation Bill Dean

Jobs



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said in a statement.

Construction stopped on the second unit in 1985, when TVA suspended the project to focus on completing the first reactor. It applied to renew the Unit 2 construction permit in 2000, and the NRC has been reviewing its license application since 2007.

TVA said the reactor was set to begin operating in early 2016, and would power as many as 650,000 homes. Combined, the two Watts Bar reactors will power 1.3 million homes.

“Completing Watts Bar Unit 2 was a sound business decision made for the long-term good of the Tennessee Valley,” TVA CEO Bill Johnson said in a statement. “The unit is essential to diversifying TVA’s power sources to assure the more than 9 million people served by TVA and its local power company partners have affordable and reliable electricity generated in an environmentally friendly manner.”

Nuclear Energy Institute President Marvin Fertel said in a statement that the license proved that nuclear power can remain relevant, especially as the nation looks to reduce greenhouse gas emissions.

“This is a hallmark day for the U.S. nuclear energy industry,” he said. “All told, nuclear energy facilities provide 63 percent of America’s zero-carbon electricity supply—evidence that significant greenhouse gas reductions in the electric sector can’t be achieved unless our nation keeps the nuclear facilities we already have and builds more of them.”

But Greenpeace Nuclear Policy Analyst Jim Riccio said the nuclear industry had little to celebrate, pointing to the reactor's estimated \$4.5 billion cost and its nearly 43-year construction history.

“I don't think even the industry should be cheering too loudly for this one, because it's an example of everything that's wrong with nuclear power,” Riccio said.

He also contended that TVA, as a federally owned corporation, had credit opportunities that other power companies can't hope to access.

“No other corporation could afford to have left this reactor—we call them zombie reactors—sitting on its books as long as TVA did,” he said. “But because TVA has the unique situation where it has a \$30 billion debt ceiling, that's why you see this weird anomaly of them actually finishing Watts Bar 2.”

The announcement was celebrated by Sen. Lamar Alexander, R-Tenn., one of the leading proponents of nuclear power in Congress. He has said that nuclear would be a far more effective path forward for low-carbon energy than renewable sources such as wind power.

“Watts Bar Unit 2 is the country’s first new reactor built in the 21st Century, and I am very pleased to see it is ready to go online,” he said in a statement. “Soon, it will bring cheap, clean and reliable energy, as well as good-paying jobs, to the Tennessee Valley.”



## Quick Links

EPA to publish carbon rule Friday, open gates for legal challenges

VW says newer engine may also have had trick software

Flooring company pleads guilty to environmental crimes

Caterpillar weighed down by slowing global economic growth

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Dow cutting back in Kuwait but building U.S. Gulf Coast plant

Dyson getting into the battery business

Upcoming Events

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## EPA to publish carbon rule Friday, open

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# gates for legal challenges

**By Kevin Rogers**

The Environmental Protection Agency on Thursday announced that it would move to publish its final Clean Power Plan in Friday's Federal Register, opening the door for industry and state governments to pursue legal action against the power plant carbon rules.

The federal government will publish the two rules: [One for existing plants](#) which relies on state-specific carbon emission-reduction targets—and [one for new fossil fuel-fired plants](#)—which includes hard emissions limits. The rules seek to cut, by 2030, sector carbon pollution to 32 percent below 2005 levels.

Publication starts a 60 day countdown for states and industry to file legal action against the regulation and for Congress to act on any review process to attempt to block the regulations.

States led by West Virginia, have threatened to sue over the rules, as has the coal company Murray Energy Corporation. They argue that the new rules infringe on state authority. Senate Majority Leader Mitch McConnell, R-Ky., has said he would consider using the Congressional Review Act in an attempt to overrule the regulations.

The agency on Friday will also publish a [proposed federal implementation plan](#), which would be used in the absence of a state plan. That proposal will be open for comment from stakeholders until January 21, 2016.

On a call with reporters, Acting Assistant Administrator for Air and Radiation Janet McCabe said the more than two-month gap between finalization and publication wasn't intended to forestall legal challenges, as some opponents have alleged.

“This has actually moved fairly rapidly considering the length of these rules and the fact that there were three packages,” she said.

She also said there were no “substantive” changes made between the pre-publication version and the rules that will be published.

The American Coalition for Clean Coal Electricity, an industry group opposed to the regulations, said the publication would “finally” allow states and industries to take legal action against the agency.

“We are hopeful they will be successful and that the courts act quickly and decisively to quash this illegal rule,” President and CEO Mike Duncan said in a statement.

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**VW says newer engine may also have had**

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## **trick software**

### **By The Associated Press**

BERLIN (AP) — German automaker Volkswagen said Thursday that the U.S. cars identified as having been fitted with software to cheat on emissions tests include some vehicles with a newer diesel engine.

The company said after the emissions-rigging scandal became public last month that the software was installed on cars with variants of the EA 189 diesel engine built to the "Euro 5" emissions standard.

The company is now looking at cars with the EA 288 diesel engine and that same emissions standard, Volkswagen spokesman Pietro Zollino said. Vehicles with that engine built to the newer "Euro 6" standard are not affected, he added.

He said 70,000 cars in the U.S. with the early version of the EA 288 engine — including certain Golf models, the Beetle, Jetta, Passat and Audi A3, all from 2015 — are among the 482,000 vehicles which have been identified in the U.S. as containing the suspect software.

[More](#)

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## **Flooring company pleads guilty to environmental crimes**

### **By The Associated Press**

NORFOLK, Va. (AP) — Lumber Liquidators has pleaded guilty to environmental crimes related to its importation of illegally sourced wood products.

The Toano, Virginia-based company pleaded guilty Thursday to four misdemeanors and one felony and agreed to pay \$13.2 million to end a federal investigation. Sentencing was set for Feb. 1 in U.S. District Court in Norfolk.

According to prosecutors, much of the illegally imported hardwood flooring was manufactured in China from timber illegally logged in eastern Russia, the habitat for the world's last remaining Siberian tigers and Amur leopards. The government said the company should have known the wood was illegally sourced.

The plea agreement is unrelated to the controversy over some of Lumber Liquidators' laminate flooring from China, which CBS' "60 Minutes" has reported contains high levels of the carcinogen formaldehyde.

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# Caterpillar weighed down by slowing global economic growth

**By The Associated Press**

PEORIA, Ill. (AP) Caterpillar was stung by ongoing weakness in the mining and oil and gas industries during the third quarter and revenue fell short of expectations.

The construction and mining equipment maker lowered its full-year earnings forecast with expectations that the costs of restructuring the company will rise sharply.

Shares fell more than 2 percent before the opening bell Thursday.

Last month Caterpillar announced another round of job cuts that could exceed 10,000 people through 2018. The company said that it would cut as many as 5,000 people mostly by the end of this year from its salaried and management workforce. It then could cut thousands more, raising the total above 10,000, as it figures out which factories and manufacturing sites to close through 2018.

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# Venezuela's ex oil czar dismisses media report of corruption

**By The Associated Press**

CARACAS, Venezuela (AP) Venezuela's representative to the United Nations is dismissing a Wall Street Journal article about a U.S. probe into billions of dollars in bribes allegedly paid to executives at the country's state-run oil giant that he used to run.

Rafael Ramirez posted messages on Twitter Thursday describing the report as attacks by "enemies of the people" in retaliation for the late President Hugo Chavez's recovery of the nation's oil wealth for the benefit of Venezuelans.

The Journal report Thursday is based on anonymous sources and law enforcement documents. It says a consulting business belonging to Ramirez's cousin demanded huge kickbacks from international vendors in exchange for awarding contracts with the PDVSA oil company.

Venezuela's government has yet to respond to the report.

**A message from the American Petroleum Institute**

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## US-led forces strike IS-controlled oil field in Syria

By Vivian Salama

BAGHDAD (AP) — U.S. led coalition forces in Iraq and Syria carried out a large-scale attack on Syria's Omar oil field as part of its mission to target the Islamic State group's ability to generate money, a coalition spokesman said Thursday.

Operations officer Maj. Michael Filanowski told journalists in Baghdad that airstrikes late Wednesday struck IS-controlled oil refineries, command and control centers and transportation nodes in the Omar oil field near the town of Deir el-Zour. Coalition spokesman Col. Steven Warren said the attack hit 26 targets, making it one of the largest set of strikes since launching the air campaign last year.

The refinery generates between \$1.7 and \$5.1 million per month for the Islamic State group.

"It was very specific targets that would result in long term incapacitation of their ability to sell oil, to get it out of the ground and transport it," Filanowski said.

[More](#)

## Southern Thailand hit by the worst haze from Indonesia ever

By The Associated Press

BANGKOK (AP) — Southern Thailand was hit Thursday by the most severe haze ever from forest fires in Indonesia, forcing all schools in a province to close and disrupting flights in a popular tourist area, officials said.

Thailand's south boasts beaches popular among tourists in Surat Thani and Phuket, two of the seven provinces suffering from the haze.

The haze, which has shrouded parts of Malaysia and Singapore for nearly two months, reached hazardous levels in the Thai city of Songkhla, with the pollution index hitting a record-high reading of 365. A reading of 101-200 is

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unhealthy, 201-300 is very unhealthy and above 300 is hazardous.

"This is a crisis," said Halem Jemarican, head of the Southern Environment Office. He said the pollution index in southern Thailand has never exceeded 300 before.

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Kasich Announces Energy Plan. [CLICK HERE TO READ THE BRIEF](#)



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## **Steyer promises no letup in campaign climate spending**

Activist Tom Steyer says he'd be "shocked" if his climate action groups didn't spend as aggressively in the 2016 elections as they did last year, and maintains they are "definitely" part of the process of getting Americans to take the issue of climate change more seriously, The Hill reports.

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## **Cybersecurity main topic as NRC, FERC confer**

Members of the Nuclear Regulatory Commission and the Federal Energy Regulatory Commission ran down the cyber risks they face from contaminated vendor systems, addressed communications risks, and looked at potential cybersecurity regulations when they held a high-level meeting Wednesday, E&E reports.

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## **Bloomberg analysts predicting sustained low oil prices**

Bloomberg Intelligence analysts are predicting oil prices will go "even lower" and stay there for "even longer," likening the current picture to the decade-long downturn in the mid 1980s.

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## **Oil and gas woes drag Freeport McMoRan to big 3Q loss**

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Freeport McMoRan Inc., hit hard by low prices that torpedoed its venture into the oil and gas industry, has posted a loss of \$3.8 billion in the third quarter, compared to a profit of \$552 million in the period a year ago, The Wall Street Journal reports.

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## **Oil posts gains on bargain hunting**

Bargain hunting in the wake of this week's steep slide helped oil prices recover some equilibrium Thursday, if only temporarily, following yesterday's report of a big build in stockpiles. West Texas Intermediate crude for December delivery rose 18 cents to settle at \$45.38 a barrel on the Nymex, while in London, Brent ended 23 cents higher to \$48.08, Marketwatch reports.

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## **Think tank predicts drop in demand for fossil fuels**

An analysis from the London think tank Carbon Tracker Initiative offers reasons why there may be a big drop in demand for fossil fuels over the next 25 years, E&E reports.

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## **EQT to narrow its gas drilling focus**

Faced with falling natural gas prices, EQT Corp. will suspend drilling operations outside of its most profitable core of wells in the Marcellus and Utica Shale plays, the Pittsburgh Business Times reports.

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## **Noble looks to midstream IPO to raise cash**

Noble Energy says it hopes to raise \$100 million from an initial public offering of shares in Noble Midstream Partners, which will own infrastructure in the Colorado DJ Basin, FuelFix reports.

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## **Dow cutting back in Kuwait but building U.S. Gulf Coast plant**

Dow Chemical chief Andrew Liveris describes the decision to reduce the company's stake in Kuwait ventures as "disciplined portfolio management," as

the chemical giant also announced plans to build a monoethylene glycol plant on the U.S. Gulf Coast, FuelFix reports.

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## Dyson getting into the battery business

Vacuum cleaner maker Dyson has acquired University of Michigan based startup Sakti3 and plans to construct a battery production plant, potentially positioning it to compete with Tesla and Panasonic in the electric car battery market , USA Today reports.

[More](#)

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## Upcoming Events

- Oct. 22, Washington: The House Energy and Commerce Subcommittee on Energy and Power to hold a hearing on the legality of the Environmental Protection Agency's final Clean Power Plan. 2:00 pm , 2123 Rayburn.
- Oct. 22, Washington: The House Science, Space and Technology Committee to hold a hearing on the Environmental Protection Agency's final rule to set the ground-level ozone standard to 70 parts per billion. 10:00 am , 2318 Rayburn.
- Oct. 22, Washington: Environmental Protection Agency Administrator Gina McCarthy to discuss her agency's proposed rule to limit methane emissions from the oil and gas sector at an event hosted by the Center for American Progress. 10:00 am , 1333 H St. NW.
- Oct. 22, Washington: The House Energy and Commerce Subcommittee on Environment and the Economy to hold a hearing on a bill to assist rural communities to meet Environmental Protection Agency drinking water rules. 10:00 am , 2123 Rayburn.



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