

# We'll fight the Trump administration's assault on clean energy

BY BRIAN FROSH, OPINION CONTRIBUTOR — 11/13/18 12:30 PM EST  
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As attorneys general, my colleagues Lisa Madigan of Illinois, Karl Racine of the District of Columbia, Matt Denn of Delaware and Gurbir Grewal of New Jersey and I are the chief legal officers of states that embrace the clean energy revolution. With the future of our climate at stake — as well as our ability to produce sufficient energy to sustain our American way of life — our states have put in place policies to [promote renewable energy](#), improve energy efficiency programs, and reduce our reliance on finite and heavily polluting coal and gas.

[Across the country](#), state leaders have harnessed competitive market forces and unleashed innovation to expand the scope of renewable energy production dramatically.

Unfortunately, the Trump administration is willing to sacrifice our states' clean energy progress, and our legal rights to shape the clean, affordable energy system that our citizens want, so it can prop up outdated and expensive coal plants. The administration showed its colors early when the Department of Energy (DOE) asked the Federal Energy Regulatory Commission (FERC) to approve a multibillion-dollar coal bailout based on a false assertion that coal plants provide [essential "fuel security" for the grid](#).

With no facts supporting the Energy Department's claim, [FERC rejected DOE's request](#) for a coal bailout. But feeling the heat, FERC opened another troublesome avenue for propping up coal, at the expense of consumers and state clean energy policies. More specifically, FERC ordered its largest regional transmission organization — the PJM Interconnection, which covers our states and fully one-fifth of the United States' power supply market — to [change its electricity trading rules](#) to favor fossil-fuel electricity suppliers over state-preferred renewable energy.

A divided commission argued that state clean energy preferences are "out-of-market" distortions that should disqualify clean energy sources



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from participating in PJM's well-functioning, competitive electricity capacity market on an equal footing with fossil fuels.

FERC has it wrong on the facts, and the law. State policy preferences for clean energy are market corrections, not market distortions. Fossil fuels long have enjoyed market advantages. Coal and gas have received a free ride for climate pollution, generous federal tax benefits, and a government-aided network of pipelines and ports — just to name a few. Moreover, in much of the country, fossil fuel power plants are insulated from competitive pressures because they are owned by vertically integrated, monopoly utilities.

As for the law, the Federal Power Act explicitly gives broad latitude to states to choose the type of power they want to offer to their citizens. FERC's PJM order threatens to undercut states' energy rights by singling out, and penalizing, states' clean energy preferences.

We cannot allow this to happen. As state attorneys general, we will defend the right of our states to promote clean energy in the interest of our residents' health, well-being and economic interests. We are proud that our states support renewable energy that is carbon-free, smog-free, cost-competitive and a major provider of jobs. The solar and wind industries support the employment of more than 350,000 people in the United States. When other forms of renewable energy are added, that figure exceeds 800,000.

By contrast, continuing to put a thumb on the scale in favor of fossil fuels and stifling the growth of clean, renewable energy will increase pollution and accelerate climate change. Consumers will pay a financial price, too: the high costs to keep failing coal plants open will be passed along to taxpayers or ratepayers.

We remain hopeful that the Trump administration will come to its senses and recognize the folly of engaging in market interventions that trample on state energy rights and impose unnecessary costs on energy consumers. We urge that it stop short of reversing years of progress toward shedding reliance on fossil fuels in favor of clean, renewable energy.

But if the administration continues trying to penalize our states, we will continue to fight back. For the sake of ourselves and future generations, we will keep working to make the promise of clean, renewable energy a reality.

*Brian Frosh is the 46th attorney general of Maryland, and a former 28-year veteran of the Maryland General Assembly. Attorneys general Lisa Madigan of Illinois, Karl Racine of the District of Columbia, Matt Denn of Delaware and Gurbir Grewal of New Jersey contributed to this article.*

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