

<p><b>SUPREME COURT, STATE OF COLORADO</b>  <b>Court Address:</b> Two East 14<sup>th</sup> Avenue                  Denver, Colorado 80203  <b>Phone Number:</b> 303.861.1111</p>	<div data-bbox="1036 430 1433 678" style="border: 1px solid black; padding: 5px; text-align: center;"> <p>FILED IN THE                      SUPREME COURT</p> <p><b>MAY 30 2008</b></p> <p>OF THE STATE OF COLORADO                      SHARON J. FERTIG, CLERK</p> </div> <p style="text-align: center; margin-top: 20px;"><b>▲ COURT USE ONLY ▲</b></p>		
<p><b>ORIGINAL PROCEEDING PURSUANT TO § 1-40-107(2), 1 C.R.S. 2007</b>  <b>Appeal from the Ballot Title Setting Board</b></p>			
<p><b>IN THE MATTER OF THE TITLE, BALLOT TITLE AND SUBMISSION CLAUSE, AND SUMMARY FOR 2007-2008, #83 ("Fees on Energy Emissions").</b></p> <p><b>Petitioner:</b> TERRANCE G. ROSS, OBJECTOR</p> <p>v.</p> <p><b>Respondents:</b> J. THOMAS MCKINNON AND SAMUEL P. WEAVER, PROPONENTS</p> <p>and</p> <p><b>Title Board:</b> WILLIAM A HOBBS, SHARON EUBANKS, and DANIEL D. DOMENICO</p>			
<p><b>Parties Without Attorney:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>J. Thomas McKinnon                      2218 Mapleton Avenue                      Boulder, CO 80304                      Phone: 303.638.2533                      Email: jmckinno@resgroupinc.com</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Samuel P. Weaver                      2423 23<sup>rd</sup> Street                      Boulder, CO 80304                      Phone: 303.588.5148                      Email: samw@sugarloaf.net</p> </td> </tr> </table>	<p>J. Thomas McKinnon                      2218 Mapleton Avenue                      Boulder, CO 80304                      Phone: 303.638.2533                      Email: jmckinno@resgroupinc.com</p>	<p>Samuel P. Weaver                      2423 23<sup>rd</sup> Street                      Boulder, CO 80304                      Phone: 303.588.5148                      Email: samw@sugarloaf.net</p>	<p><b>Case Number: 08 SA 138</b></p>
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<p><b>RESPONSE BRIEF OF PROPONENTS</b></p>			

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Proponents J. Thomas McKinnon and Samuel P. Weaver, Pro Se, respectfully present this Response Brief in further support of the actions of the Title Board with respect to Initiative #83 (“Fees on Energy Emissions”<sup>1</sup>).

### **STATEMENT OF THE ISSUES**

The issues are unchanged.

### **STATEMENT OF THE CASE**

J. Thomas McKinnon and Samuel P. Weaver (“Proponents”) proposed an initiative to create a fee on carbon dioxide (“CO<sub>2</sub>”) emissions.

Most recently, the Petitioner, the Attorney General, and the Proponents all submitted Opening Briefs. In this Proponents’ Response Brief the Proponents further assert that the Title Board acted within its authority and urge this Court to affirm the final action of the Title Board.

### **STATEMENT OF THE FACTS**

Some technical and scientific facts surrounding the intersection of energy and pollution in this case have been misunderstood by some and not correctly represented. Therefore, we note the following factual errors:

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<sup>1</sup> Please see the discussion of the title “Fees on Energy Emissions” under Statement of the Facts, below.

(1) While the title “Fees on Energy Emissions” is unofficial and for tracking purposes, its use of the phrase “Energy Emissions” is incorrect. The Initiative creates fees on carbon dioxide emissions, which is quite different from energy emissions. A correct title would be “Fees on Carbon Dioxide Emissions,” or “Fees on CO2 Emissions,” or “Fees on Carbon Emissions,” or “Fees on Greenhouse Gas Emissions,” or “Fees on GHG Emissions,” or “Fees on Global Warming Pollution,” or rather ambiguously, “Fees on Pollution.”

(2) Petitioner’s Opening Brief (p. 3) has mischaracterized the Initiative as a “Tax on energy consumers.” The Initiative in fact creates a fee on CO2 emissions, assessed in direct proportion to CO2 emissions associated with the end-use of electricity and natural gas. For consumers whose energy use does not contribute CO2 emissions--such as those whose electricity comes from Wind Source or Solar Rewards programs--the fee is zero. The fee is clearly and directly on emissions, not on energy, and not even on consumers, but rather on the pollution of CO2 emissions. Petitioner corroborates this (Petitioner’s Attachment 1, p. 45: testimony by Ms. Larsen): “Not so much consumption that’s being taxed, it’s the emission that is being taxed.”

Quite simply, the fee is paid by all polluters, but not by all consumers, and is in direct proportion to one’s pollution. Consumers who don’t pollute, don’t pay.

## SUMMARY OF THE ARGUMENT

The Initiative sets forth the single purpose of creating a fee on CO2 emissions (from the end-use of electricity and natural gas) with the revenues dedicated to specific programs intended to advance Colorado's New Energy Economy for the purpose of reducing global warming pollution. Global warming is a complex subject and after thorough discussion the Title Board unanimously determined that the matters encompassed in this Initiative are in fact necessarily and properly connected to each other in a single subject.

The Title Board was correct in determining that the Petitioner's mistaken conjecture about issues does not create multiple subjects.

The Title Board set a title that is sufficiently clear, accurate, and complete, and without "catch phrases." If the title is at all biased, it is biased against the Proponents, who did not appeal.

We note in Petitioner's Opening Brief (p. 5) the use of the phrase "massive new tax scheme" is erroneous for the following reasons:

(1) If we might put the word "massive" in context, the \$209 million of projected revenues constitute less than 1.2% of Colorado's \$17.6 billion 2008 budget<sup>2</sup>, a percentage we believe is more properly described as "small" or even

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<sup>2</sup> ROCKY MOUNTAIN NEWS, March 27, 2008, News 29, "Sparks fly over budget views"

“very small.” Measured another way, the fee constitutes an approximately 3% additional charge on utility bills, again more appropriately called “small” or “very small.” Further, the revenues generated by the fee are to fund programs that are expected to save Coloradoans far more money than paid in fees. [See calculations at [www.CleanEnergyProgress.org](http://www.CleanEnergyProgress.org)] Therefore, a more accurate description might be “new program of ratepayer savings.”

(2) Use of the word “tax” it is incorrect. This is a fee is on global warming pollution and all of its revenues are dedicated exclusively to fund the government service of advancing Colorado’s New Energy Economy for the purpose of reducing global warming pollution. None of the revenues goes to the General Fund, and as the objective of diminishing CO2 emissions is achieved, the revenues from the fee automatically diminish as well, as is only appropriate. After all, this is strictly a fee on pollution, to fund solutions to that pollution.

We acknowledge use of the word “new” is correct, as the fee is new and is intended to make progress solving the problem of global warming in the face of the “old” way--notably inaction--that has not.

We note here TIME’s April 28, 2008 cover story titled “How to Win the War on Global Warming” which pronounces “[t]he most important part of a blueprint to contain climate change is to put a charge on carbon emissions.” That is exactly

what this Initiative does, using the charge--the fee--to generate revenues to fund programs to address global warming.

## LEGAL ARGUMENT

### I. THE INITIATIVE CONTAINS A SINGLE SUBJECT.

#### A. Legal standards

The legal standards are the same as in the Proponents' Opening Brief.

#### B. **The single subject of the Initiative is to create a fee on CO2 emissions to reduce global warming pollution by advancing the New Energy Economy**

The Initiative sets forth the single purpose of creating a fee on CO2 emissions to fund programs advancing Colorado's New Energy Economy for the purpose of reducing global warming pollution.

#### C. **Mistaken conjecture about CO2 regulation does not create an additional subject**

Petitioner's mistaken conjecture about CO2 regulation does not create an additional subject because:

(1) Neither the word "regulation" nor any word with similar meaning appears in the Initiative.

(2) During the Title Board hearings the Proponents affirmed that the intent of the Initiative was not to create a new CO2 regulatory scheme, but rather



to advance the implementation of carbon sequestration. From Petitioner's Attachment 1 (p. 25) Proponent McKinnon says: "Regarding Subsection 6(C) on the sequestration, I think I would agree with you, [Board Member] Domenico, that this isn't regulatory, it's setting aside some revenues that the state will use to add sequestration programs. Some of it will be in agricultural soil, some of it will be in forestry. We put a maximum amount of two percentage points that can be used in the geologic sequestration."

The next exchange between Mr. Domenico and Mr. McKinnon further confirms this point:

MR. DOMINICO: So it's your intent, with that language, not to authorize some executive branch entity to impose new regulations on emitters, but instead, to fund programs, to sequester the carbon that it produced in other ways, right?

MR. MCKINNON: That's correct.

(Petitioner's Attachment 1, p. 25)

(3) Even if the language and intent of the Initiative were to create a new regulatory scheme, which is not the case, that would be entirely consistent with the single subject of advancing Colorado's New Energy Economy for the purpose of reducing global warming pollution.

**D. Mistaken conjecture about implementing carbon sequestration does not constitute an additional subject**

Petitioner's mistaken conjecture about carbon sequestration does not create an additional subject, because:

(1) The Initiative does mandate carbon sequestration--which, read in context, means sequestration is mandated in soils--but DOES NOT mandate sequestration in geologic formations. Quoting Section 6 (c) in its entirety:

A minimum of five percent of the revenues shall be used annually to implement carbon sequestration in Colorado. No more than two percent of the revenues shall be used for geologic sequestration of carbon. This paragraph (c) shall be administered after consultation with the Colorado Department of Agriculture and the Colorado Department of Natural Resources.

(2) Contrary to the Petitioner's Opening Brief claim (p. 12, bold added) that "[t]he Initiative clearly provides that **geologic sequestration shall be a component of a carbon sequestration plan**" the Initiative in fact has no such mandate. See Section 6 (c) of the Initiative, *supra*.

(3) Therefore, Petitioner's claim that the Initiative mandates a CO2 regulatory infrastructure for geologic sequestration at all, let alone in violation of the single-subject rule, has no basis and cannot constitute an additional subject.

(4) Further, the Initiative calls for the implementation of carbon sequestration, and properly mandates consultation with both the Colorado

Departments of Agriculture and of Natural Resources because of their relevant expertise. But nothing at all in the Initiative precludes the Air Quality Control Commission in any way from developing the regulatory infrastructure for geologic sequestration. Clearly, the Initiative does not create a regulatory infrastructure, let alone one that might be considered an additional subject.

(5) And furthermore, any presumption by the Petitioner that a federal carbon regulatory infrastructure is not relatively imminent is not supported by the positions of, for instance, Senator Clinton, Senator McCain, and Senator Obama.

From Senator Clinton's published position (See Exhibit 1, bold added):

“To take the steps necessary to transition to a clean and renewable energy future, Hillary will urge all of the nation's stakeholders to contribute to the effort. Automakers will be asked to make more efficient vehicles; oil and energy companies to invest in cleaner, renewable technologies; utilities to ramp up use of renewables and modernize the grid; **coal companies to implement clean coal technology; government to establish a cap and trade carbon emissions system** and renew its leadership in energy efficient buildings and services; individuals to conserve energy and utilize efficient light bulbs and appliances in their homes; and industry to build energy efficient homes and buildings.”

And also:

“Centered on a **cap and trade system for carbon emissions**, stronger energy and auto efficiency standards and a significant increase in green research funding, Hillary's plan will reduce America's reliance on foreign oil and address the looming climate crisis.

From Senator McCain's published position (see Exhibit 2, bold added):

**“John McCain Proposes a Cap-And-Trade System That Would Set Limits On Greenhouse Gas Emissions While Encouraging The Development of Low-Cost Compliance Options.”**

And also:

**“A portion of the process (sic) of [emission permits] auctions will be used to support a diversified portfolio of research and commercialization challenges, ranging from carbon capture and sequestration, to nuclear power, to battery development.”**

From Senator Obama's published position (see Exhibit 3, bold added):

**“Obama will develop domestic incentives that reward forest owners, farmers, and ranchers when they plant trees, restore grasslands, or undertake farming practices that capture carbon dioxide from the atmosphere.”**

And also:

**“Obama supports implementation of a market-based cap-and-trade system to reduce carbon emissions by the amount scientists say is necessary: 80 percent below 1990 levels by 2050. Obama's cap-and-trade system will require all pollution credits to be auctioned.”**

And additionally:

**“Obama will invest \$150 billion over 10 years to advance the next generation of biofuels and fuel infrastructure, accelerate the commercialization of plug-in hybrids, promote development of commercial-scale renewable energy, invest in low-emissions coal plants, and begin the transition to a new digital electricity grid.”**

Given that the first appropriation of revenues generated by the Initiative would not be until 2010, and that development and implementation of programs is not likely until sometime well after funding is appropriated, it seem highly likely that a federal carbon regulatory infrastructure may well be in place perhaps even

before the first revenues from this Initiative are appropriated. What Section 6 (c) does is position Colorado to be ready to act if and when geologic carbon sequestration becomes technically and economically feasible and the requisite administrative and regulatory infrastructure is in place.

Quite clearly, none of the contrived issues surrounding carbon sequestration or carbon regulation create an additional subject.

**E. Mistaken conjecture about prohibiting future General Assemblies from changing this statute does not create an additional subject**

It is entirely consistent with the purpose of this Initiative and necessarily and properly connected to all other matters of this Initiative that the General Assembly not reduce funding to the New Energy Economy programs funded by this Initiative. We, of course, are aware that this very possibility of the legislature overturning the will of the voters has resulted in what we consider to be the overloading of the Colorado Constitution with matters we believe are more properly statutes. While of course the General Assembly retains the authority to change statutes, including this one, this particular language has been included on the voters' behalf to underscore the voters' belief that the legislature ought to respect the will of the voters. Since this prohibition is necessarily and properly connected to all other matters of this Initiative, it certainly does not constitute an additional subject.

## II. THE TITLE IS CLEAR AND ACCURATE

### A. Legal Standards

The legal standards are the same as in the Proponents' Opening Brief.

### B. The Title, Ballot Title and Submission Clause fairly express the true meaning and intent of the Initiative

The title is sufficiently clear and the Petitioner's contrived additional subjects do not represent additional issues that ought to be included in the title. To whatever extent the title could be clearer, the shortcoming is due in part to the Petitioner's objection (Attachment 1, p. 43) to the use of the phrase "global warming pollution." This resulted in the absurdity of the phrase "global warming" being excised from the title of this Initiative, whose purpose is to advance Colorado's New Energy Economy for the purpose of reducing global warming pollution!

### C. This fee on CO2 emissions is a fee, not a tax

As the Petition for Rehearing itself cites (pp. 12-13) "A fee is a charge imposed on persons or property to defray costs of a particular government service. A tax is a means of distributing the general burden of the cost of government, rather than an assessment of benefits." *Bruce v. City of Colorado Springs*, 131 P.3d 1187, 1190 (Colo. 2005), citing *E-470 Pub. Highway Auth.*, 3 P.3d 18 (Colo. 2000), and *Thorpe v. State*, 107 P.3d 1064 (Colo.App.2004)."

As we will explain, this carbon fee is a fee, not a tax, because:

(1) It is a fee on global warming pollution, the revenues from which are committed exclusively to fund programs that reduce global warming pollution.

(2) None of its revenues go to the General Fund but instead all go to the Clean Energy Progress Fund, dedicated to the specific government service of advancing Colorado's New Energy Economy as a means of reducing global warming pollution.

(3) When there is no more global warming pollution and therefore no more need for the government service of advancing Colorado's New Energy Economy as a means of reducing global warming pollution, there will be no more revenues collected. Ultimately, the Proponents would like nothing more than for revenues to decline to zero, in response to CO2 emissions having been eliminated.

The statute is an example of well-designed government policy, of a fee system whose success is measured ultimately by its elimination. Unlike "sin taxes" whose revenues fund unrelated programs and thus create government dependence upon such tax revenue, and upon perpetuation of the "sin," this carbon fee's revenues are dedicated exclusively to advancing Colorado's New Energy Economy as a means of reducing global warming pollution.

**D. The Initiative does not regulate CO2 as a pollutant and does not create a new CO2 regulatory scheme**

Because the Initiative does not regulate CO2 as a pollutant and does not create a substantially new regulatory scheme, the only way to accurately describe these effects to the voters is not to describe them at all!

**E. The title does not use “catch phrases”**

The phrases “global warming” and “climate change,” which are often used interchangeably, are not catch phrases, and certainly not when used to describe the phenomenon of global warming or climate change, because:

(1) They are in common usage across the mainstream of political conversation. Witness: Petitioner’s Motion for Rehearing Exhibit A, Letter from EPA Administrator Stephen L. Johnson; Exhibit 1 (highlighted), Senator Clinton website excerpt; Exhibit 2 (highlighted), Senator McCain website excerpt; and Exhibit 3 (highlighted), Senator Obama website excerpt; wherein each freely uses the phrases “global warming” and/or “climate change” multiple times.

(2) They are in common usage throughout the mainstream press. Witness Exhibit 4 (highlighted) EBSCO Host Research Database with: **7,480** title matches for “global warming” or “climate change.” And Exhibit 5 (highlighted) First Search Research Database with **13,588** title matches for “global warming” or “climate change.”



(3) The phrases are also used throughout articles in the mainstream press. For instance, searching READER'S DIGEST articles Exhibit 6 (highlighted) results in **30** matches for "global warming." And searching NATIONAL GEOGRAPHIC articles Exhibit 7 (highlighted) results in **18,500** matches for "climate change."

And since Petitioner's Opening Brief (p. 31) references THE NEW YORK TIMES, we note that searching THE NEW YORK TIMES results in **6,933** matches for "global warming" (Exhibit 8, highlighted) and **8,929** matches for "climate change" (Exhibit 9, highlighted).

Clearly the phrases "global warming" and "climate change" are common terms and the only proper, clear, and unambiguous phrases to describe the phenomenon in this Initiative. To disallow their use is to unreasonably restrict the Proponents' ability to accurately describe this Initiative and in fact represents what should be an unacceptable a source of contrived confusion for the voter.

(4) Petitioner's Opening Brief (p. 31) cites THE NEW YORK TIMES to claim that "[t]he issue of global warming, though, is still a topic of heated political and scientific discussion." But upon reading it, that is not really what the article says. It says we're in deeper global warming trouble than we've even realized and we need to do even more than we've even contemplated to address it. More specifically, the article says we need (A) to move aggressively to reduce global

warming pollution and (B) to move aggressively toward massively funding new clean energy technologies. This Initiative is directed particularly at (A) with this Initiative's "small" carbon fee used to fund measures to reduce global warming. (This Initiative is considered a "small" carbon fee program because at ~3%, its rate is not considered large enough to cause consumers to think twice about wasting energy, whereas a "large" carbon fee program would cause most consumers to be more careful about energy waste and even seek out energy conservation measures. Moving aggressively toward massively funding new clean energy technologies, (B) above, would require a "large" carbon fee or tremendous diversions of existing revenues from other sources to generate the necessary funding.)

(5) We note the TIME, April 28, 2008 cover's use of the phrase "Global Warming" in its title, "How to Win The War On Global Warming" (Exhibit 10) and quote (p.46): "The most important part of a blueprint to contain climate change is to put a charge on carbon emissions." And while noting that is exactly what this Initiative does, we also note the importance to TIME, to ourselves, and to honest dialog, of using the phrase "climate change" and/or "global warming" in discussing this serious and urgent subject.

In fact, because of the magnitude and urgency of the problems resulting from global warming, NATIONAL GEOGRAPHIC September, 2004, chose to focus on

the issue by replacing “Warming” with “Warning” in its title “Global Warning: Bulletins from a Warmer World” (Exhibit 11).

In our Opening Brief we made mention of “a concerted campaign of disinformation financed by the carbon-intensive industries,” which is further documented in the NEWSWEEK August 13, 2007,, cover story ”Global Warming Is A Hoax.\* \*Or so claim well-funded naysayers who still reject the overwhelming evidence of climate change. Inside the denial machine.” It is imperative that the Court not permit well-funded campaigns to manufacture misinformed controversy that then denies Citizens legitimate access to vocabulary that is both scientifically accurate and in common usage to describe their Initiative.

The word “pollution” when used to describe pollution is not a catchword, and evidence forcefully contradicts Petitioner’s claim (Petitioner’s Opening Brief, p. 31) that “few voters would immediately view themselves as polluters.” At least since Earth Day 1971 when Pogo proclaimed, “We have met the enemy and he is us” (Exhibit 12) the mirror has been held up to our own human behaviors as the source of pollution. During the same era, the ubiquitous “Woodsey the Owl” PSA proclaimed “Give a Hoot, Don’t Pollute!” and the “Crying Indian” PSA made the same point, poignantly, that humans cause--and can solve--pollution.

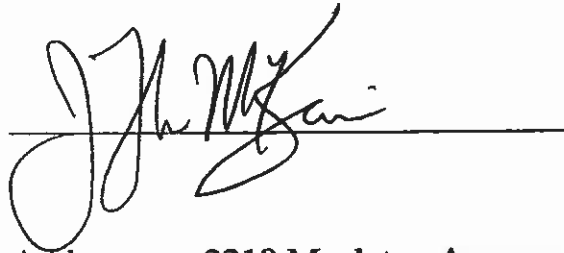
Now in 2008, we have constant reminders of our individual contributions to pollution: the brown cloud, emission testing, auto emission stickers, ozone alerts and requests to defer gassing up to the evening, red air quality days, wood burning bans, smoking tailpipes, diesel exhaust, requests to limit driving, carbon footprints, carbon off-set purchases, and Wind Source and Solar Rewards programs. These are just a very few of the countless ways our responsibility for pollution is constantly brought into personal focus for us. Any claim that voters are unaware that they--we--are polluters is totally disconnected with today's reality. In fact, Petitioner's Opening Brief (p. 31) excerpts MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (TENTH EDITION 1999) defining pollution as (bold added) "the action of polluting especially by environmental contamination with **man-made** waste." Just because the definition does not say "**voter-made** waste" does not excuse the voter from understanding his or her responsibility for pollution.

## CONCLUSION

The Court must conclude that the Title Board correctly exercised its authority in determining that the Initiative is a single subject and that it is sufficiently clear, accurate, and complete, and without "catch phrases," and affirm the Title Board's decisions.

Respectfully submitted,

**J. THOMAS MCKINNON,  
Proponent**

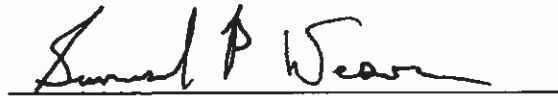
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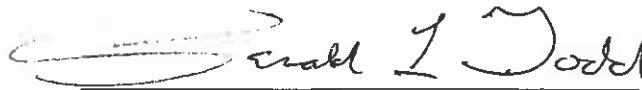
This is to certify that on the 30<sup>th</sup> day of May 2008, a true and correct copy of the foregoing **RESPONSE BRIEF OF PROPONENTS** was:

Placed in the United States mail, postage prepaid, to the following:

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And hand delivered to the following:

Maurice G. Knaizer,  
Deputy Attorney General  
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Denver, CO 80203

 Gerald J. Dodd

# EXHIBIT

1

email

Hillary has a bold and comprehensive plan to address America's energy and environmental challenges that will establish a green, efficient economy and create as many as five million new jobs.

Centered on a cap and trade system for carbon emissions, stronger energy and auto efficiency standards and a significant increase in green research funding, Hillary's plan will reduce America's reliance on foreign oil and address the looming climate crisis.

Setting ambitious targets, the plan would reduce greenhouse gas emissions by 80 percent from 1990 levels by 2050 to avoid the worst effects of global warming, and cut foreign oil imports by two-thirds from 2030 projected levels, more than 10 million barrels per day.

Hillary would transform our economy from carbon-based to clean and energy efficient, jumpstarting research and development through a \$50 billion Strategic Energy Fund and doubling investment in basic energy research. She would also spur the green building industry by funding the retrofitting and modernization of 20 million low-income homes and take concrete steps to reduce electricity consumption, including enacting strict appliance efficiency standards and phasing out incandescent light bulbs.

Recognizing that transportation accounts for 70 percent of U.S. oil consumption, Hillary would increase fuel efficiency standards to 55 miles per gallon by 2030, but would help automakers retool their production facilities through \$20 billion in "Green Vehicle Bonds."

To take the steps necessary to transition to a clean and renewable energy future, Hillary will urge all of the nation's stakeholders to contribute to the effort. Automakers will be asked to make more efficient vehicles; oil and energy companies to invest in cleaner, renewable technologies; utilities to ramp up use of renewables and modernize the grid; coal companies to implement clean coal technology; government to establish a cap and trade carbon emissions system and renew its leadership in energy efficient buildings and services; individuals to conserve energy and utilize efficient light bulbs and appliances in their homes; and industry to build energy efficient homes and buildings.

Hillary's plan to promote energy independence, address global warming, and transform our economy includes:

- A new cap-and-trade program that auctions 100 percent of permits alongside investments to move us on the path towards energy independence;
- An aggressive comprehensive energy efficiency agenda to reduce electricity consumption 20 percent from projected levels by 2020 by changing the way utilities do business, catalyzing a green building industry, enacting strict appliance efficiency standards, and phasing out incandescent light bulbs;
- A \$50 billion Strategic Energy Fund, paid for in part by oil companies, to fund investments in alternative energy. The SEF will finance one-third of the \$150 billion ten-year investment in a new energy future contained in this plan;
- Doubling of federal investment in basic energy research, including funding for an ARPA-E, a new research agency modeled on the successful Defense Advanced Research Projects Agency
- Aggressive action to transition our economy toward renewable energy sources, with renewables generating 25 percent of electricity by 2025 and with 60 billion gallons of home-grown biofuels available for cars and trucks by 2030;
- 10 "Smart Grid City" partnerships to prove the advanced capabilities of smart grid and other advanced demand-reduction technologies, as well as new investment in plug-in hybrid vehicle technologies;
- An increase in fuel efficiency standards to 55 miles per gallon by 2030, and \$20 billion of "Green Vehicle Bonds" to help U.S. automakers retool their plants to meet the standards;
- A plan to catalyze a thriving green building industry by investing in green collar jobs and helping to modernize and retrofit 20 million low-income homes to make them more energy efficient;
- A new "Connie Mae" program to make it easier for low and middle-income Americans to buy green homes and invest in green home improvements;

- Hillary's Plan to Address the Climate Crisis (PDF)
- Fueling Job Growth
- Hillary's Plan to Empower Americans to "Go Green"
- Green Building Fund
- Green Jobs Revolution
- Clinton Campaign Goes Carbon Neutral For Earth Day
- Clinton Offers Relief for Record Gas Prices
- Plan to Address Soaring Prices at the Pump

- Download Hillary's full plan, Powering America's Future: New Energy, New Jobs.
- Take the pledge to help ensure a healthy environment.

more >>

ENERGY AND CLIMATE CHANGE: Comprehensive Strategy to Address the Climate and Energy Challenge

ENERGY AND ENVIRONMENT: Speech on the Green Building Fund

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 Issues:  
 Promoting Energy Independence and Right  
 Your Comments: \_\_\_\_\_

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# EXHIBIT 2



## Climate Change

John McCain will establish a market-based system to curb greenhouse gas (GHG) emissions, mobilize innovative technologies, and strengthen the economy. He will work with our international partners to secure our energy future, to create opportunities for American industry, and to leave a better future for our children.

### John McCain's Principles for Climate Policy

- Climate Policy Should Be Built On Scientifically-Sound, Mandatory Emission Reduction Targets And Timetables.
- Climate Policy Should Utilize A Market-Based Cap And Trade System.
- Climate Policy Must Include Mechanisms To Minimize Costs And Work Effectively With Other Markets.
- Climate Policy Must Spur The Development And Deployment Of Advanced Technology.
- Climate Policy Must Facilitate International Efforts To Solve The Problem.

### John McCain's Cap and Trade Policy

John McCain Proposes A Cap-And-Trade System That Would Set Limits On Greenhouse Gas Emissions While Encouraging The Development Of Low-Cost Compliance Options. A climate cap-and-trade mechanism would set a limit on greenhouse gas emissions and allow entities to buy and sell rights to emit, similar to the successful acid rain trading program of the early 1990s. The key feature of this mechanism is that it allows the market to decide and encourage the lowest-cost compliance options.

#### How Does A Cap-And-Trade System Work?

A cap-and-trade system harnesses human ingenuity in the pursuit of alternatives to carbon-based fuels. Market participants are allotted total permits equal to the cap on greenhouse gas emissions. If they can invent, improve, or acquire a way to reduce their emissions, they can sell their extra permits for cash. The profit motive will coordinate the efforts of venture capitalists, corporate planners, entrepreneurs, and environmentalists on the common motive of reducing emissions.

#### Greenhouse Gas Emission Targets And Timetables

- 2012: Return Emissions To 2005 Levels (18 Percent Above 1990 Levels)
- 2020: Return Emissions To 1990 Levels (15 Percent Below 2005 Levels)
- 2030: 22 Percent Below 1990 Levels (34 Percent Below 2005 Levels)
- 2050: 60 Percent Below 1990 Levels (66 Percent Below 2005 Levels)

#### The Cap And Trade System Would Allow For The Gradual Reduction Of Emissions.

The cap and trade system would encompass electric power, transportation fuels, commercial business, and industrial business – sectors responsible for just below 90 percent of all emissions. Small businesses would be exempt. Initially, participants would be allowed to either make their own GHG reductions or purchase "offsets" – financial instruments representing a reduction, avoidance, or sequestration of greenhouse gas emissions practiced by other activities, such as agriculture – to cover 100 percent of their required reductions. Offsets would only be available through a program dedicated to ensure that all offset GHG emission reductions are real, measured and verifiable. The fraction of GHG emission reductions permitted via offsets would decline over time.

### Innovating, Developing and Deploying Technologies

To Support The Cap And Trade System, John McCain Will Promote The Innovation, Development And Deployment Of Advanced Technologies. John McCain will reform



#### On The Issues

- The Economy
- Health Care
- National Security
- Education
- Iraq
- Climate Change
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- Values
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John McCain has a remarkable record of leadership and experience that embodies his unwavering lifetime commitment to service. [Read More](#)



Learn More About John McCain's Climate Change Plan. [Read More](#)

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Become a McCain Team Member today in the latest campaign news and activities.

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##### Latest News May 28th, 2008

- 05.27 NY Times: McCain Vows to Work With Russia on Arms
- 05.27 Boston Globe: McCain Talks Tough on North Korea
- 05.27 Denver Post: McCain Speaks on War, Nuclear Weapons

##### Upcoming Events

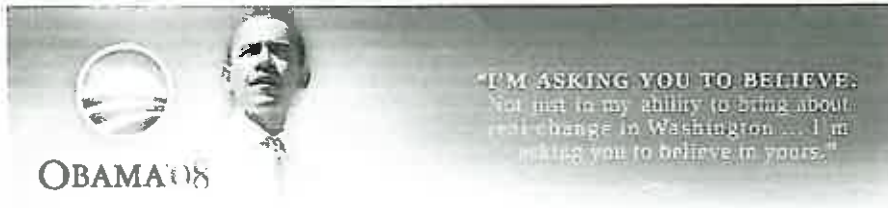
- 05.28 Town Hall Meeting in Reno, NV
- 05.28 Reno Finance Lunch
- 05.28 Los Angeles Finance Reception and Dinner



# EXHIBIT

3

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**PLAN FOR A CLEAN ENERGY FUTURE**

"Well, I don't believe that climate change is just an issue that's convenient to bring up during a campaign. I believe it's one of the greatest moral challenges of our generation. That's why I've fought successfully in the Senate to increase our investment in renewable fuels. That's why I reached across the aisle to come up with a plan to raise our fuel standards... And I didn't just give a speech about it in front of some environmental audience in California. I went to Detroit, I stood in front of a group of automakers, and I told them that when I am president, there will be no more excuses — we will help them retool their factories, but they will have to make cars that use less oil."

— Barack Obama, Speech in Des Moines, IA, October 14, 2007

**At a Glance**

- Reduce Carbon Emissions 80 Percent by 2050
- Invest in a Clean Energy Future
- Support Next Generation Biofuels
- Set America on Path to Oil Independence
- Improve Energy Efficiency 50 Percent by 2030
- Restores U.S. Leadership on Climate Change

Speak your mind and help set the policies that will guide this campaign and change the country.

Present your ideas

Videos on Energy

**The Problem**

Foreign Oil: America's 20-million-barrel-a-day oil habit costs our economy \$1.4 billion a day, and \$500 billion in 2006 alone. Every single hour, we spend \$41 million on foreign oil.

**Climate Change:** As a result of climate change, glaciers are melting faster, the polar ice caps are shrinking, trees are blooming earlier, more people are dying in heat waves, species are migrating, and eventually many will become extinct.

**Barack Obama's Plan**

Reduce Carbon Emissions 80 Percent by 2050

**Cap and Trade:** Obama supports implementation of a market-based cap-and-trade system to reduce carbon emissions by the amount scientists say is necessary: 80 percent below 1990 levels by 2050. Obama's cap-and-trade system will require all pollution credits to be auctioned. A 100 percent auction ensures that all polluters pay for every ton of emissions they release, rather than giving these emission

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	O BAMA	CLINTON
Contacts	33	18
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0  
 PLEDGED DELEGATES  
 needed for a majority  
 (of pledged delegates)

48  
 TOTAL DELEGATES  
 needed for the nomination

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5. Rockefeller Seek Change at Exxon

...ask Exxon to take the threat of global warming more seriously and look for alternatives...company to study the impact of global warming on poor countries, another would...encouraged Exxon executives to take global warming seriously, but their private... May 27, 2008 - By CLIFFORD KRAUSS - Business



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3. Fed report says climate change risks crops, water

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10. McCain campaigns with Bush, seeing pluses, minuses

...him. Voters are crying out for change amid a prolonged Iraq war and a...the U.S. posture in the world, climate change and the response to Hurricane Katrina...themselves. Every election is about change." Still, a prideful White House...

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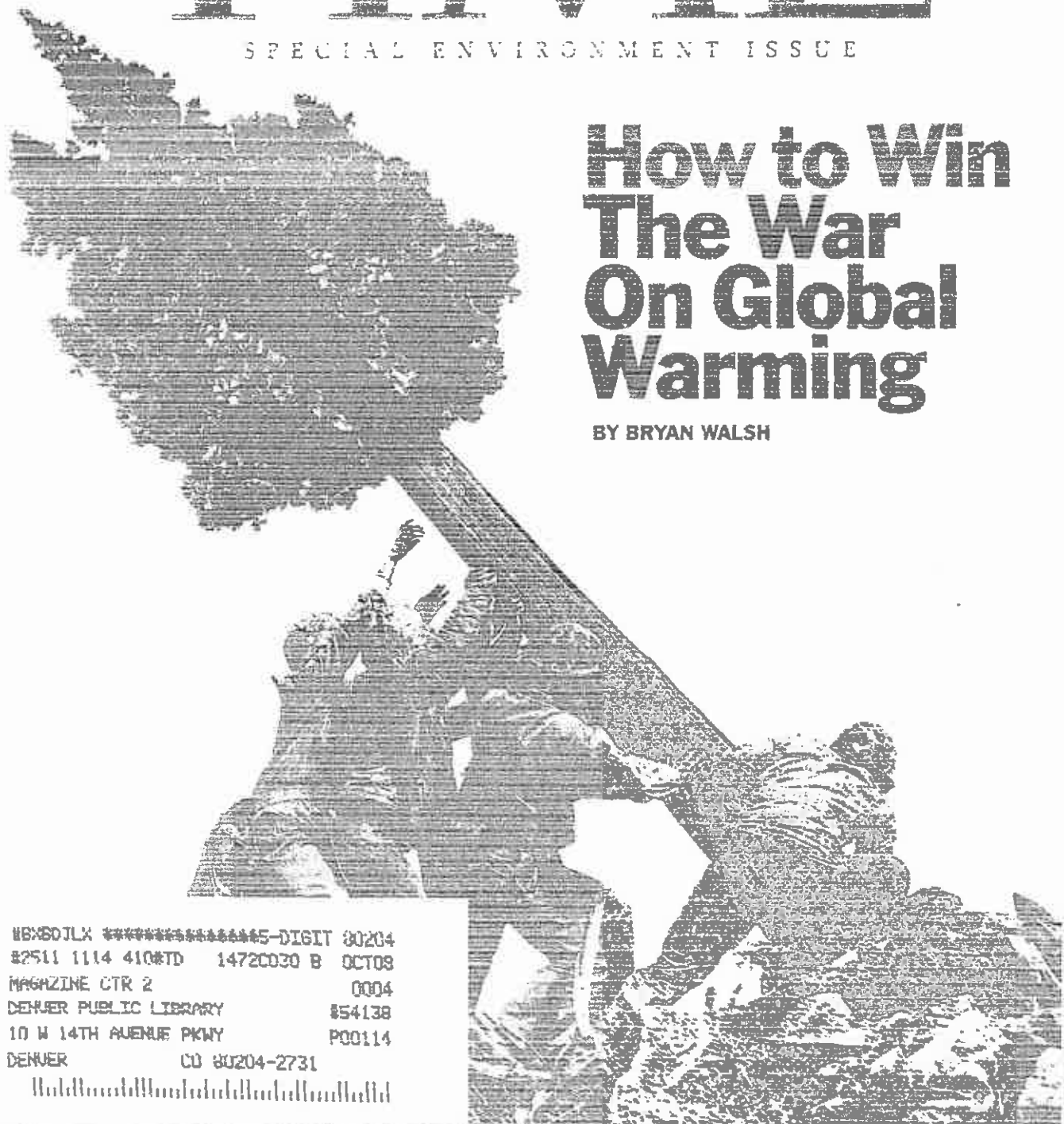
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# GLOBAL WARNING

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**Image:Pogo - Earth Day 1971 poster.jpg**

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A 1971 Earth Day poster written and illustrated by Walt Kelly, featuring Pogo and Porkypine, as well as the first ever occurrence of the phrase, "We have met the enemy and he is us."