

**BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS**  
600 North Robert Street  
St. Paul, Minnesota 55101

**FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION**  
121 Seventh Place East, Suite 350  
St. Paul, Minnesota 55101-2147

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In the Matter of the Further Investigation into  
Environmental and Socioeconomic Costs Under  
Minn. Stat. § 216B.2422, Subd. 3

PUC Docket No. E-999/CI-14-643

OAH Docket No. 80-2500-31888

**PEABODY ENERGY CORPORATION**

**COMMENTS ON THE ISSUES MATRIX**

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**INTRODUCTION**

Peabody objects to language in the Issues Matrix referring to “phantom” evidence that was not actually identified with particularity. (Submission No. 201511-115671, filed Nov. 12, 2015 (the “Matrix”).) Specifically, Peabody objects to descriptions of testimony that refer broadly to the abstract existence of evidence (somewhere), when the testimony described never actually cited to any specific evidence. Such vague references and invitations to the Commission to “trust us” do not provide a basis for reasoned decision-making.

The burden of proof is on the Proponents of the Federal Social Cost of Carbon (“FSCC”) to come forward with specific, credible proof for the proffered externality value, which could be the subject of meaningful cross examination, not “trust us.” Therefore, the following descriptions in the Issues Matrix should be stricken or disregarded as failing to meet the requisite standard of proof for *evidence*. They amount to nothing more than conclusory statements devoid of proof.

## **DESCRIPTIONS THAT GO BEYOND THE RECORD**

### **A. Evidence of “consensus” was not cited or submitted**

Proponents of the FSCC make a number of statements that the climate science underlying the IWG’s calculation of the social cost of carbon was “sound and consistent with the consensus position of scientists” or that other witnesses’ testimony are not part of the “consensus” or “mainstream scientific understanding.” Such statements are immaterial and irrelevant without proof of the basis for the position. Their descriptions in the Matrix to the “consensus” give the incorrect impression that supportive evidence from this “consensus” has been identified. It has not been cited or put into this record.

The specific instances of unidentified “phantom” evidence to which Peabody objects are the following:

- p. 2: I.A.3 (Abraham testimony)
- p. 15: II.C.2 (Abraham)
- p. 40: II.C.13 (Polasky testimony)
- p. 60: II.F (Polasky testimony)
- p. 60: II.F (Abraham testimony)
- p. 67: III.C.2 (Polasky testimony); (Abraham testimony)

### **B. Other arguments were not supported with evidence that was cited or submitted**

Certain descriptions imply that support for arguments has been identified or cited with specificity. It has not been.

- p.12: II.C.1 (Abraham, Dessler and Polasky Testimony)
- pp. 21-22: II.C.5 (Dessler Testimony)

Other descriptions mischaracterize the record: the support from “multiple lines of evidence” has not been cited or identified.

- p. 15: II.C.2 (Abraham)
- p. 18: II.C.3 (Gurney)
- p. 12: II.C.1 (Abraham)

Finally, one description described testimony that the reporting of negative impacts of climate change on crop yields has been far more common than the reporting of positive effects. This description refers to the contents of literature not identified and for which no citations have been provided:

- p. 39: II.C.13 (Hanemann)

### **CONCLUSION**

Accordingly, Peabody objects to the specified portions of the Issues Matrix and requests that they be stricken.

Dated: December 15, 2015

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Respectfully submitted,

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