Department of Energy
Washington, DC 20585

Constellation Energy Corporation and
PJM Interconnection, L.L.C.
Regarding Eddystone Unit 3 and Unit 4

Order No. 202-26-52

Pursuant to the authority vested in the Secretary of Energy (Secretary) by section 202(c) of the Federal Power Act (FPA),[1] and section 301(b) of the Department of Energy (DOE or the Department) Organization Act,[2] and for the reasons set forth below, I hereby determine that a statutory emergency exists in the PJM Interconnection, L.L.C. (PJM) region due to a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

The Eddystone Generating Station (Eddystone) is an electric generating facility owned by Constellation Energy Corporation (Constellation Energy) and located in Eddystone, Pennsylvania. Units 3 and 4 (Eddystone Units), each with 380 MW of generation capacity, are subcritical steam boiler-turbine generator units that run on either natural gas or oil, depending on market conditions.[3] The Eddystone Units were initially scheduled for retirement on May 31, 2025.

Order Nos. 202-25-04, 202-25-08, 202-25-10, 202-26-17, 202-26-24, and 202-26-40 issued pursuant to FPA section 202(c) required that the Eddystone Units remain available to operate for 90 days, through August 28, 2025, November 26, 2025, February 24, 2026, May 24, 2026, August 22, 2026, and November 20, 2026, respectively. Those orders were based on my determination that emergency conditions existed in the PJM region.[4]

Specifically, I determined that there was a potential shortage of electric energy and a shortage of facilities for the generation of electric energy.[5] I stated that the loss of

---

[1] 16 U.S.C. § 824a(c).

[2] 42 U.S.C. § 7151(b).

[3] U.S. Energy Info. Admin. (EIA), *Form EIA-860 detailed data with previous form data (EIA-860A/860B)*, https://www.eia.gov/electricity/data/eia860/ (Release Date: Sep. 10, 2026, Final 2025 data).

[4] Also, between January 2026 and September 2026, several orders were directed to PJM as a region (beyond the Eddystone Units); these were Order Nos. 202-26-02, 202-26-02A, 202-26-06, 202-26-06A, 202-26-23, 202-26-31, 202-26-32, 202-26-32A, 202-26-33, 202-26-33A, 202-26-41, and 202-26-45.

[5] *See, e.g.*, *PJM Interconnection, L.L.C.*, DOE Order No. 202-26-40, at 1 (Aug. 21, 2026).

power to homes and local businesses presents a risk to public health and safety.[6] I determined that continued operation of the Eddystone Units was necessary to best meet the emergency and serve the public interest.[7]

My determination was based on a number of different facts. First, in congressional testimony, PJM's then President and CEO stated that its system faces a "growing resource adequacy concern" due to load growth, the retirement of dispatchable resources, and other factors.[8] Through 2030, PJM anticipates reliability risk from increasing electricity demand, generator retirement outpacing new resource construction, and characteristics of resources in PJM's interconnection queue.[9] Upcoming retirements, including the planned retirement of the Eddystone Units, would exacerbate these resource adequacy issues.

Second, PJM indicated that resource constraints could exist within its service territory under peak load conditions, stating that "available generation capacity may fall short of required reserves in an extreme planning scenario."[10] In its February 2023 assessment, *Energy Transition in PJM: Resource Retirements, Replacements & Risks*, PJM highlighted increasing reliability risks in the coming years due to the "potential timing mismatch between resource retirements, load growth and the pace of new generation entry" under "low new entry" scenarios for renewable generation.[11] PJM's risks are further outlined in a subsequent study in 2024, which stated that "less than doubling the amount of resource retirements results in a quadrupling of the amount of new entry needed to maintain the same level of resource adequacy."[12] Moreover, despite

---

[6] *Id*.

[7] *See id.* & Ordering Para. A.

[8] *Keeping the Lights On: Examining the State of Reg'l Reliability; Hearing Before the House Comm. on Energy & Com., Subcomm. on Energy*, 119th Cong. 4–5 (2025) (testimony of Mr. Manu Asthana, President and CEO, PJM) [hereinafter Asthana Test], https://www.congress.gov/119/meeting/house/118040/witnesses/HHRG-119-IF03-Wstate-AsthanaM-20250325.pdf.

[9] *Id*.; *see also PJM Interconnection, L.L.C.*, 190 FERC ¶ 61,084, at P 15 (2025) ("PJM states . . . that, in 2023, it found that generator retirements, load growth, the pace of new entry, and the operating characteristics of the intermittent and limited duration resources that make up a large part of PJM's interconnection queue pose increasing reliability risks through 2030.").

[10] *PJM Summer Outlook 2025: Adequate Res. Available for Summer Amid Growing Risk*, PJM INSIDE LINES (May 9, 2025), https://insidelines.pjm.com/pjm-summer-outlook-2025-adequate-resources-available-for-summer-amid-growing-risk/.

[11] PJM, *Energy Transition in PJM: Res. Rets., Replacements & Risks*, at 1 (Feb. 24, 2023) [hereinafter *Four Rs Report*], https://www.pjm.com/-/media/DotCom/library/reports-notices/special-reports/2023/energy-transition-in-pjm-resource-retirements-replacements-and-risks.ashx.

[12] PJM, *Energy Transition in PJM: Flexibility for the Future*, at 4 (June 24, 2024), https://www.pjm.com/-/media/DotCom/library/reports-notices/special-reports/2024/20240624-energy-transition-in-pjm-flexibility-for-the-future.ashx.

"275 GW of renewables and storage being built in [PJM's] Accelerated scenario, 79 GW of flexible thermal resources are still needed to maintain resource adequacy at one-in-10 [loss-of-load expectation (LOLE)]" and "highlights that substituting thermal resources with renewable generation may get significantly more challenging as the energy transition progresses."[13]

Third, in December 2024, PJM filed revisions with the Federal Energy Regulatory Commission (FERC) to Part VII of its Open Access Transmission Tariff, known as the Reliability Resource Initiative (RRI), to address near-term resource adequacy concerns. In a February 2025 order, FERC accepted the revisions and found "the possibility of a resource adequacy shortfall driven by significant load growth, premature retirements, and delayed new entry."[14]

Fourth, PJM's resource adequacy concerns were demonstrated during Winter Storm Fern, when PJM operated under a cold weather alert and declared conservative operations from January 24 to February 2, 2026. Due to concerns about resource adequacy from the high demand driven by the extreme cold, PJM also applied for an order pursuant to FPA section 202(c) "that broadly authorizes all electric generating units located within the PJM Region to operate up to their maximum generation output levels, notwithstanding air quality or other permit limitations or fuel shortages during the pendency of this emergency."[15] DOE granted PJM's application and issued Order No. 202-26-02 on January 25, 2026.[16] From January 27, 2026, until early February 2026, PJM issued multiple alerts and warnings.[17]

On January 29, 2026, PJM applied for an extension of Order No. 202-26-02, which was designated as Order No. 202-26-02A, and was granted by the Department on the same day.[18] Furthermore, on March 17, 2026, in his testimony to the House Committee on Energy and Commerce, North American Electric Reliability Corporation (NERC) Chief Executive Officer Jim Robb stated that "PJM and other grid operators indicated that 202(c) facilities made material contributions" with regard to reliability during Winter Storm Fern.[19] PJM also stated that the DOE's emergency order resulted in

---

[13] *Id*.

[14] *PJM Interconnection*, 190 FERC ¶ 61,084 at P 14.

[15] Letter from Michael E. Bryson, Senior Vice Pres., Operations, PJM, to Hon. Chris Wright, Sec'y, DOE, at 2 (Jan. 24, 2026) (requesting emergency order under FPA section 202(c)), https://www.energy.gov/documents/pjm-202c-application-2026-01-24.

[16] *PJM Interconnection, L.L.C.*, Order No. 202-26-02 (Jan. 25, 2026).

[17] *See Jan. 27 PJM Cold Weather Operations Update*, PJM INSIDE LINES (Jan. 27, 2026), https://insidelines.pjm.com/jan-26-pjm-cold-weather-operations-update/.

[18] *PJM Interconnection, L.L.C.*, Order No. 202-26-02A (Jan. 29, 2026).

[19] *Winter Storm Fern Lessons: Supplying Reliable Power to Meet Peak Demand; Hearing Before the House Comm. on Energy & Com., Subcomm. On Energy*, 119th Cong. 8 (2026) (statement of James B. Robb, President and CEO, NERC), https://www.congress.gov/119/meeting/house/119077/witnesses/HHRG-119-IF03-Wstate-RobbJ-20260317.pdf.

39 generating units with just over 5.7 MW of capacity providing 271,150 MWh of energy "that would have otherwise been precluded from operating without the emergency order."[20]

CONTINUING EMERGENCY CONDITIONS

The emergency conditions that necessitated the issuance of Order Nos. 202-25-04, 202-25-08, 202-25-10, 202-26-17, 202-26-24, and 202-26-40 continue, both in the near and long term.[21] The production of electricity from the Eddystone Units will continue to be a critical asset for maintaining reliability in PJM because, as discussed below, there is an electricity shortage in the area that is acute that is not being timely addressed by planning for resource adequacy by the state, its utilities, or a regional entity.[22] According to data from the U.S. Environmental Protection Agency (EPA), the Eddystone Units generated over 28,466 MWh between January and September 2026,[23] providing vital generation capacity to the region.

---

[20] FERC, *Winter 2026 Arctic Events: A Sys. Performance Rev. (Joint Staff Report: FERC, NERC, & its Reg'l Entities)* (2026), https://www.ferc.gov/media/report-system-performance-review-winter-2026-arctic-cold-period.

[21] It likely would be difficult for these generating units to resume operations once retired. Specifically, practical issues, such as employment, contracts, and permits, may greatly increase the timeline for resumption of operations, such that the facility will not be available in the period needed. Moreover, disassembling the plant or other related facilities would exacerbate the challenges. The costs and time of decommissioning a plant are extensive, and restarting such decommissioned plants would presumably cost the same as decommissioning in dollars and time, if not more. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist. *See*, *e.g.*, Lessick, Jennifer et al. *Bus. Models for Coal Plant Decommissioning* § 4, PAC. NW. NAT'L LAB'Y (Aug. 2021), https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-31348.pdf; *see also* EIA, *Capital Cost & Performance Characteristics for Util. Scale Elec. Power Generating Techs.* (Jan. 2024), https://www.eia.gov/analysis/studies/powerplants/capitalcost/pdf/capital_cost_AEO2025.pdf.

[22] DOE acknowledges that on September 11, 2026, the United States Court of Appeals for the District of Columbia Circuit issued an opinion interpreting DOE's FPA section 202(c) authority. *Michigan v. U.S. Dep't of Energy*, 191 F.4th 677 (D.C. Cir. 2026). DOE disagrees with the *Michigan* decision and has filed a petition for rehearing en banc in the Court of Appeals. Fed. Resp'ts' Pet. for Reh'g En Banc or Panel Reh'g, *Michigan v. U.S. Dep't of Energy,* No. 25-1159 (D.C. Cir. Oct. 26, 2026). In any event, this order is consistent with the opinion in *Michigan*.

[23] *See* EPA, *Custom Data Download, EPA CAMPD (Clean Air Mkts. Program Data)*, https://campd.epa.gov/data/custom-data-download (choose "Emissions" from Data Type dropdown; choose "Monthly Emissions" from Data Subtype dropdown; choose "Unit (No Aggregation)" from Aggregation dropdown; then click "Apply"; then type "2026" into "Time Period" filter and click "January, February, March, April, May, June, July, August, September"; then click "Apply Filter"; then click "Facility" filter and type

Over the summer of 2025, PJM issued multiple alerts and warnings to manage grid operations and reliability, covering a total of 20 days, including days in June, July, and August.[24] Similar actions occurred over the summer of 2026. In May, June, and July, PJM requested emergency orders for backup and non-backup generators due to high temperatures resulting in high demand forecasts, causing potential reliability issues. This resulted in the issuance of several emergency orders, namely, DOE Order Nos. 202-26-23, 202-26-24, 202-26-32, 202-26-32A, 202-26-33, 202-26-33A, and 202-26-35, with the last one ending at midnight of July 21, 2026.[25] These emergency orders helped PJM manage high demand, including an instantaneous peak demand of 162.7 GW on July 2, 2026, that was higher than PJM's previously forecasted peak summer demand of 156.4 GW.[26] Additionally, DOE issued orders 202-26-41, 202-26-45, and 202-26-50 in September and October 2026,[27] as PJM requested emergency orders for backup and non-backup due to the region experiencing "elevated electric demand, generation outages, planned transmission outages, and significant firm export obligations."[28] These emergency orders assisted by ensuring PJM could meet electric demand and maintain reliability in the region.

PJM's resource adequacy concerns are well documented. In January 2025, PJM reached a new record peak for winter demand, exceeding the previous winter peak set

---

"Eddystone Generating Station (3161)"; then click "Eddystone Generating Station (3161)"; then click "Apply Filter"; then click "Preview Data").

[24] *See* PJM, *Emergency Procs.*, https://emergencyprocedures.pjm.com/ep/pages/dashboard.jsf (search Effective From 06/01/2025 Effective To 08/31/2025).

[25] *See 2026 DOE 202(c) Orders*, Department of Energy, https://www.energy.gov/ceser/2026-doe-202c-orders.

[26] Penn. Pub. Util. Comm'n, *Summer 2026 PJM Reliability Assessment*, at 5 (May 2026), https://www.puc.pa.gov/media/3965/2026_pjm_summer_readiness_report.pdf. *See also PJM Hot Weather Operations Update: July 3*, PJM INSIDE LINES (July 3, 2026), https://insidelines.pjm.com/pjm-hot-weather-operations-update-july-3/.

[27] *See 2026 DOE 202(c) Orders*, Department of Energy, https://www.energy.gov/ceser/2026-doe-202c-orders.

[28] Letter from Michael Bryson, Sr. Vice President of Operations, PJM Interconnection, LLC, to Hon. Chris Wright, Sec'y, DOE (Sep. 1, 2026) (regarding Request for Emergency Order Under Federal Power Act, Section 202(c), Encompassing Relief for Both Specified Resources and the Operation of Backup Generation Resources), https://www.energy.gov/documents/pjms-202c-application-202-26-41; Letter from Frederick "Stu" Bresler, Chief Operating Officer, PJM Interconnection, LLC, to Hon. Chris Wright, Sec'y, DOE (Sep. 16, 2026) (regarding Relief for Both Specified Resources and the Operation of Backup), https://www.energy.gov/documents/pjms-202c-application-202-26-45; Letter from Michael Bryson, Sr. Vice President of Operations, PJM Interconnection, LLC, to Hon. Chris Wright, Sec'y, DOE (Oct. 11, 2026) (regarding Request for Emergency Order Under Federal Power Act, Section 202(c), Encompassing Relief for Both Specified Resources and the Operation of Backup Generation Resources), https://www.energy.gov/documents/pjms-202c-application-202-26-50.

in 2015.[29] PJM notes that the "20-year annualized growth rate in the 2025 Long-Term Load Forecast for the winter peak is up to 2.4%."[30] Further, PJM's risk profile continues to shift from the summer season to the winter season. For example, in a March 2025 presentation, PJM estimated that 87.8% of the expected unserved energy for the 2025/2026 delivery year falls in the winter season.[31]

Recognizing the need for and importance of additional generation resources, on April 20, 2026, a Consent Decree between the Commonwealth of Pennsylvania and Keystone-Conemaugh Projects, LLC (KEY-CON) authorized operations to continue at two coal-fired steam electric generating facilities that were slated for permanent cessation. The Consent Decree explained that "[d]ue to recent changes in the long-term electricity market outlook based on recent projections by PJM Interconnection LLC and the U.S. Department of Energy, including the need for electricity generators to cover projected increased electrical demand driven by build-out of data centers, particularly within the Mid-Atlantic Area Council, a portion of the PJM Interconnection LLC regional transmission organization that the Stations serve, KEY-CON has recently reevaluated its 2021 decision to achieve [permanent cessation of coal combustion] at the [Conemaugh Generating Station and Keystone Generating Station] by December 31, 2028."[32]

In the fall of 2025, Pennsylvania Governor Josh Shapiro recognized the need for and importance of securing more electricity generation for the grid. Governor Shapiro stated that "[c]hange is needed to keep energy costs low, bring new energy generation onto the grid more quickly, and meet the needs of the 67 million Americans who rely on this grid for everything from running a business to keeping the lights on at home."[33] Furthermore, PJM expressed support for Order No. 202-25-04, since it has "repeatedly documented and voiced its concerns over the growing risk of a supply and demand imbalance driven by the confluence of generator retirements and demand growth. Such

---

[29] *Jan. 22 Update: Extreme Cold Produces PJM Record for Winter Elec. Demand*, PJM INSIDE LINES (Jan. 22, 2025), https://insidelines.pjm.com/jan-22-update-extreme-cold-produces-pjm-record-for-winter-electricity-demand/.

[30] *2025 Long-Term Load Forecast Rep. Predicts Significant Increase in Elec. Demand*, PJM INSIDE LINES (Jan. 30, 2025), https://insidelines.pjm.com/2025-long-term-load-forecast-report-predicts-significant-increase-in-electricity-demand/.

[31] PJM Res. Adequacy Planning Special Planning Comm., *2026/27 BRA IRM, FPR, & ELCC Class Ratings: Shift Towards More Winter Risk*, at 8 (Mar. 13, 2025), https://www.pjm.com/-/media/DotCom/committees-groups/committees/pc/2025/20250313-special/2026-2027-irm-fpr-elcc-and-winter-risk.pdf.

[32] *Commonwealth of Penn., Dep't of Env't Prot. v. Keystone-Conemaugh Projects, LLC*, No. 2169-CD-2025-1, slip op. at 4 (Pa. Ct. Com. Pl. Indiana Cnty. Apr. 20, 2026) (Unopposed Motion to Enter Consent Decree), https://www.pa.gov/content/dam/copapwp-pagov/en/governor/documents/motion%20to%20enter%20cd-as%20filed.pdf.

[33] Kate Huangpu, *How Josh Shapiro wants to reshape the region's power grid operator as prices rise*, SPOTLIGHT PA (Oct. 14, 2025), https://www.spotlightpa.org/news/2025/10/electricity-prices-shapiro-grid-operator-pjm-data-centers-environment/.

an imbalance could have serious ramifications for reliability and affordability for consumers."[34]

PJM has voiced these concerns for years. In its February 2023 *Four Rs Report*, PJM cautioned that 40 GW of thermal generation are at risk of retirement by 2030.[35] PJM also noted that, while there were then 290 GW of renewable generation capacity in the PJM interconnection queue, historically, the rate of completion for renewable projects is approximately 5%.[36] PJM determined that the pace of new capacity additions "would be insufficient to keep up with expected retirements and demand growth by 2030."[37] PJM estimated that, depending on the pace of new capacity additions, reserve margin erosion would occur between 2026 and 2028.[38]

In its December 2024 RRI filing with FERC, PJM stated that "[c]oncerns about resource adequacy . . . have only increased since the Four Rs Report."[39] PJM warned that its "resource adequacy concerns are increasing at an extraordinary pace."[40] PJM went on to explain that its "resource adequacy concerns are driven in large part by significant load growth caused by, among other things, large data centers" and that its preliminary analysis shows "substantial increases [in load additions] since the 2024 forecast" for both the summer and winter seasons.[41] According to PJM, "load growth and generator retirements are significantly outpacing the entry of new generation in the PJM Region with this trend expected to continue unabated based on all available evidence."[42] Although the RRI process will help expedite the construction of needed new capacity, it is unlikely to result in the addition of any new generation capacity in the next few years.[43]

---

[34] *PJM Statement on the U.S. Dept. of Energy 202(c) Order of May 30*, PJM INSIDE LINES (May 31, 2025), https://insidelines.pjm.com/pjm-statement-on-the-u-s-department-of-energy-202c-order-of-may-30/. Further, PJM concluded, "In light of these concerns, PJM supports the U.S. Department of Energy's Order, issued May 30, pursuant to Section 202(c) of the Federal Power Act, to defer the retirements of certain generators operating in PJM's footprint." *Id*.

[35] *Four Rs Report*, *supra* note 11, at 2.

[36] *Id*.

[37] *Id.*

[38] *Id.* at 16 tbl. 1.

[39] PJM, Filing, Dkt. No. ER25-712-000, at 10 (filed Dec. 13, 2024).

[40] *Id*.

[41] *Id.* at 10–11; *see also id.* at 13 (stating that "the exponential load growth resulting from development of new data centers and the intense energy needs of Artificial Intelligence technology overshadows any relaxation in the pace of fossil fuel generation retirements").

[42] *Id.* at 14.

[43] *See id.* attach. C (Affidavit of Mr. Donald Bielak), at 18–19 (explaining that projects studied in Transition Cycle #2, which includes RRI projects, "could be constructed and in commercial operation by the 2029/30 Delivery Year or sooner").

In support of the RRI filing, PJM submitted an affidavit from Donald Bielak, PJM's Director of Interconnection Planning. Mr. Bielak characterized the increase in forecasted load growth throughout PJM as "extraordinary" and "unprecedented," stating that it "could not have been foreseen as recently as a year ago."[44] Mr. Bielak expressed the opinion that the "rapid" retirement of thermal generation resources, "extreme" forecasted load growth, and "delays in new generation resources achieving commercial operation," would adversely affect resource adequacy throughout PJM's electric grid.[45]

On February 11, 2025, FERC accepted PJM's proposed tariff revisions in its RRI filing.[46] In its order on rehearing, FERC concluded that "PJM identified increasing reliability risks arising in the next few years and significant resource adequacy issues anticipated by the 2030/31 delivery year. The record supports that these resource adequacy concerns are likely to manifest."[47]

NERC has raised similar concerns. In its 2025 Long-Term Reliability Assessment, released in January 2026, NERC observed that the PJM region is at high risk of energy shortfalls over the next five years[48] and faces significant reliability challenges as "[c]urrent projections for resource additions do not keep pace with escalating demand forecasts and expected generator retirements."[49] The assessment notes that "[d]emand for electricity in PJM is growing at its fastest pace in years, driven primarily by data centers, followed by electrification and manufacturing loads"; however, "[a]t the same time, PJM faces an extreme and rapid tightening of capacity resources in the near term because of generator retirements and project delays."[50] Overall, the assessment concludes that "[b]ased on the load increase and generation decrease, PJM is projecting potential reserve margin shortages during peak operating periods. As a result, there is an increased risk that emergency procedures will be required to meet load and reserve requirements."[51]

NERC released its 2026 State of Reliability (SOR) on June 24, 2026. In the SOR, NERC identifies worsening reliability concerns tied to large-load integration and localized operating stress. In its technical discussion of major system events, NERC states "shoulder seasons have become increasingly challenging for [bulk power system] operators to manage, resulting in several recent instances of pre-contingent load

---

[44] Bielak Aff. at 10.

[45] *Id.* at 12.

[46] *PJM Interconnection, L.L.C.*, 190 FERC ¶ 61,084 (2025); *see also, e.g.*, *id.* P 263.

[47] *PJM Interconnection, L.L.C.*, 192 FERC ¶ 61,085, at P 25 (2025).

[48] NERC, *2025 Long-Term Reliability Assessment* 7 fig. 1 (Jan. 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

[49] *Id.* at 8.

[50] *Id.* at 16.

[51] *Id.* at 91.

shedding."[52] The SOR also finds large load growth is increasing reliability risk and states that "data center and computational loads continued emerging as a major reliability consideration due to their scale, speed of development, and unique operational characteristics."[53] Finally, data in the SOR shows that 2025 PJM summer peak demand of 160.7 GW met or exceeded extreme scenario levels showing how rapid load growth and extreme weather continue to be a risk in PJM.[54] Despite these actions by PJM and NERC to raise and address reliability concerns, they will not provide immediate results to avert blackouts.

In the 2026–2027 NERC Winter Reliability Assessment (WRA), NERC states that nationwide higher peak electricity demand is projected in the upcoming winter months (December 2026 through February 2027), as NERC reported that winter peak demand grew by 21 GW over the last winter. At the same time, NERC reports that a slowdown in generator retirements is also contributing to the improved resource outlook for the upcoming winter.[55] NERC points out that thermal generators with diverse fuel sources can be an important electricity resource, especially during winter when solar photovoltaic (PV) and battery resources are less capable compared to summer months.[56] NERC "anticipates that familiar winter challenges and the unpredictability of the El Niño climate pattern have the potential to disrupt reliable electricity supply and natural gas fuel for bulk-power system generators."[57] An historical trend analysis confirms that PJM remains vulnerable to correlated forced outages and extreme derates when freezing temperatures persist.[58]

The WRA provides that, in the PJM assessment area NERC forecasts a "normal risk" level during the winter months while acknowledging potential resource constraints in the upcoming years. However, NERC also states in its All-Hours Probability Risk Assessment that the 2024 LTRA assessment of elevated risk for PJM remains reasonable

---

[52] NERC, *2026 State of Reliability Technical Assessment of 2025 Bulk Power System Performance* 5 (June 2026), https://nerc.com/globalassets/programs/rapa/pa/nerc_sor_2026_technical_assessment.pdf.

[53] NERC, *2026 State of Reliability: Assessment Overview of 2025 Bulk Power System Performance* vii (June 24, 2026), https://www.nerc.com/globalassets/programs/rapa/pa/nerc_sor_2026_overview.pdf.

[54] NERC, *2026 State of Reliability: Technical Assessment of 2025 Bulk Power System Performance* 30 (June 24, 2026), https://nerc.com/globalassets/programs/rapa/pa/nerc_sor_2026_technical_assessment.pdf.

[55] NERC, *2026–2027 Winter Reliability Assessment*, at 1 [hereinafter *NERC 2026-2027 WRA]*, (Nov. 2026), https://www.nerc.com/globalassets/programs/rapa/ra/2026-2027_wra.pdf.

[56] *Id.* at 12.

[57] *Id.* at 1.

[58] *Id.* at 26.

and the PJM area is still at risk of unserved energy for the upcoming winter.[59] Likewise in PJM, the Anticipated Reserve Margin[60] dropped 2.1% since the 2025-2026 WRA, from 35.6% to 33.5%. Additionally, according to the WRA, PJM's anticipated resources fell by over 2,300 MW, its Tier 1 planned capacity additions have stalled at 50 MW, and the net firm capacity transfers in PJM from neighboring regions have dropped by 29.4%.[61]

Obtaining natural gas supplies remains a primary operational challenge during extreme weather periods due to well-head freezing, competing demand for natural gas from users, and the inability to sufficiently switch to alternative fuels.[62] NERC states that it conducted a generator performance analysis reflecting assessment areas with the highest hourly outage rate that use or have natural gas only resources.[63] Results showed that PJM was in the top three areas with the most significant "greatest hourly outages of single-fuel gas capacity due to fuel availability issues."[64] Further, a review of natural gas pipeline capacity and performance during Winter 2025–2026 indicates that maximum daily utilization at certain points along the Tennessee Gas Pipeline, which traverses portions of the PJM service territory, reached as high as 99%, highlighting the high utilization of natural gas pipeline infrastructure serving the PJM region during winter months.[65]

The report also highlights the use of orders under section 202(c) of the FPA in several regions. Specifically, NERC notes six electric generating facilities that DOE directed to maintain operational availability, among them Eddystone in the PJM region.[66] NERC states that PJM may continue to request DOE FPA section 202(c) orders to allow critical generators to run beyond environmental limits and to direct large loads to use on-site back-up generation before declaring or during an EEA 3.[67]

Overall, neither PJM, nor Pennsylvania, nor any state within PJM has timely taken steps to avert this risk to reliability. On the contrary, regarding the Eddystone Units, specifically, PJM approved the planned retirement in 2024. Further, no one state

---

[59] *Id.* at 41 tbl. 8.

[60] A reserve margin is the expected level of additional resource capacity that the area has above its peak summer and winter seasonal demand. *See* NERC, M-1 Reserve Margin, https://www.nerc.com/programs/reliability-assessment--performance-analysis/reliability-indicators/m-1-reserve-margin.

[61] *NERC 2026-2027 WRA*. *supra* note 55, at 50.

[62] *Id.* at 10.

[63] Eddystone Units 3 and 4 have dual-fuel capability, allowing them to operate on either natural gas or oil, thereby enhancing fuel diversity and improving reliability during periods of natural gas supply constraints, particularly in winter months when gas availability may be scarce.

[64] *NERC 2026-2027 WRA*, *supra* note 55, at 11.

[65] *Id.* at 59.

[66] *Id.* at 12 tbl. 5.

[67] *Id*. at 26.

alone has taken or could take appropriate actions to support the short- and long-term resource capacity needs here. States and their utilities are subject to environmental compliance and other commitments made during decades long resource adequacy planning procedures that are not nimbly adjusted when faced with an unexpected and substantial energy supply shortfall. Moreover, under the current multi-state electric system, individual states are not incentivized to consider regional reliability needs for resource planning.

In Executive Orders issued on January 20, 2025, and April 8, 2025, President Donald J. Trump underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order No. 14156, "Declaring a National Energy Emergency," in which he determined that the "United States' insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation's economy, national security, and foreign policy."[68] The Executive Order adds, "hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets."[69] In the subsequent Executive Order No. 14262, "Strengthening the Reliability and Security of the United States Electric Grid," President Trump emphasized that "the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence [super intelligence (SI)][70] data centers and increase in domestic manufacturing."[71]

In addition, President Trump issued a White House Memo that emphasized the findings of Executive Order No. 14156 stating that "ensuring sufficient natural gas and liquefied natural gas (LNG) capacity is critical to sustaining United States defense operations and ensuring allied energy security. Inadequate pipelines, processing, storage, or natural gas and LNG export capacity would leave the United States and its partners dangerously exposed in times of crisis."[72] President Trump "further determine[d] that

---

[68] Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025), https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency.

[69] *Id*.

[70] Presidential Executive Order 14434 renamed artificial intelligence to super intelligence. Exec. Order No. 14434, 91 Fed. Reg. 63129 (Sep. 29, 2026), https://www.federalregister.gov/documents/2026/10/02/2026-20321/inaugurating-the-era-of-super-intelligence.

[71] Exec. Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025), https://www.federalregister.gov/documents/2025/04/14/2025-06381/strengthening-the-reliability-and-security-of-the-united-states-electric-grid.

[72] Memorandum for the Sec'y of Energy, Presidential Determination No. 2026-12 (Apr. 20, 2026) (Presidential Determination Pursuant to Sec. 303 of the Defense Prod. Act of 1950, as Amended, on Natural Gas Transmission, Processing, Storage, and Liquefied Natural Gas Capacity), 91 Fed. Reg. 21935 (Apr. 23, 2026), https://

action to expand domestic natural gas transmission, processing, storage, and LNG capacity is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability."[73]

Further, the Department detailed the myriad challenges affecting the Nation's energy systems in its July 2025 "Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid," issued pursuant to the President's directive in Executive Order No. 14262. The Department concluded that "[a]bsent decisive intervention, the Nation's power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving [SI] innovation."[74] The prolific growth of data centers for the development of SI, as well as their immense energy needs, presents a new and unexpected source of load growth. For example, PPL Electric Utilities has 11.7 GW of advanced data center requests in Pennsylvania through to 2030.[75] As of December 2024, Dominion Energy has 40.2 GW of contracted data center capacity, which is an 18.8 GW increase over the amount from July 2024, an approximately 88% increase.[76] In collaboration with the national labs, the Department has modeled the effects of approximately 25 GW of load growth in PJM, of which 15 GW came from data centers, as well as approximately 17 GW of announced coal, gas, and oil generation retirements.[77] Under these assumptions, the model estimated approximately 430.3 loss of load hours in an average weather year. Under worst weather year assumptions, the model estimated 1,052 loss-of-load hours and a maximum unserved load of approximately 21.335 GW.[78]

Grid operators, including PJM, have likewise acknowledged the Nation's current energy crisis. As mentioned earlier in this Order, PJM's then President Manu Asthana testified that there was a "growing resource adequacy concern . . . impacting a significant part of our country."[79] Mr. Asthana explained that the "rate of electricity demand is anticipated to increase significantly in the future due to development of large data centers in the PJM service Area . . . [and] increases in demand coming from the transportation

---

www.federalregister.gov/documents/2026/04/23/2026-08017/presidential-determination-pursuant-to-section-303-of-the-defense-production-act-of-1950-as-amended.

[73] *Id*.

[74] DOE, *Res. Adequacy Rep.: Evaluating the Reliability & Sec. of the U.S. Elec. Grid*, at 1 (July 2025) [hereinafter Resource Adequacy Report], https://www.energy.gov/sites/default/files/2025-07/DOE%20Final%20EO%20Report%20%28FINAL%20JULY%207%29.pdf.

[75] *See* PPL Corp., *PPL Corp. Q2 2025 Investor Update*, at 7 (July 31, 2025), https://filecache.investorroom.com/mr5ir_pplweb2/1245/PPL_2025_Q2_Investor_Update_vFINAL.pdf.

[76] *See* Dominion Energy Virginia, *Q4 2024 Earnings Call*, at 18 (Feb. 12, 2025), https://s2.q4cdn.com/510812146/files/doc_financials/2024/q4/2025-02-12-DE-IR-4Q-2024-earnings-call-slides-vTCII.pdf.

[77] Resource Adequacy Report, *supra* note 74, at 28.

[78] *Id.* at 27.

[79] Asthana Test., *supra* note 8, at 4.

and heating sectors and from industrial growth."[80] Mr. Asthana noted that, though various reforms instituted by PJM had succeeded in bringing new generation online and preventing the retirement of existing units, supply conditions within PJM are still tightening.[81] Therefore, Mr. Asthana stated that PJM "encourage[s] all generation owners who have signaled an intent to retire their units to reconsider their decision to support resource adequacy and grid reliability."[82] Recently, at a PJM workshop held in July 2026, Constellation stated that the "cost of coal-to-gas conversion [is] $250 - $500 million" and that "[in] a shortage, the most immediate lever to maintain reliability is preventing further exits" . . . given that "[l]oad growth has accelerated and increased in size beyond what was predicted in 2023."[83]

Given these facts, I identify a substantial energy supply shortfall in the PJM region, namely rising electricity demand coupled with a decrease in the availability of dispatchable generation. I also identify a significant risk of harm from this inadequate electricity supply, as blackouts resulting from the shortfall are probable and threaten harm to public health and safety. Further, I find the state and regional entities have not and will not timely take steps that must be taken immediately to achieve adequate reliability. As such, the identified threat of harm calls for immediate action by DOE in particular, as opposed to by the states or regional entities, since coordinated state and regional resource adequacy planning, available per FPA section 202(a) and (b), has proven inadequate to timely address the identified risk.

Pursuant to section 202(c)(4)(B) of the FPA, DOE has consulted with the primary Federal agency with expertise in the environmental interest protected by the laws or regulations that may conflict with this Order. The agency did not submit additional conditions for inclusion in this Order.

ORDER

FPA section 202(c)(1) provides that whenever the Secretary determines "that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy," the Secretary has the authority "to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in [his] judgment will best meet the

[80] *Id*.
[81] *Id.* at 9–10.
[82] *Id.* at 10.
[83] Constellation, *Root Causes of PJM's Resource Adequacy Challenges*: *Powering Reliability Through Market Design Workshop*, at 3 (July 29, 2026), https://www.pjm.com/-/media/DotCom/committees-groups/workshops/prtmdw/2026/20260729/20260729-item-01a---root-causes-of-pjms-resource-adequacy-challenges---constellation-presentation.pdf.

emergency and serve the public interest."[84] This statutory language constitutes a specific grant of authority to the Secretary to require the continued operation of the Eddystone Units when the Secretary has determined that such operation will best meet an emergency caused by a sudden increase in demand for electric energy or a shortage of generation capacity, or a shortage of electric energy or facilities for generation or transmission of electric energy.

As described above, the emergency conditions resulting from the increasing demand and shortage of electric energy from premature retirements of generation facilities will continue in the near term and are also likely to continue in subsequent years. This inadequate electricity supply threatens a loss of power to homes and businesses, presenting a significant risk of harm to public health and safety.

I have determined that, to best meet the statutory emergency arising from increased demand, determined shortage, and other causes, and serve the public interest under FPA section 202(c), the Eddystone Units shall be made available for operation through February 18, 2027.[85]

Based on my determination of an emergency set forth above, I hereby order:

A. From November 21, 2026, PJM and Constellation Energy shall take all measures necessary to ensure that the Eddystone Units are available to operate. For the duration of this Order, PJM is directed to take every step to employ economic dispatch of the Eddystone Units only during the hours necessary to meet the emergency and to minimize costs to ratepayers. Constellation Energy is directed to comply with all orders from PJM related to the availability and dispatch of the Eddystone Units.

B. To minimize adverse environmental impacts, this Order limits operation of dispatched Eddystone Units to the times and within the parameters as determined by PJM pursuant to paragraph A. PJM shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether the Eddystone Units have operated in compliance with this Order.

C. All operations of the Eddystone Units must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions. This Order does not provide relief from any obligation to pay fees, or purchase offsets or allowances for emissions that occur during the emergency conditions, or to use other geographic or temporal flexibilities available to generators.

---

[84] Although the text of FPA section 202(c) grants this authority to "the Commission," section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. *See* 42 U.S.C. § 7151(b).

[85] 16 U.S.C. § 824a(c)(4).

D. By December 5, 2026, PJM is directed to provide the Department (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of the Eddystone Units consistent with this Order. PJM shall also provide such additional information regarding the environmental impacts of this Order and its compliance with the conditions of this Order, as requested by the Department from time to time.

E. Constellation Energy is directed to file with FERC tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).

F. This Order shall not preclude the need for the Eddystone Units to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.

G. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, the Eddystone Units shall not be considered a capacity resource.

H. This Order shall be effective on November 21, 2026, through February 18, 2027, with the exception of applicable compliance obligations in paragraph D.

Issued in Washington, D.C. on this 20th day of November 2026.

Chris Wright

Chris Wright
Secretary of Energy

cc:

Federal Energy Regulatory Commission
Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

Pennsylvania Public Utility Commission
Chairman Stephen M. DeFrank
Vice Chair Kimberly M. Barrow
Commissioner John F. Coleman, Jr.
Commissioner Ralph V. Yanora
Commissioner Kathryn L. Zerfuss