



**Department of Energy**  
Washington, DC 20585

**Order No. 202-26-04**

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),<sup>1</sup> and section 301(b) of the Department of Energy (DOE) Organization Act,<sup>2</sup> and for the reasons set forth below, I hereby determine that a statutory emergency exists within the Electric Reliability Council of Texas, Inc. (ERCOT) service territory due to a shortage of electric energy, a shortage of facilities for the generation of electric energy, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

*Emergency Situation*

On January 25, 2026, ERCOT, the Independent System Operator (ISO) whose service territory includes 90 percent of the electric customers in the state of Texas, filed a *Request for Emergency Order Under Section 202(c) of the Federal Power Act* (Application) with DOE “due to the impacts of severe winter weather on electricity demand.”<sup>3</sup> ERCOT has indicated that “[t]he significant drop in temperatures across the majority of Texas has led to abnormally high power demand, and the sustained cold temperatures projected over the next several days throughout the state are expected to further drive up power demand to record high levels for the winter season.”<sup>4</sup> According to ERCOT, as of the time of filing its Application, ERCOT’s peak demand projections for Monday, January 26, and Tuesday, January 27, both exceeded ERCOT’s all-time winter peak demand of 80,560 MW.<sup>5</sup> ERCOT states that “[a]uthorizing electric generating facilities in the ERCOT interconnection to operate notwithstanding permit and other limitations will help ensure ERCOT can meet its minimum energy and reserve requirements, protecting the public.”<sup>6</sup>

*Description of Mitigation Measures*

In anticipation of the cold weather event, ERCOT states that it is taking measures to ensure the supply of generation will continue to be sufficient to meet system demand and reserve requirements, including directing certain generating units enrolled in ERCOT’s Firm Fuel

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<sup>1</sup> 16 U.S.C. § 824a(c).

<sup>2</sup> 42 U.S.C. § 7151(b).

<sup>3</sup> Application at 1.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 3.

Supply Service to begin operating on stored fuel due to natural gas delivery limitations.<sup>7</sup> Also, ERCOT states that the Texas Commission on Environmental Quality (TCEQ) informed ERCOT that it would provide enforcement discretion to generators in the ERCOT region that exceed state emissions requirements due to operation during the winter storm event.<sup>8</sup> ERCOT states, however, that “it is possible that these measures may not be sufficient to avoid the need to direct curtailment of firm load to ensure system reliability.”<sup>9</sup>

*Request for Order*

ERCOT requests that the Secretary issue an order effective immediately and through 11:59 PM EST on January 27, 2026, the expected period to address high load related to Winter Storm Fern, authorizing “the provision of additional energy from the units identified in Exhibit A [of ERCOT’s Application], as well as any other generating units that may encounter restrictions on operation through Tuesday, January 27 due to emissions limits or other restrictions under federal or state environmental permits and regulations.”<sup>10</sup> The generating units (Specified Resources) to which this Order relates are listed in Exhibit A of the Application for Order 202-26-04, as described below.

*ORDER*

FPA section 202(c)(1) provides that whenever the Secretary of Energy 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,” then 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 emergency and serve the public interest.”<sup>11</sup> This statutory language constitutes a specific grant of authority to the Secretary to authorize the operation of generation, delivery, and transmission resources that the Secretary has determined will best meet an emergency.

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<sup>7</sup> *Id.* at 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 3. ERCOT notes that the instant request is in addition to the relief provided in DOE Amended Order No. 202-26-01A, which authorizes ERCOT to direct the operation of certain backup generation facilities as a final step before declaring an Energy Emergency Alert (EEA) Level 3 and directing the interruption of firm load. *Id.* at 1.

<sup>11</sup> 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).

Given the emergency caused by the expected load stress, the responsibility of ERCOT to ensure maximum reliability on its system, and the ability of ERCOT to identify and dispatch generation necessary to meet load requirements, I have determined that additional dispatch of the Specified Resources is necessary to best meet the emergency and serve the public interest for purposes of FPA section 202(c). This determination is based on the expected load stress, shortage of electric energy, shortage of facilities for the generation of electric energy, and other causes by Winter Storm Fern and its aftermath, and the potential loss of power to homes and local businesses in the areas that may be affected by curtailments or outages, presenting a risk to public health and safety.

Consistent with the anticipated circumstances, this Order is limited to the period of time that Winter Storm Fern is expected to impact the ERCOT service territory. Because the additional generation may result in a conflict with environmental standards and requirements, I am authorizing only the necessary additional generation under the conditions contained in this Order, with reporting requirements as described below.

FPA section 202(c)(2) requires the Secretary of Energy to ensure that any FPA 202(c) order that may result in a conflict with a requirement of any environmental law be limited to the “hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable,” be consistent with any applicable environmental law and minimize any adverse environmental impacts. ERCOT expects that this Order may result in exceedance of permit restrictions on emissions or other limitations.<sup>12</sup> To minimize adverse environmental impacts, this Order limits operation of dispatched units to the times and within the parameters determined by ERCOT for reliability purposes.

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

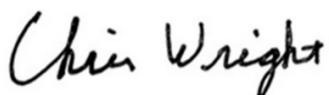
- A. In the event that ERCOT determines that generation from the Specified Resources is necessary to meet the electricity demand that ERCOT anticipates in its service territory, I direct ERCOT to dispatch such unit or units and to order their operation only as needed to maintain reliability. Specified Resources are those generating units set forth in Exhibit A to their Application for the instant order (i.e., Order 202-26-04 Resource List), subject to updates directed here and as described in paragraph D, which DOE shall post on [www.energy.gov](http://www.energy.gov).
- B. To minimize adverse environmental impacts, this Order limits operation of dispatched units to the times and within the parameters determined by ERCOT for maintaining grid reliability and to the maximum extent practicable is consistent with any applicable environmental law. ERCOT shall provide a daily notification to DOE (via AskCR@hq.doe.gov) reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order.

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<sup>12</sup> Application at 2.

- C. All operation of the Specified Resources 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 condition or to use other geographic or temporal flexibilities available to generators.
- D. In the event that ERCOT identifies additional generation units that it deems necessary to maintain the reliability of the power grid, ERCOT shall provide prompt written notice to DOE at AskCR@hq.doe.gov with the name and location of those units that ERCOT has identified. Such additional generation unit shall be deemed a Specified Resource for the purpose of this Order for the hours prior to the required written notice to DOE updating Exhibit A of the Application, and ERCOT may dispatch such additional generation units, provided that if the DOE notifies ERCOT that it does not approve of such generation unit being designated as a Specified Resource, such generation unit shall not constitute a Specified Resource upon notification from DOE.
- E. ERCOT shall also provide such additional information regarding the environmental impacts of this Order and its compliance with the conditions of this Order, in each case as requested by DOE from time to time.
- F. This Order shall not preclude the need for the Specified Resources to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
- G. This Order shall be effective upon its issuance, and shall expire at 11:59 PM EST on January 27, 2026, with the exception of the above reporting requirements and compliance obligations, as applicable. Renewal of this Order, should it be needed, must be requested before this Order expires.

Issued in Washington, D.C. at 9:47 PM EST on this 25<sup>th</sup> day of January 2026.



Chris Wright  
Secretary of Energy

cc: **FERC Commissioners**  
Chairman Laura V. Swett  
Commissioner David Rosner  
Commissioner Lindsay S. See  
Commissioner Judy W. Chang  
Commissioner David A. LaCerte

**State Commissioners**

*See Attachment A*

**Attachment A: State Contact Information**

The table below provides contact information for state commissioners within ERCOT.

State	Office	Name
TX	Public Utility Commission of Texas	Thomas J. Gleeson (Chairman)
		Courtney K. Hjaltman
		Kathleen Jackson
		Morgan Johnson
	Railroad Commission of Texas	Jim Wright (Chair)
		Wayne Christian
		Christi Craddick