



Department of Energy
Washington, DC 20585

Order No. 202-26-08

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy (DOE) Organization Act,² and for the reasons set forth below, I hereby determine that a statutory emergency exists within the New York Independent Service Operator, Inc. (NYISO) region³ 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 26, 2026, NYISO filed a *Request for Emergency Order Under Section 202(c) of the Federal Power Act* (Application) with DOE.⁴ NYISO indicated that “[i]n many parts of the NYISO Balancing Authority Area, temperatures for January 26, 2026 through at least February 1, 2026 are forecasted to remain well below average.”⁵ According to NYISO, it is anticipating a “continued sustained high level of demand for electricity.”⁶ NYISO states that, “[w]hile the vast majority of generating units in the NYISO region continue to function adequately, some units are experiencing difficulty due to emissions/air permit limitations, or other operating constraints.”⁷ NYISO “foresees the need to maximize the availability of all the generating resources in New York.”⁸

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ According to NYISO, the NYISO region is the New York Control Area (NYCA), “which is the area that is under the control of the NYISO.” Application at 1 n.3. “The NYCA includes generation located within New York State and located outside the New York State geographic footprint, such as the generator listed in Exhibit A” to NYISO’s Application. *Id.*

⁴ *Id.* at 1.

⁵ *Id.* at 2.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 1.

Request for Order

NYISO requests that the Secretary issue an order effective immediately and through February 2, 2026, the expected period to address high load related to Winter Storm Fern, “authorizing specified generating units located within the NYISO region to operate up to their maximum generation output levels, notwithstanding air quality or other permit limitations arising under federal, state, or local law or regulation, or other applicable source of law.”⁹ According to NYISO, granting its request “will support the continued availability of generating resources in the region and protect the overall electric system reliability that is necessary to support the health, safety, and welfare of all people in New York.”¹⁰

The generating units to which this Order applies (Specified Resources) are listed in Exhibit A of the Application for the Order 202-26-08, 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.”¹¹ 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.

Given the emergency caused by the expected load stress, the responsibility of NYISO to ensure maximum reliability on its system, and the ability of NYISO to identify and dispatch generation necessary to meet load requirements, I have determined that, under the conditions specified below, 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. The potential loss of power to homes and local businesses in the areas that may be affected by curtailments or outages present 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 NYISO region. Because the additional generation may result in a conflict with environmental standards and requirements, I am

⁹ *Id.* at 1-2.

¹⁰ *Id.*

¹¹ 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).

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 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. NYISO anticipates that this Order may result in exceedance of air quality or other permit limitations.¹² To minimize adverse environmental impacts, this Order limits operation of dispatched units to the times and within the parameters determined by NYISO for reliability purposes.

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

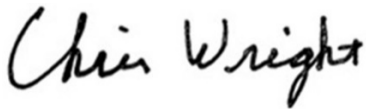
- A. In the event that NYISO determines that generation from the Specified Resources is necessary to meet the electricity demand that NYISO anticipates in its region, I direct NYISO to dispatch such unit or units and to order their operation only as needed to maintain reliability. Specified Resources are those generating units set forth in Exhibit A to NYISO’s Application for the order (i.e., Order 202-26-08 Resource List), subject to updates directed here and as described in paragraph D, which DOE shall post on 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 NYISO for maintaining grid reliability and to the maximum extent practicable is consistent with any applicable environmental law. NYISO 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.
- 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 NYISO identifies additional generation units that it deems necessary to maintain the reliability of the power grid, NYISO shall provide prompt written notice to DOE at AskCR@hq.doe.gov with the name and location of those units that NYISO has identified. Any such additional generation unit shall be deemed a Specified Resource for the purpose of this Order for the hours prior to the required

¹² Application at 1.

written notice to DOE updating Exhibit A of the Application, and NYISO may dispatch any such additional generation unit, provided that if the DOE notifies NYISO 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. NYISO 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 February 2, 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 11:41 PM EST on this 26th 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

State	Office	Officials
NY	New York Public Service Commission	Rory M. Christian (Chair)
		James S. Alesi
		Uchenna S. Bright
		John B. Maggiore
		Denise M. Sheehan
		David J. Valesky
		Radina Valova