



Department of Energy
Washington, DC 20585

Order No. 202-26-09

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 Homestead Public Services (HPS) Energy (HPS/Energy) 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 30, 2026, HPS/Energy filed a *Request for Emergency Order Under Section 202(c) of the Federal Power Act* (Application) with DOE.³ HPS/Energy indicated that a second “round of extreme cold is forecasted to impact the southeast, including Peninsular Florida and South Florida for the entirety of the HPS/Energy service territory.”⁴ According to HPS/Energy, its “customer demand is projected to exceed record-breaking thresholds . . . on Sunday, February 1, 2026, and which may continue throughout the following week.”⁵ HPS/Energy “is concerned that under these conditions the system may not have sufficient generation available to meet this unusually high demand and may be forced to curtail load in order to maintain [the] security and reliability of the grid.”⁶

Request for Order

HPS/Energy requests that the Secretary issue an order effective immediately and through February 3, 2026, at 10:00AM EST, the expected period to address high load related to Winter Storm Fern and prolonged cold weather conditions, “authorizing certain electric generating units located within the HPS/Energy service territory to operate up to their maximum generation output levels . . . notwithstanding air emissions or other permit limitations.”⁷ According to HPS/Energy,

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ Application at 2.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 1.

granting its request “would help to reduce the need for any firm load shedding that may be required during this extreme cold weather event.”⁸

The generating units to which this Order applies (Specified Resources) are listed in Exhibit A of the Application for the Order 202-26-09, 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.”⁹ 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 HPS/Energy to ensure maximum reliability on its system, and the ability of HPS/Energy 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 the prolonged cold weather that followed. 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 the significant winter weather event is expected to impact the HPS/Energy 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 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. HPS/Energy anticipates that this Order may result in exceedance of air

⁸ *Id.* at 3.

⁹ 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).

emissions, environmental permits, or other permit limitations.¹⁰ To minimize adverse environmental impacts, this Order limits operation of dispatched units to the times and within the parameters determined by HPS/Energy for reliability purposes.

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

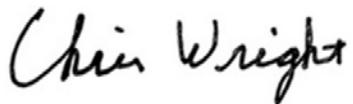
- A. In the event that HPS/Energy determines that generation from the Specified Resources is necessary to meet the electricity demand that HPS/Energy anticipates in its service territory, I direct HPS/Energy to dispatch such unit or units and to order their operation only as needed to maintain reliability. Specified Resources are those generating units set forth in Exhibit A to HPS/Energy's Application for the order (i.e., Order 202-26-09 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 HPS/Energy for maintaining grid reliability and to the maximum extent practicable is consistent with any applicable environmental law. HPS/Energy 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.
- D. In the event that HPS/Energy identifies additional generation units that it deems necessary to maintain the reliability of the power grid, HPS/Energy shall provide prompt written notice to DOE at AskCR@hq.doe.gov with the name and location of those units that HPS/Energy 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 written notice to DOE updating Exhibit A of the Application. HPS/Energy may dispatch any such additional generation unit, provided that if the DOE notifies HPS/Energy 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. HPS/Energy 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.

¹⁰ Application at 1-2.

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 10:00 AM EST on February 3, 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 11:34 PM EST on this 30th 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
		Gabriella Passidomo Smith (Chairman)
FL	Florida Public Service Commission	Gary F. Clark
		Mike A. La Rosa
		Ana Ortega
		Bobby Payne