

January 25, 2026

The Honorable Chris Wright  
Secretary of Energy  
United States Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-1000

Re: Request for Emergency Order Under Section 202(c) of the Federal Power Act

Dear Secretary Wright:

Pursuant to section 202(c) of the Federal Power Act (“FPA”), Electric Reliability Council of Texas, Inc. (“ERCOT”) respectfully requests that you enter an emergency order to ensure the reliability of the bulk power system in the ERCOT region of Texas due to the impacts of severe winter weather on electricity demand. ERCOT requests this order in addition to the relief provided in your January 25, 2026 amended order issued under FPA section 202(c), which authorizes ERCOT to direct the operation of certain customer-owned backup generation facilities after deploying all available market services other than frequency responsive services.<sup>1</sup> Specifically, based on your determination in that order that an emergency exists in the ERCOT region,<sup>2</sup> ERCOT requests the issuance of an additional order under section 202(c) that would allow other specified electric generating facilities located within the ERCOT region to operate up to their maximum generation output levels under the limited emergency circumstances described in this request notwithstanding any operational limitations that may apply under federal and state environmental laws. ERCOT requests that such an order be entered as soon as possible today, January 25, 2026, and remain effective through 11:59 p.m. Eastern Standard Time (“EST”) on Tuesday, January 27, 2026, consistent with your January 25, 2026 amended order.

## Background

The ERCOT interconnection is one of many regions across the country affected by Winter Storm Fern, which has resulted in extremely cold temperatures and significant ice accumulations to much of the central and eastern United States, including the ERCOT region. The 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. Specifically, ERCOT is currently projecting peak demand of more than 85,000 MW the morning of Monday, January 26, and more than 82,000 MW the morning of Tuesday, January 27. Each of these demand values would exceed ERCOT’s winter peak demand record of 80,560 MW set in February 2025.

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<sup>1</sup> U.S. Department of Energy, Amended Order No. 202-26-01A (Jan. 25, 2026).

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

ERCOT is taking measures to ensure the supply of generation will continue to be sufficient to meet system demand and reserve requirements. On Friday, January 23, 2026, the Texas Commission on Environmental Quality (“TCEQ”) informed ERCOT that it would provide enforcement discretion to generators in the ERCOT region that may exceed state emissions requirements due to operation during the winter storm event.<sup>3</sup> Also on Friday, ERCOT directed certain generating units enrolled in ERCOT’s Firm Fuel Supply Service to begin operating on stored fuel due to natural gas delivery limitations.

If generating reserves over the next several days do eventually diminish to a level that requires ERCOT to declare an EEA, ERCOT will take additional measures to provide additional reserves, including:

- Utilizing all available DC Tie import capacity;
- Issuing a public conservation appeal;
- Deploying capacity enrolled in ERCOT’s Emergency Response Service;
- Instructing transmission and distribution service providers to implement distribution voltage reduction measures and direct curtailment of customers enrolled in load management programs;
- Instructing Load Resources providing Responsive Reserve Service (RRS) to curtail their demand and instructing Generation Resources providing RRS to make their capacity available for ERCOT’s dispatch; and
- Instructing Energy Storage Resources to suspend charging.

Even so, it is possible that these measures may not be sufficient to avoid the need to direct curtailment of firm load to ensure system reliability.

### **Relief Requested**

ERCOT has been notified by one generation owner that its natural gas-fired generating units are expected to be subject to emissions restrictions due to continuous operation of the units during the cold weather conditions occurring over the next few days. These units are described in Exhibit A to this letter. Specifically, ERCOT has been informed that the operation of these generators is or may be impacted by permit restrictions on nitrogen oxide, carbon monoxide, and ammonia emissions.

While only one entity has confirmed an anticipated operational restriction based on emissions limits, ERCOT is aware that many other generators in the ERCOT region that are not included on this list are also subject to similar emissions limits and other environmental restrictions, and it is possible that some of these units could encounter an operational limitation due to a restriction under a permit or other environmental regulation at some point before system conditions are expected to improve on Tuesday, January 27. Because the output from all of the

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<sup>3</sup> ERCOT Market Notice M-B012326-01, [https://www.ercot.com/services/comm/mkt\\_notices/M-B012326-01](https://www.ercot.com/services/comm/mkt_notices/M-B012326-01).

generators subject to these restrictions would help reduce the need for any firm load-shedding that may be required during this extreme cold weather event, ERCOT seeks an order from DOE authorizing the provision of additional energy from the units identified in Exhibit A, 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.

ERCOT does not lightly request this authorization. It understands the importance of the emissions limits and other environmental restrictions at issue. However, in ERCOT's judgment, the loss of power to homes and businesses in the areas that may be affected by curtailments presents a far greater risk to public health and safety than the temporary exceedances of those limits that would be allowed under the requested order. Authorizing electric generating facilities in the ERCOT interconnection to operate notwithstanding permit and other limitations will help ensure ERCOT has sufficient generation to serve load, protecting the public.

Upon issuance of the requested order, ERCOT would issue a market notice to all ERCOT market participants describing the order and the nature of any emergency operation that may be authorized by the order. ERCOT commits to providing notice to DOE of any additional units seeking authorization to act under this order by submitting an updated version of Exhibit A that reflects each of those generating units that has been identified to ERCOT as requiring use of the requested allowance to operate in excess of any limit established in a federal or state environmental permit or regulation. ERCOT would provide any updates to Exhibit A on at least a daily basis. ERCOT is also prepared to provide any additional information DOE may request and respond to any requests for such information on an expedited basis.

ERCOT greatly appreciates DOE's expedited consideration of this request. Please do not hesitate to contact me or my staff if you have any questions or require additional information to act on this request.

Respectfully,

/s/ Pablo Vegas  
Pablo Vegas  
President and Chief Executive Officer  
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