

**UNITED STATES OF AMERICA  
BEFORE THE  
DEPARTMENT OF ENERGY**

PJM Interconnection, L.L.C.	)	
Request for Emergency Order	)	Order Nos. 202-26-2
Pursuant to Section 202(c) of	)	202-26-2A
the Federal Power Act	)	

**MOTION TO INTERVENE AND  
REQUEST FOR REHEARING OF NRG ENERGY**

Pursuant to section 313(a) (“Section 313(a)”) of the Federal Power Act (“FPA”), 16 U.S.C. § 8251 (2026), NRG Energy, Inc. (“NRG”), on behalf of its subsidiaries that are subject to Department of Energy (“DOE”) Order No. 202-26-2, as amended (“Order”),<sup>1</sup> hereby submits this Request for Rehearing.

**I. MOTION TO INTERVENE**

Section 313(a) of the FPA allows any party “aggrieved” by an order to apply for rehearing within 30 days of the relevant order.<sup>2</sup> As the indirect owner of generating units that are subject to the Order (the “Covered Units”), including units that were owned by LS Power until midnight on January 29, 2026,<sup>3</sup> NRG has been aggrieved by the Order and seeks rehearing of the issues described herein.

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<sup>1</sup> DOE Order No. 202-26-2 (issued Jan. 24, 2026) as amended by the updates to Exhibit A issued by DOE on Jan. 25, 2026 at 8:9 p.m. EST, Jan. 26, 2026 at 4:11 p.m. EST, and Jan. 26, 2026 at 8:38 p.m. EST; DOE Order No. 202-26-2A (issued Jan. 29, 2026) .

<sup>2</sup> 16 U.S.C. § 8251.

<sup>3</sup> As of January 30, 2026, NRG is the owner of the facilities identified as being owned by LS Power named in Order No. 202-26-2, as amended.

## II. REQUEST FOR CLARIFICATION OR, IN THE ALTERNATIVE, REHEARING

NRG seeks rehearing to confirm the application of Section 202(c)(3) to the Covered Units' operation pursuant to the Order. Section 202(c)(3) provides:

To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken to voluntarily comply with such order, results in noncompliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.<sup>4</sup>

Several of the Covered Units are subject to environmental permit conditions or regulations that limit their emissions, hours of operation, or fuel burned during a specified period, usually on a 12-month rolling average. NRG respectfully requests that DOE confirm that, under Section 202(c)(3), the emissions from, hours of operation of, and fuel burned by the Covered Units during the time period in which the Order is in effect (the "Emergency Period") are not counted towards these limits. NRG respectfully requests rehearing on these grounds.

The requested rehearing order would make clear, for example, that if a unit has a permit that only allows it to emit 150 tons of a pollutant per year on a rolling 12 month average, and that unit emits 10 tons when operating during the Emergency Period, then those 10 tons would be subtracted from total tons emitted by that unit during any 12-month rolling period for purposes of determining compliance with its permit limit. Without such a new order pursuant to this rehearing request, there may be a need for further DOE action to allow the Covered Units to continue to operate as needed in the near future.

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<sup>4</sup> 16 U.S.C. § 824a(c)

### III. CONCLUSION

For the foregoing reasons, NRG respectfully requests that DOE grant rehearing and find that the emissions from, hours of operation of, and fuel burned by the Covered Units during the Emergency Period are not counted for purposes of determining compliance with applicable environmental permits or regulations.

Respectfully submitted,

/s/ Walter Stone

Walter Stone  
Senior Vice President, Environment  
and Deputy General Counsel

*On behalf of NRG*

Dated: January 30, 2026

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing on the following

persons:

Hon. Chris Wright  
Secretary of Energy  
U.S. Department of Energy  
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Dated at Washington, District of Columbia, this 30th day of January 2026.

/s/ Joshua R. Robichaud

Bracewell LLP