

UNITED STATES OF AMERICA
BEFORE THE UNITED STATES DEPARTMENT OF ENERGY

Federal Power Act Section 202(c)
Emergency Order TransAlta
Centralia Generation

Order No. 202-26-28

**MOTION TO INTERVENE, REQUEST FOR REHEARING,
AND MOTION TO STAY BY STATE OF WASHINGTON**

Pursuant to section 313 of the Federal Power Act (“the Act”), 16 U.S.C. § 825*l*, the State of Washington, by and through the Washington State Attorney General, Nicholas W. Brown, moves to intervene and for a stay, and requests that the Department of Energy (“DOE”) grant rehearing of Order No. 202-26-28 (June 12, 2026) (“Centralia III”), attached hereto as Exhibit 120. Centralia III extends for an additional 90 days Order No. 202-26-18 (Mar. 16, 2026) (“Centralia II”), which itself extended for an additional 90 days Order No. 202-25-11 (Dec. 16, 2025) (“Centralia I”). Because the legal and factual issues here directly overlap and repeat the same matters as related to Centralia I and II, Washington hereby incorporates by reference its requests for rehearing of Order No. 202-25-11 and Order No. 202-26-18, including all arguments, exhibits, and other reference materials, and reasserts them herein as grounds for rehearing Centralia III.

I. INTRODUCTION

On December 16, 2025, DOE issued the Centralia I order to TransAlta Centralia Generation LLC directing that the Centralia Coal Plant (“TransAlta Centralia” or “Centralia”) remain in operation as a coal facility. Centralia I was counterproductive to its own aims, failing to establish any actual emergency and threatening to derail the long-planned conversion of

TransAlta Centralia into a modernized natural gas facility with greater capacity and more flexibility than the current aged coal facility. DOE extended the order first in March and now does so again in June, tripling down to issue a third flawed emergency order for a situation that time has now confirmed is a non-emergency.

DOE should immediately withdraw Centralia III. As with Centralia I and II, the Centralia III order is unlawful, internally inconsistent, misguided, and based on incorrect assertions about the Northwest's power infrastructure and operation. DOE again makes assertions of unfettered authority to usurp state and regional power planning based on generalized long-range concerns. This again violates the Federal Power Act, which expressly limits DOE's authority to *actual* emergency situations involving war or the sudden and unexpected loss of power.

An emergency did not exist in December 2025, did not exist in March 2026, and does not exist now in June and July. Indeed, no emergency ever materialized, and the TransAlta Centralia plant has not been needed to run at any point. As a result, Centralia III again fails to present any legitimate factual basis—let alone substantial evidence—to support its claim that maintaining Centralia as a coal-fired facility is necessary to “meet” any emergency. And, as with Centralia I and II, Centralia III is detrimental to the public interest by undermining the very grid stability it purports to protect in a way that will be enormously burdensome to the Northwest's rate payers. The longer DOE holds Centralia hostage for purely political aims, the greater the risk of delay becomes in converting this aging, unreliable, and polluting plant to a larger, modernized, and critical source of power for the region. Washington calls on DOE to rescind Centralia III.

II. STATEMENT OF ISSUES AND SPECIFICATIONS OF ERROR

Washington incorporates its statement of issues and specifications of error from its petitions for rehearing of Orders No. 202-25-11 and Order No. 202-26-18. Washington submits the following additional statement of issues and specifications of error:

- Centralia III is arbitrary, capricious, and not based on substantial evidence because Centralia III's reliance on the North American Electric Reliability Corporation Summer Reliability Assessment to establish an energy emergency is misplaced.
- Centralia III is arbitrary, capricious, and not based on substantial evidence because it ignores the comments of BPA, CAISO, Gridforce, and SPP in FERC proceedings that show that DOE's order is arbitrary and capricious and will harm ratepayers
- Centralia III is arbitrary, capricious, and not based on substantial evidence because it relies on a district court injunction related to the Columbia River Power System and fails to account for—let alone even acknowledge—that the injunction has express provisions for dealing with emergency circumstances.

III. MOTION TO INTERVENE AND INTERVENOR'S INTEREST

The State of Washington moves to intervene in this proceeding and become a party for purposes of Section 313*l* of the Act, 16 U.S.C. § 825*l*. *See* RCW 43.10.030(1). *See also City of Seattle v. McKenna*, 172 Wash. 2d 551, 259 P.3d 1087 (2011) (noting that RCW 43.10.030(1) grants the Attorney General discretionary authority to act in any forum “on a matter of public concern” (internal quotations and citations omitted)). The TransAlta Centralia Plant is located in the State of Washington, and the State is aggrieved by the Order in several ways.

First, Washington has a direct contractual interest in the retirement of Centralia on December 31, 2025. In 2011, the Washington Legislature passed the Coal-Fired Electric Generation Facilities Bill, SB 5769. S.B. 5769, 62nd Leg., (Wash. 2011). That Act directed

Centralia to comply with the state's greenhouse gas emission performance standards by the end of 2020 for its first boiler and the end of 2025 for the second. RCW 80.80.040(c). It also directed the Governor to enter into a Memorandum of Agreement with the owners of Centralia. RCW 80.80.100. The State and TransAlta signed the Memorandum of Agreement in 2011, which was amended in 2017 to specify that Centralia could continue to generate power, so long as it was not coal-fired power. Ex. 5 (2011 MOA); Ex. 6 at section 1 (amending Subsection D(5) of the MOA) (2017 MOA Amendment).

The Memorandum of Agreement required Centralia to permanently cease coal power generation from one boiler in 2020, and the other boiler in 2025. Ex. 5; Ex. 6. In exchange for that commitment, the State of Washington confirmed that the facility met the greenhouse gas emissions performance standards and other environmental requirements of the State, guaranteed the ability of TransAlta to enter into long-term power contracts for the sale of electricity from Centralia, and promised to maintain sales and use tax exemptions for the plant. Ex. 5. The State of Washington kept those promises, sacrificing tax revenue and granting TransAlta flexibility with regard to operational controls in exchange for Centralia ceasing coal operations by the end of 2025. *See, e.g.*, RCW 82.08.811 (exempting the sale of coal from the state Retail Sales Tax); RCW 82.12.811 (exempting coal from the state Use Tax); RCW 70A.65.080(7)(c) (exempting Centralia from the greenhouse gas limits of the Climate Commitment Act); RCW 19.405.030 (allowing Centralia to recover its decommissioning and

remediation costs in rates).¹ Because the Order deprives Washington of the benefit of its bargain under the Memorandum of Agreement, Washington suffers distinct harms as a result of the Order.

Second, Washington has a direct regulatory interest in Centralia's retirement by the end of 2025 because continued coal-fired operations will directly violate state law as well as a regulatory order issued by the Department of Ecology. Centralia is subject to Washington's emissions performance standard (EPS) for baseload electric generation in the state, RCW 80.80.040. The EPS is essentially a carbon intensity standard, limiting the volume of greenhouse gas emissions that an electric generating facility may emit per megawatt-hour of power produced. RCW 80.80.040(1), (3). This standard cannot generally be met by coal-fired plants without employing carbon sequestration technology.² The application of this standard was delayed for TransAlta until the scheduled shutdown of its two boilers at the end of 2020 and 2025. RCW 80.80.040(3)(c) ("A coal-fired baseload electric generation facility in Washington that emitted more than one million tons of greenhouse gases in any calendar year prior to 2008 must comply with the lower of the following greenhouse gas emissions performance standard such that one generating boiler is in compliance by December 31, 2020,

¹ See e.g. RCW 82.08.811 (exempting the sale of coal from the state Retail Sales Tax); RCW 82.12.811 (exempting coal from the state Use Tax); RCW 70A.65.080(7)(c) (exempting Centralia from the greenhouse gas limits of the Climate Commitment Act); RCW 19.405.030 (allowing Centralia to recover its decommissioning and remediation costs in rates).

² The emission performance standard is currently set at 876 GHG/MWh. WAC 173-407-130 (setting forth EPS standard in Ecology's EPS rules). See RCW 80.80.040(1)(providing procedures for setting standard); RCW 80.80.050 (setting out Washington Department of Commerce's role to set standard); WAC 194-26-020 (Washington Department of Commerce setting standard).

and any other generating boiler is in compliance by December 31, 2025: [referencing process for setting standard].”).

TransAlta relied on the 2025 retirement of its last coal-fired boiler as its means of complying with Washington’s emissions performance standard. Ex. 7 at 2, §D(a)(1) (2011 BART Order) (“The plant owner, the Governor's office, and environmental organizations anticipate that compliance with this requirement will be accomplished by decommissioning the [coal-fired] units.”). Further, the Washington Department of Ecology issued Centralia a regulatory order imposing Best Available Retrofit Technology (“BART”) requirements pursuant to its authority under the Washington Clean Air Act and the visibility and regional haze programs of the Federal Clean Air Act. The BART order specifically requires TransAlta to “permanently cease burning coal” and decommission both coal-fired units at the plant by 2025. Ex. 7 at 4, condition; Ex. 8 at 3, condition 3 (2020 BART Order, Revision 2). Thus, continued operations of TransAlta’s coal-fired boilers, without substantial investment in new emissions-lowering technology, will directly violate Washington’s Emission Performance Standard and BART order.

Third, Washington residents will suffer health and environmental harms because of Centralia III, with costs to the State resulting from the heightened burden on state-provided insurance and public hospitals. As detailed below, continuing coal operations at Centralia will increase air pollution in Washington, harm Washingtonians’ health imposing direct harms on the State and its agencies, and impair visibility at Washington’s iconic natural areas such as the Mount Rainer National Park. Ex. 10 at ¶ 7 (Declaration of Gary Palcisko).

Fourth, these environmental harms will frustrate Washington State's regulatory interests, harm the State's public trust resources, and pose a financial burden to the State. For example, Centralia is the highest source of greenhouse gas emissions in Washington. Ex. 12 (Top 10 Stationary Sources of GHG Emissions in WA, 2022); Ex. 13 (Top Washington Greenhouse Gas Emissions Sources, 2023). By mandating the continued operation of the Centralia Coal Plant, Centralia III will make it harder for Washington to meet its statutory greenhouse gas emissions reduction requirements. RCW 70A.45.020. And continued burning of coal will also hinder Washington's investigation and cleanup of the site under the Model Toxics Control Act (MTCA). *See* Ex. 52 at ¶ 16 (Declaration of Thomas Middleton). Under MTCA, the Washington Department of Ecology is responsible for investigating contamination, developing cleanup action plans, and identifying potentially liable parties (PLPs) for sites contaminated with hazardous substances. *Id.* at ¶ 4-14.

A series of investigations at Centralia found six hazardous substances in the soil, nine contaminants for groundwater, and nine substances in the sediment at the Site above MTCA cleanup levels. *Id.* at ¶ 7. Centralia III will prolong the contamination of the Site, exacerbating the time and resources the State must expend to investigate and plan its cleanup. *Id.* at ¶ 14. Centralia III will also cause continued aerial emissions of hazardous substances, which have the potential to settle on and contaminate thousands of properties and create thousands of potentially liable parties under MTCA. *Id.* at ¶ 14. Determining liability and cleanup responsibility for so many sites is resource-intensive for the State. *Id.* Finally, the Centralia Coal Plant uses settling ponds containing byproducts from burning coal, many of which are also hazardous substances subject to MTCA. *Id.* at ¶ 15. Centralia III will require TransAlta

to continue using the settling ponds, preventing the Washington Department of Ecology from performing cleanup of the ponds, and potentially posing risks related to groundwater contamination. *Id.*

Fifth, Washington’s electricity grid will be less reliable because of Centralia III. In addition to the direct interest in grid reliability to power state buildings, public schools, and hospitals, Washington has a regulatory interest in maintaining grid reliability.³ Centralia experiences extended periods of non-operation. In the years 2023-2025, the Centralia Plant Unit #2 shut down 29 times, 25 of which were forced outages. Ex. 11 at ¶ 7 (Declaration of Clinton Lamoreaux). Additionally, when coal-powered generation facilities do shut down, they have a longer start-up time than natural-gas-powered facilities, which makes them less responsive to fluctuating energy demands. Ex. 14 (Owen Comstock, *About 25% of U.S. power plants can start up within an hour*, U.S. ENERGY INFO. ADMIN., November 19, 2020). This is especially true for “cold” startups, where the facility must start up after an extended period of nonactivity. Cold startups take longer than startups following a briefer outage where the facility components are still warm from recent operation. Ex. 11 at ¶ 8. It took Centralia anywhere from 11 to 18 hours to reach its operational capacity during the six cold startups from the fourth quarter of 2024 through the third quarter of 2025. *Id.* Plus, because Centralia

³ The Washington Utilities and Transportation Commission (UTC) is tasked with regulating IOUs such that any services rendered are “adequate and efficient,” RCW 80.28.010(2), (11); RCW 19.405.080(2)(a) (reporting requirements concerning reporting on meeting load, reliability standards, and resource adequacy); RCW 80.28.130 (granting UTC authority to order an electric utility to make improvements to their system to “secure adequate service or facilities”).

is likely overdue for maintenance, it could face more frequent shutdowns than in previous years. Ex. 11 at ¶ 10-11.

This will be exacerbated by the apparent staffing shortages Centralia faces. Ex. 11 at ¶ 12. Finally, aside from in limited circumstances, Washington utilities are prohibited from purchasing power from coal plants after December 31, 2025. RCW 19.405.030. Because of these frequent shutdowns, the length of time needed to start up the plant, the uncertainties around maintenance and staffing, and the legal barriers to purchasing power from Centralia, coal operations at Centralia are less reliable, efficient, or economical than other alternatives. However, Centralia III will force ratepayers to pay for Centralia's operations rather than investing in alternatives, resulting in a loss of capacity and flexibility for Washington's electricity grid.

Sixth, Washington agencies, households, and businesses will likely pay higher electricity bills because of Centralia III, and Washington has a regulatory interest in keeping electricity rates fair and affordable.⁴ Under the most recent Power Purchase Agreement (PPA) which expired on December 31, 2025, the price from Centralia's coal is significantly higher than the wholesale energy market price, at \$62.04 per MWh versus the wholesale market price of \$54.32 per MWh. Ex. 41 at ¶ 15 (Declaration of Callahan Moriyasu). It is also unclear whether Centralia will be safe to operate. Recent inspections and the most recent quarterly report indicate that Centralia's pollution control technology requires maintenance or repairs.

⁴ See e.g. RCW 80.28.010(1) (The UTC is also tasked with regulating IOUs in the public interest and ensuring rates for "any service rendered" are "just, fair, reasonable, and sufficient."); The Clean Energy Transformation Act requires utilities to achieve targets at the "lowest reasonable cost," RCW 19.405.040(6)(a)(i), -.050(3)(a), -.060(1)(c)(ii), -.080(2)(b).

Ex. 11 at ¶ 10-11. Further, recent staffing shortages may have led to the violations that Centralia was noticed for in December. Ex. 11 at ¶ 12. TransAlta will likely have to expend resources to quickly hire and train new staff to operate the facility. As described below, TransAlta has sought to recover those costs from rates, which amount to tens of millions of dollars for the first 90-day period of Centralia I alone. By ordering the continued operation of TransAlta's Centralia Coal Plant, Centralia III ensures that Washington ratepayers will see unreasonably higher electricity bills, in contradiction with Washington's statutory mandate to secure rates that are "just, fair, reasonable, and sufficient." RCW 80.28.010(1).

IV. BACKGROUND

A. The Long-Planned Retirement of TransAlta's Coal-fired Units

1. The TransAlta Centralia coal-fired power plant

The Centralia generating plant is a coal-fired power plant located just east of Centralia in Lewis County, Washington that is owned and operated by TransAlta Generating LLC ("TransAlta Centralia" or "Centralia"). Centralia was built in the late 1960s and originally consisted of two coal-fired boilers. Ex. 15 (The Daily Chronicle, *Plant Job Underway*, June 14, 1968); Ex. 17 at 2 (2021 Title V Air Operating Permit Basis Statement). The first boiler went into operation in 1971 and the second in 1972. The first boiler, known as "Unit 1" was retired in 2020, and the second boiler, "Unit 2," was scheduled to retire by December 31, 2025. Ex. 17 at 2 (2021 Title V Air Operating Permit Basis Statement). Centralia currently has a nameplate generating capacity of 729.9 MS and a net capacity of 670 MW. Ex. 18 at "Operating" tab, row 5359, plant name "TransAlta Centralia Gen LLC" (U.S.

Energy Information Administration, Form EIA-860, Schedule 3: Generator Data (2024) (2024 Form EIA-860).

TransAlta Centralia generates electricity by combusting pulverized coal in a boiler to generate pressurized steam to drive a turbine. Ex. 17 at 2 (2021 Title V Air Operating Permit Basis Statement). This produces emissions of sulfur dioxide (SO₂), oxides of nitrogen (NO_x), particulate matter (PM), carbon monoxide (CO), volatile organic compounds (VOCs), and certain hazardous air pollutants including mercury. Ex. 17 at 2. TransAlta Centralia has been one the largest historical sources of NO_x and SO₂ in Washington, annually emitting over 5,000 tons of NO_x and 1,500 tons of SO₂ in 2011–18. Ex. 19 at 74 (2022 Visibility SIP). Since closure of Unit 1 of Centralia in 2020, emissions have decreased by approximately half, but these emissions still rank amongst the highest in the State for a single source. Ex. 19 at 74. TransAlta Centralia is also the largest single stationary source of greenhouse gas emissions in the state with, over 3.9 million metric tons of annual CO₂ emissions in 2022, and over 4.5 MMT CO₂ in 2023. Ex. 12; Ex. 13. These pollutants have significant adverse health and environmental impacts. Ex. 10 at ¶¶ 7–14. TransAlta Centralia’s emissions of particulate matter, SO₂, and nitrogen oxides (NO_x) also impair visibility in Washington’s iconic natural areas, including at Mount Rainer National Park, located only 50 miles from the plant. Ex. 19 at 172 (2021 Visibility SIP).

2. Agreement reached over a decade ago to transition TransAlta away from coal

In 2011, Washington, TransAlta, environmental groups, and the local community worked together to establish a plan to transition Centralia away from coal towards cleaner fuels. Ex 20 (TransAlta Power Plant, Department of Ecology). The Washington Legislature

passed the Coal-Fired Electric Generation Facilities Act, Engrossed Second Substitute S.B. 5769, Ch. 180, Wash. Laws of 2011, requiring TransAlta Centralia to comply with the state's greenhouse gas emission performance standards beginning at the end of 2020 for Unit 1 and the end of 2025 for Unit 2. Ch. 180, Wash. Laws of 2011 § 103; RCW 80.80.040(1), (3)(c). The Washington Department of Ecology then issued a Best Available Retrofit Technology (BART) order to TransAlta pursuant to its authority under the Washington Clean Air Act and the visibility and regional haze programs of the Federal Clean Air Act. The BART Order recognized that TransAlta Centralia would comply with the greenhouse gas emissions standards through the phased retirement of its coal-fired boilers. Ex. 7 at 2 §D(a). The BART order further specifically requires TransAlta to “permanently cease burning coal” and decommission both coal-fired units at the plant by 2025. Ex. 7 at 4, condition 4; Ex. 8 at 3, condition 3. By the end of 2011, the State and TransAlta signed a Memorandum of Agreement, as required by SB 5769, in which TransAlta formally agreed to the phased shutdown of both coal-fired boilers by the end of 2020 and 2025 respectively. Ex. 5 at 1 (Recital D) (TransAlta agreed to “permanently cease power generation operations of one Boiler in 2020 and the other Boiler in 2025.”).

In 2017, the MOA was amended to, among other things, change the scope of power generation activities that TransAlta Centralia was required to cease in 2020 and 2025. While the 2011 MOA originally requiring cessation of all “power generation operations” in the two boilers, the amendment signed in 2017 narrowed this to requiring cessation of only “*coal-fired* power generation operations” of each boiler. Ex. 6 at Section 1 (amending Subsection D(5) of the MOA). This would allow TransAlta to continue generating electricity at Centralia upon

the conversion of its boilers to cleaner fuels such as natural gas. Ecology’s 2020 revision to TransAlta’s BART Order reflected this, acknowledging the possibility of continued operation of the Centralia plant with cleaner fuels. Ex. 9 at 3 (2020 Bart Order TSD at 3) (“If power generation of the coal plant is replaced with a different form of combustion power generation (e.g., natural gas), the impact to regional haze would have to be analyzed separate from this BART order modification.”).

3. TransAlta coal-to-gas conversion project

TransAlta has now developed a plan to convert TransAlta Centralia to natural gas.⁵ On December 9, 2025, TransAlta announced a long-term agreement with Puget Sound Energy to perform a coal-to-gas conversion on Centralia’s Unit 2 facility with a planned contracted capacity of 700 MW to deliver power to Puget Sound Energy (“PSE”) through 2044. Ex. 20 at 1 (Press Release from TransAlta dated Dec 9, 2025,). TransAlta expects to invest approximately \$600 million in capital expenditures in the project, and is targeting late-2028 to begin commercial operations, which will reduce emissions by approximately 50%. *Id.* TransAlta’s President and Chief Executive Officer, John Kousinioris explained that TransAlta was “pleased to extend the useful life of this asset and support the ongoing reliability needs of PSE and, by extension, its customers.” *Id.*

⁵ The State cites to the announced conversion to natural gas in keeping with industry practice of including announced planned additions to generation. To finalize those plans, TransAlta will need numerous permits and approvals from the State for the conversion to occur. Nothing within this filing should be interpreted as any agency or arm of the State presupposing or otherwise commenting on the merits of those permits or approvals.

After conversion, TransAlta Centralia will operate only when there is high demand, with the majority of its hours of operation expected to be at half load (~350 MW) or at minimum stable generation load (~190 MW), but with the ability to quickly ramp up to high loads when needed by the grid. Ex. 21 at 1-1 (December 2025 TransAlta PSD Permit application). Conversion of Centralia to natural gas will dramatically reduce TransAlta Centralia's emissions of almost all pollutants, including large and fine particulate matter, nitrogen oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), lead, and carbon dioxide (CO₂). Ex. 21 at 3-4 (Table 3-1).

B. Washington Recently Assessed and Confirmed Resource Adequacy in Our Region

Existing regulatory mechanisms govern both federal requirements for reserve margins and state resource adequacy determinations. Indeed, in its July 2025 resource adequacy report, DOE wrote, "DOE acknowledges that the resource adequacy analysis that was performed in support of this study could benefit greatly from the in-depth engineering assessments which occur at the regional and utility level....entities responsible for the maintenance and operation of the grid have access to a range of data and insights that could further enhance the robustness of reliability decisions, including resource adequacy, operational reliability, and resilience." Ex. 4 at i (DOE 2025 Resource Adequacy Report).

In this, DOE is correct, and Washington's Utilities and Transportation Commission does precisely that, and held three meetings in 2025 in conjunction with Washington's Department of Commerce to consider information from industry experts from Washington utilities, regional planning organizations, transmission operators, reliability experts, and the public. Ex. 53 ¶¶ 4-6 (Declaration of Brian Rybarik, Chair of the Washington Utilities and

Transportation Commission). As a matter of best practice, resource adequacy is an integral part of prudent, least-cost, utility planning in every state and region of the country. *See* Ex. 55 (*Best Practices in Integrated Resource Planning*, Synapse Energy Economics & Lawrence Berkeley National Laboratory (Nov. 2024)). Following this best practice, the Washington Utilities and Transportation Commission, and the November 2025 Winter Readiness Resource Adequacy meeting, Washington planners invited presentations from National Electric Reliability Corporation (NERC), the Western Electricity Coordinating Council, Arne Olson, the author of the E3 PowerPoint, as well as from Washington utilities. Ex. 22 (Nov. 19, 2025 Letter Re: Summary of the 2025 Long-term Resource Adequacy Meeting) (The meeting agendas, recordings of each meeting, and presentation materials are available on the Department of Commerce webpage and the Utilities and Transportation Commission webpage).

By contrast, DOE plays no role in the complex proceedings to determine either reserve margins or specific resource adequacy conclusions. And, as far as Washington can determine, DOE failed to attempt consultation with any of the local, regional, or national reliability experts in issuing its emergency order regarding TransAlta. Using the information from the entities responsible for maintenance and operation of the grid, in November 2025, Washington's utility regulators confirmed the adequacy of generation resources for our state's electricity grid. Ex. 22. In a letter summarizing the September meeting, Washington state utility regulators assessed resource adequacy as follows:

Reliability assessments presented at the September 22 meeting indicated that the Northwest's electric grid meets national resource adequacy criteria over the near and medium terms under a broad range of operating conditions. As a

region assessed as “normal risk,” the Northwest has a low likelihood of electricity supply shortfall.

However, “normal risk” is not the same as “no risk.” Although areas categorized as normal risk are expected to have sufficient resources for plausible extreme conditions, they are not immune to the effects of high-impact, low frequency weather events that affect demand and generation simultaneously. Presentations also indicated that normal conditions are shifting with the impacts of climate change, large new electricity uses like data centers and building and vehicle electrification. If significant new electricity usage materializes and more extreme weather continues, the grid could face reliability challenges. Presentations emphasized that no electric system is 100% resource adequate, and there is no resource that provides perfect capacity. We also underscore that it is important to incorporate risks associated with fossil generating resources, including fuel supply risk and weather-driven forced outages.

Ex. 22 at 1–2. Washington’s utility planners also considered Washington’s winter readiness, reporting that:

Winter reliability assessments, presented by regional resource adequacy experts, the North American Electric Reliability Corporation and Western Electricity Coordinating Counsel, indicate the Northwest’s electric grid meets national resource adequacy criteria under normal conditions with winter. Extreme weather poses and elevate risk of short-duration outages absent additional measures, such as utilities following their emergency policies and procedures for firing up their backup generators. The Bonneville Power Administration and Washington utilities do not forecast outages this winter.

At the November 4 Meeting, the Bonneville Power Administration and utilities shared steps they are taking in preparation for the season. This includes daily monitoring of weather conditions, regular calls with reliability coordinators and fuel suppliers, maintenance of the system, and updates to their operations and emergency planning procedures. Utilities reported they have maximized hydro and natural gas storage ahead of winter and ensured facilities are operating properly. Some, such as Seattle City Light and Puget Sound Energy, noted voluntary customer curtailment programs intended to help offset electricity demand if needed.

Ex. 50, ¶ 10 (Declaration of Andrew Reeves); Ex. 50-4 (Summary of 2025 Winter Preparedness Meeting). The Chair of the Washington Utilities and Transportation

Commission reviewed DOE’s emergency order in light of his industry experience, his review of resource adequacy plans filed with the Commission, the information from national, and regional experts and concluded, “I do not find that DOE’s Order’s conclusions that an energy emergency exists in the coming winter months credible, nor do I agree that action under the DOE order (keeping the Centralia coal plant available) will assist in solving the unlikely extreme conditions that could lead to an energy emergency.” Ex. 96 at 3.

Tellingly, DOE’s flawed July 2025 Resource Adequacy Report found that even assuming all firm planned retirements, including TransAlta, and assuming minimal resource additions the Washington region faces no significant long term reliability risk:

2030 Model Results

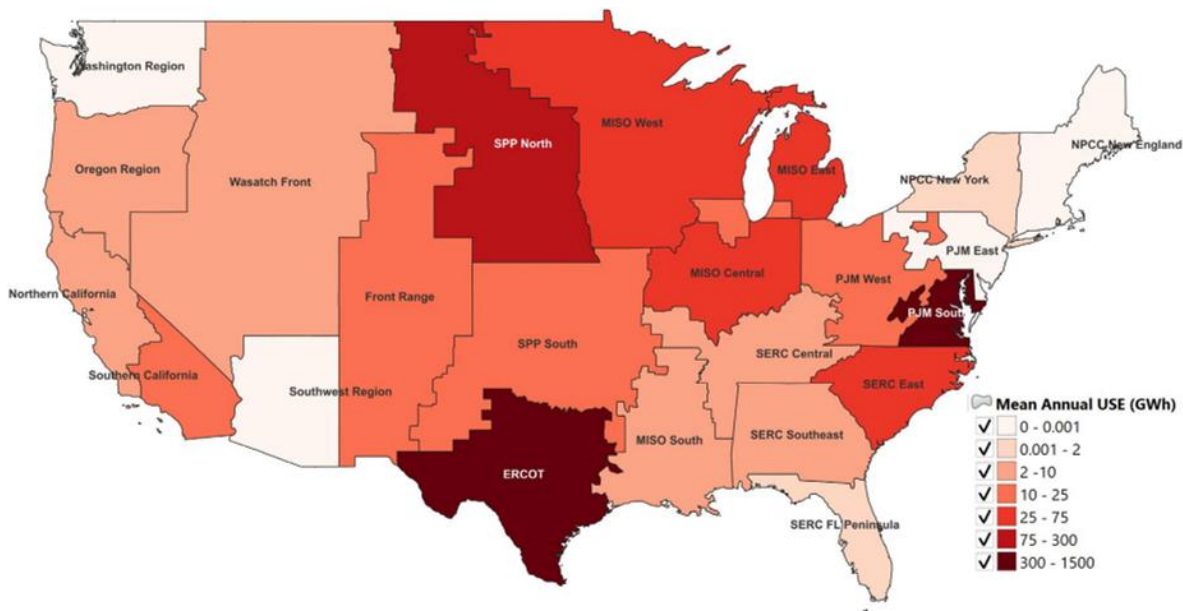


Figure 3. Mean Annual NUSE by Region (2030) -Plant Closures

Ex. 4 at 6 (DOE 2025 Resource Adequacy Report). The deep methodological flaws in DOE’s report are discussed at greater length below. But for the purposes of this review, all information agrees; even under DOE’s worst case scenario analysis, the Washington region is

one of the few regions in the country in which reliability is not a concern before 2030. The reality is that there is no reasonable dispute that there is no energy emergency in the Washington to justify an order to keep TransAlta available as a coal plant.

C. DOE's Historical Use of Section 202(c)

Prior to 2025, DOE has used section 202(c) sparingly, and only in response to concrete, particularized emergencies subject to limitations to ensure that DOE's reach extends no further than necessary to address the emergency at hand.

As discussed below, section 202(c) of the Federal Power Act, 16 U.S.C. § 824a(c), grants the Secretary of Energy the authority to issue orders that require the “temporary connection[]” of power plants and the “generation, delivery, interchange, or transmission of electric energy” in order to “best meet the emergency and serve the public interest.” 16 U.S.C. § 824a(c)(1). The law also effectively immunizes noncompliance with “any Federal, State, or local environmental law or regulation” associated with an action or omission necessary to comply with a 202(c) order.” 16 U.S.C. § 824a(c)(3). However, the Act also imposes significant limits on any 202(c) order that “may result in a conflict” with a pollution control requirement, including limiting the hours of operation of such facilities and limiting the order to 90-days, with extension possible. 16 U.S.C. § 824a(c)(2) and (4).

That authority originated as a wartime power granted in 1935 to what was then the Federal Power Commission in order to guard against energy-related shortages that were viewed as hampering national security during World War I. *See Benjamin Rolsma, The New Reliability Override*, 57 CONN. L. REV. 789, 798-802 (2025). The then-Federal Power Commission did not invoke its emergency authority until the United States entered World

War II. *See id.* at 803. Section 202(c) orders were issued repeatedly during the war, primarily to order interconnection between utilities, but the provision was rarely invoked once the war ended. These “interconnection” orders between utilities were more necessary at a time when America’s electric grid was more fragmented, monopolized, and less diversified than it is today. *Id.* at 802-804. Interconnection was seen as a powerful means to increase grid reliability, but the federal government largely lacked regulatory power over the electric sector at the time. *Id.* at 801-802. A number of organizational changes ensued in the decades following the War and the provision’s authority eventually came to rest with the Secretary of Energy. *Id.* at 803-04; 42 U.S.C. § 7151(b).

DOE has historically invoked its 202(c) emergency sparingly to respond to clear-cut and imminent emergencies to avoid immediate significant blackouts. *See Rolsma, supra*, at 805-509. Between enactment of the Department of Energy Organization Act in 1977, Pub. L. No. 95-91, and the end of 2024, DOE appears to have used section 202(c) twenty times, not counting amendments and extension orders, prior to 2025. *See* Ex. 23-1 through 23-20. DOE’s first usage of section 202(c) came in response to the California Energy Crisis in 2000. Ex. 23-1 (DOE, *Order Pursuant to Section 202(c) of the Federal Power Act*, December 14, 2000). Since then, by far the most common usage—comprising 14 of 20 instances—has been in response to extreme weather events such as hurricanes, extreme cold, and extreme heat. *See* Exs. 23-2 and 23-3 (DOE Order Nos. 202-05-1 & -2, September 28, 2005) (response to Hurricane Rita); Ex. 23-4 (DOE Order No. 202-08-1, September 14, 2008) (Hurricane Ike); Ex. 23-5 (DOE Order No. 202-20-1, August 27, 2020) (Hurricane Laura); Ex. 23-13 (DOE Order No. 202-24-1, October 9, 2024) (Hurricane Milton); *See* Ex. 23-7 (DOE Order No. 202-21-1,

February 14, 2021) (extreme cold); Ex. 23-11 (DOE Order No. 202-22-3 (December 23, 2022) (extreme cold); Ex. 23-12 (DOE Order No. 202-22-4, December 24, 2022) (extreme cold); Ex. 23-6 (DOE Order No. 202-20-2, September 6, 2020) (extreme heat in California); Ex. 23-8 (DOE Order No. 202-21-2, September 10, 2021) (extreme heat, wildfires and drought in California); Exs. 23-9, 23-10 (DOE Order Nos. 202-22-1 & 2, September 2022) (same).

In each of these weather-driven cases, the exercise of emergency power was requested by the relevant system operator or responsible utility, or both. And, in each, DOE carefully limited its remedy to ensure that generation facilities were only ordered to run in circumstances necessary to address the emergency and in a manner so as to minimize any conflict with environmental requirements. DOE also limited the duration of those orders to the minimum period necessary to address the emergency, typically lasting for a period of days to weeks. *See* Rolsma, at 839-42 tbl.1 (chronicling all section 202(c) orders issued “after dissolution of the Federal Power Commission”).

The typical process for issuing a section 202(c) order is outlined by DOE implementing regulations at 10 C.F.R. §§ 205.370-379. In the normal course, requests for section 202(c) orders originate with a grid operator or utility facing an acute and unforeseen emergency that normal processes including demand response mechanisms are incapable of addressing, though they may be issued by DOE unprompted as well. *See* 10 C.F.R. § 205.370. Applications for section 202(c) orders made by outside entities are to include specific details to “be considered by DOE in determining that an emergency exists” and the appropriate intervention. 10 C.F.R. § 205.373. This includes “[d]aily peak load and energy requirements

for each of the past 30 days and projections for each day of the expected duration of the emergency,” “[a] description of the situation and a discussion of why this is an emergency, . . . includ[ing] any contingency plan of the applicant and the current level of implementation,” and “[a] description of efforts made to obtain additional power through voluntary means and the results of such efforts.” 10 C.F.R. §§ 205.373(a)-(o).

Prior to 2025, DOE has used section 202(c) on only three occasions to delay the retirement of generation facilities⁶. These cases had key features in common. In each: (i) the order was requested by a system operator or governmental body; (ii) the generation facility had ceased or would soon cease operation due to an inability to comply with environmental laws; (iii) the request aimed to address a concrete and particularized emergency threatening an imminent loss of load; and, (iv) DOE tailored its order to go no further than necessary to address the emergency.

The first such instance came in 2004, when the District of Columbia’s Public Service Commission requested an order directing the continued operation of a power plant located in Alexandria, Virginia, owned by the Mirant Corporation (Mirant). After its state regulator found the plant to be out of compliance with its air permit, Mirant abruptly announced that the plant would close. Ex. 23-1 at 1 (DOE Order No. 202-05-3, December 20, 2005) (explaining that Mirant provided emissions information to its state regulator on August 19, 2005, the regulator demanded immediate action that same day, and Mirant decided to cease

⁶ Nor did the DOE’s predecessor agency, the Federal Power Commission, use section 202(c) to delay retirement of any generation units between the section’s enactment in 1935 and the formation of DOE in 1977. *See* Rolsma, 57 U. Conn. L. Rev. at 843-46.

operations on August 24). The D.C. Public Service Commission, supported by the local utility, PEPCO, explained that the Mirant facility directly powered downtown D.C. and that, without it, critical federal infrastructure faced an unacceptable risk of blackout.⁷ *Id.* at 2. Before acting on the request, the Department commissioned an analysis from the Oak Ridge National Laboratory that confirmed the threat that the plant's closure would pose to reliability in D.C. *Id.* at 3–4. Based on that study, and based on the severity of the harm that could result from a prolonged power outage to downtown D.C., the Department issued an order directing the continued operation of the Mirant facility. *Id.* at 5–8. The Department took pains, however, to limit its order to go no further than necessary to address the emergency. The Department directed Mirant to maintain the facility's capacity to respond when needed, but only ordered it to run when one or both of the 230 kV transmission lines serving downtown D.C. were out of service. *Id.* at 10–11.

Twelve years later, in 2017, the Department received a request from the Grand River Dam Authority (GRDA), an Oklahoma state agency, to direct the continued operation of Unit No. 1 at the Grand River Energy Center. GRDA explained that the Grand River Energy Center was needed to provide dynamic reactive power support to the local grid, a fact confirmed by the region's Reliability Coordinator, the Southwest Power Pool (SPP). GRDA explained, however, that it would be unable to provide reactive power without action from ENERGY. Unit No.1, the subject of the request, had been ordered to close by an Administrative Order of

⁷ This incident eventually led to the statute's 2015 amendment, adding the provisions explicitly waiving environmental liability due to compliance with a section 202(c) order, leading the statute to read as it does today. *See* Rolsma, *supra*, at 806-08 (citing DEP'T OF ENERGY, ORDER NO. 202-05-3, December 20, 2005); 16 U.S.C. § 824a(c)(3)-(5).

the Environmental Protection Agency. Unit No. 2 had been struck by lightning and was under repair. And, construction of the new Unit No. 3 had been delayed because flooding in Louisiana interfered with the fabrication of essential project materials. Ex. 24 (Letter Request of Grand River Dam Authority). The Department granted GRDA's request, ordering Unit No. 1 to remain in operation for 90 days or until Unit No. 2 or Unit No. 3 were brought online, whichever came first. Ex. 23-15 at 2 (DOE Order No. 202-17-1). The Department strictly limited its remedy, directing GRDA only to provide "dynamic reactive power support and not real power generation, and only when called upon by SPP for reliability purposes." *Id.*

Later that year, the Department received a pair of requests from PJM and Dominion Virginia (Dominion) to direct the continued operation of Units 1 and 2 of the Yorktown Power Station. PJM and Dominion explained that, based on PJM load flow studies, these units were necessary to prevent uncontrolled power disruptions and shedding of critical loads in the North Hampton Roads area east of Richmond. Ex. 23-16 at 1 (DOE Order No. 202-17-2). DOE issued an order directing Dominion to maintain operation at the two units, but to dispatch those units "only when called upon by PJM for reliability purposes." *Id.* at 2. DOE later extended the order several times due to the delayed completion of the transmission line needed to resolve the reliability issue. In doing so, DOE cited the "imminent" risk of load-shedding in the North Hampton Roads area absent extension of the order. Ex. 23-17 at Summary of Findings (DOE Order No. 202-17-4, Sept. 14, 2017). In its extension order, the Department continued to limit dispatch of the units only when called upon by PJM for reliability purposes and, further, directed PJM and Dominion to exhaust available resources, including demand

response and behind-the-meter generation resources, prior to operating the units. Ex. 23-17 at 2 (DOE Order No. 202-17-4, September 14, 2017).

D. White House Strategy to Prop Up the Coal Industry

Since the 2025 Inauguration, the White House and DOE have sought to radically transform how section 202(c) of the Federal Power Act is applied—departing in almost every material respect from the longstanding approach described above. On January 20, 2025, his first day in office, President Trump issued Executive Order 14156, titled “Declaring a National Energy Emergency.” 90 Fed. Reg. 8433. That unilateral declaration did not provide any factual support for its assertion that emergency conditions had overtaken the electricity grid.⁸ *See Id.* (providing no factual support for claimed emergency).

On April 8, 2025, President Trump issued Executive Order 14262, titled “*Strengthening the Reliability and Security of the United States Electric Grid.*” 90 Fed. Reg. 15521 (April 14, 2025). The Executive Order was issued concurrently with three other executive actions aimed at supporting the coal industry that were announced at a White House political event explicitly focused on that objective. Ex. 56 (New York Times, *Trump Signs Orders Aimed at Reviving a Struggling Coal Industry*, April 8, 2025); Executive Order 14261, *Reinvigorating Americans Beautiful Clean Coal Industry and Amending Executive Order 14241*, 90 Fed. Reg. 15517 (April 14, 2025); Executive Order 14260, *Protecting American Energy from State Overreach*, 90 Fed. Reg. 15513 (April 14, 2025); *Regulatory Relief for Certain Stationary Sources To Promote American Energy*, 90 Fed. Reg. 16777 (April 21,

⁸ That declaration is subject to a pending legal challenge by multiple states. *See* Complaint, *Washington v. Trump*, NO. 2:25-cv-00869 (W.D. WA May 9, 2025).

2025). This event, and the related Executive Orders, are part of several in a series of public actions by the Administration aimed at reversing coal plant retirements and promoting fossil fuel generation.

Executive Order 14262 directs DOE to, among other things, streamline and expedite the issuance of emergency orders under section 202(c), specifically in order to “safeguard the reliability and security of the United States’ electric grid during periods when the relevant grid operator forecasts a temporary interruption of electricity supply [that] is necessary to prevent a complete grid failure.” Executive Order 14262 at section 3(a). It also directs DOE to take a subsequent series of actions related to national resource adequacy, including mandating:

- the development of a uniform methodology for assessing reserve margins and identifying “at-risk” regions;
- of a process by which the developed methodology and any analysis results are regularly assessed; and,
- of a protocol to identify generation resources within a region that are critical to system reliability, a mechanism under section 202(c) to ensure such generation resources are appropriately retained and, for resources over 50MW, are prevented from leaving the bulk-power system or converting their source of fuel.

Executive Order 14262 section 3(b), (c).

Executive Order 14262 states that it is intended to help address the national energy emergency declared in the earlier-issued Executive Order 14156, *Declaring a National Energy Emergency*. Executive Order 14262, § 2. In fact, this order is part of a broader pattern in which the Administration has expansively invoked emergency powers to achieve long-standing political objectives, rather than respond to genuine, unforeseen crises. President Trump has declared eight national emergencies in the first seven months of 2025 alone, and

has invoked this power more in the first 100 days in office than any other President in modern history. *See* Ex. 57 (Brennan Center for Justice, *Declared National Emergencies Under the National Emergencies Act*).

E. DOE's Section 202(c) Orders Preventing the Retirement of Fossil Fuel Power Plants Issued in 2025

Since January 20, 2025, DOE has issued orders to eight facilities under section 202(c) of the Federal Power Act, a sharp uptick from the less than one order per year issued on average from 2017-2024. *See* Ex. 23 (2025 DOE 202(c) orders). In late May 2025 DOE issued a pair of section 202(c) orders requiring fossil fuel generation facilities in Michigan and Pennsylvania that were each slated to retire the very next business day to remain on-line. Ex. 27 (U.S. Dep't of Energy, Order No. 202-25-3 (Campbell Order); *See* Ex. 28 (U.S. Dep't of Energy, Order No. 202-25-4 (Eddystone Order). Both the Campbell and Eddystone Orders have now been extended twice. Ex. 58 (Campbell Order First Extension, DOE No. 202-25-7, August 20, 2025); Ex. 36 (Campbell Order, Second Extension, DOE No. 202-25-9, November 18, 2025); Ex. 59 (Eddystone Order, First Extension, DOE No. 202-25-8, August 28, 2025); Ex. 63 (Eddystone Order, Second Extension, DOE No. 202-25-10, November 25, 2025). These orders represent a marked shift in how section 202(c) has historically been used.

For example, the orders for the J.H. Campbell Generating Station in Michigan and the Eddystone Plant in Pennsylvania, both previously slated for retirement, cited general concerns about resource adequacy and not any imminent emergency. In Michigan, regulators warned that the Campbell order would place upward pressure on ratepayers, particularly in Consumers Energy's service territory, where decommissioning costs were already being recovered

through base rates. One Michigan regulator estimated that the costs of complying with DOE’s order for 90 days would approach \$100 million. *See, e.g.,* Ex. 29 (Ella Nilsen, *The Trump Admin Ordered a Coal Power Plant to Stay On Past Retirement. Customers in 15 States Will Foot the Bill*, CNN (June 6, 2025)). Consumers Energy disclosed that continued operation of the plant in the first five weeks since the Order was issued resulted in a net financial impact of \$29 million. *See* Ex. 30 (CMS Energy Corp., Quarterly Report (Form 10-Q), July 31, 2025); *See also* Ex. 31 (NRDC, *Trump Administration’s DOE Is Forcing Coal Plants to Stay Open. Michigan Is the First Target*, June 16, 2025).

F. DOE Publishes Its Methodology and Reliability Standard to Guide Future Section 202(c) “Reliability Interventions”

On July 7, 2025, DOE published its “Report on Evaluating U.S. Grid Reliability and Security,” which set forth the methodology and reliability standard that the Executive Order on grid reliability had mandated. Ex. 4 (U.S. Department of Energy, *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid*, July 2025). DOE published this report without providing any public notice or comment period and without any apparent consultation with any grid operator or State. *See* Ex. 4 at i (acknowledging lack of data from regional and utility levels). Other than the statements in the Report, DOE has not made the underlying data or models available to allow the public to reproduce or test DOE’s analysis. Nor has DOE opened any administrative proceeding to otherwise involve the public in DOE’s methodology and DOE has not published the Report in the Federal Register.

Nevertheless, DOE confirmed in the report that it would rely on the Resource Adequacy Report to justify future section 202(c) orders, consistent with the Executive Order’s mandate. *See* Ex. 4 at vi (explaining that DOE’s standard will be used to “guide reliability

interventions”); *id.* at 1 (emphasizing the need for DOE’s “decisive intervention” in energy markets); *id.* at 10 (analyzing ERCOT because “FPA Section 202(c) allows DOE to issue emergency orders to ERCOT”). As explained in an accompanying fact sheet, DOE would use the methodology to “prevent [] generation resources from leaving the bulk-power system.” Ex. 32 (U.S. DEP’T OF ENERGY, *Fact Sheet: The Department of Energy’s Resource Adequacy Report Affirms The Energy Emergency Facing The U.S. Power Grid*, 2025); *see also* Ex. 33 (Press Release, U.S. Dep’t of Energy, Department of Energy Releases Report on Evaluating U.S. Grid Reliability and Security, July 7, 2025) (stating that its “methodology also informs the potential use of DOE’s emergency authority under Section 202(c) of the Federal Power Act”).

Due to numerous significant flaws in DOE’s resource adequacy report that render it arbitrary and capricious, a number of states including Washington submitted a rehearing request to DOE on August 6, 2025. Ex. 35 (August 6, 2025 Rehearing Request). Among other things, the rehearing request pointed out that the Report was based on flawed and arbitrary assumptions and unsupported by substantial evidence because it failed to reasonably support its load growth assumptions and arbitrarily assumed 104 GW of retiring capacity by 2030 but only 22 GW of additions in the same period, lacked sufficient regional granularity and suffered from other analytical flaws, and established an arbitrary and unlawful preference for fossil fuel plants over other methods to preserve grid reliability, contrary to the Federal Power Act. *Id.* at 18–29. In addition, the report does not point to any sudden, unforeseen, or imminent circumstances that describe an “emergency” under the Federal Power Act to justify 202(c) orders, the report fails to consider existing reliability mechanisms, intrudes on state authority

over generation facilities and non-emergency resource adequacy planning, and was adopted subject to critical procedural flaws including failing to provide public notice and comment. *Id.* at 29–39.

DOE did not respond to the critiques raised by the States and other entities of its resource adequacy report and continues to rely on the resource adequacy report to justify emergency 202(c) orders. Rather, DOE denied the States’ and other entities’ requests for rehearing based on its assertion that the resource adequacy report was not an “‘order’ by which the State AGs are ‘aggrieved’ within the meaning of section 313 of the FPA.” 313*l*. Ex. 35-2 (2025 State AG’s Request for Rehearing of DOE Report).

G. DOE’s 202(c) Emergency Order to TransAlta Requiring It To Continue To Be Available as a Coal-Fired Power Plant

On December 16, 2025, DOE issued a 202(c) order to TransAlta, requiring that Centralia remain ready to run as a coal-fired power plant beyond its scheduled closure date of December 31, 2025. Ex. 1. This Order, issued only 15 days before Centralia’s scheduled closure as a coal plant, directed TransAlta to “take all measures necessary to ensure that Centralia Unit 2 is available to operate” at the direction of either the Balancing Authority or Reliability Coordinators for the region—which the Order identified as Bonneville Power Administration (BPA) and the California Independent System Operator Corporation (CAISO), respectively. Ex. 1 at 3. On March 13, 2026, DOE amended the Order, via Order No. 202-25-11B, identifying the Balancing Authority and Reliability Coordinator as Gridforce and SPP. While this suggests that the plant should be kept on standby at the ready to run as needed, the Order also confusingly stated in footnote 11 that “continuous operation is required . . . so long as Secretary determines a shortage exists and is likely to persist,” to

avoid the complications that could result from starting and stopping operations intermittently. Ex. 1 at 2, n. 11.

The order justifies DOE's invocation of its emergency authority under section 202(c) of the Federal Power Act due to the Secretary's determination of an "emergency situation" within the Western Electricity Coordinating Council (WECC) Northwest assessment area due to "a shortage of electric energy, a shortage of facilities for the generation of electric energy, and other causes[.]" Ex. 1 at 1. Specifically, DOE's determination of an "emergency" is based on the NERC's 2025-2026 Winter Reliability Assessment, a September 2025 Power Point presentation on resource adequacy by Energy + Environmental Economics (E3), and DOE's July 2025 Resource Adequacy Report and two executive orders. *Id.* While the Order acknowledged that these sources found that "there is sufficient capacity for expected peak conditions," DOE asserted that there was a present emergency anyway due to an "elevated risk during periods of extreme weather." *Id.* That "elevated risk" contemplates a scenario in which, during a period of peak demand, extreme weather causes the outage of thermal power plants as well as adverse wind turbine conditions and, on top of that, similar extreme weather extends to neighboring regions so that the Northwest Region cannot import power. *Id.* The Order also cited accelerated load growth estimates out to 2030 and a shortfall in the development of adequate new capacity to meet this forecast demand. *Id.*

Finally, the Order cited the president's Executive Orders declaring a national energy emergency and on grid reliability for additional support and cited DOE's July 2025 resource adequacy report conducted under those executive orders for the proposition that "decisive intervention" to the Nation's power grid was necessary "to meet projected demand for

manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.” Ex. 1 at 2-3 (citing Ex. 4).

H. Impacts of Continued Coal Operations at Centralia

1. Deferred maintenance and upgrades make running Centralia as a coal plant difficult, expensive, and less reliable

TransAlta Centralia is an old facility and has not been maintained for continued operations beyond 2025 due to its planned retirement. Moreover, in recent years Centralia has been subject to frequent forced shutdowns due to breakdowns. For example, from 2023 through 2025 Centralia shutdown 29 times, 25 of which were forced outages, for issues such as needed “tube leak repairs.” Ex. 11 at ¶ 7; Exs. 11-1 through 11-11 (Centralia Plant’s quarterly reports submitted to SWCCA from 2023 through 2025).

Centralia’s electrostatic precipitators (ESPs) that control its coal fly ash particulate matter emissions are failing—causing the plant’s plume to register opacity levels approaching its 30% permit limit, even when operating below full load. Ex. 11 at ¶¶ 9–10; Ex. 11-12 (photograph of opacity readings on Oct. 23, 2025). In addition, Centralia has not been able to maintain the required control of its carbon monoxide (CO) emissions. Ex. 11 at ¶ 11; Ex. 11-3 (TransAlta Most Recent Quarterly Report). As described by TransAlta in its 2022 U2 Boiler Tune-up Report, this could be due to air leakage associated with cracks and holes that is impairing operation of fan components. Ex. 11 at ¶ 11; Ex. 11-13 (Centralia Plant’s 2022 U2 Boiler Tune-up Report).

Skeleton crew staffing has and will further exacerbate the plant’s proper functioning. For example, TransAlta’s local air regulator, which conducts regular inspections, issued it two Notices of Violation in December 2025 for issues that may have been related to reduced

staffing and/or maintenance. Ex. 11 at ¶ 12. The first was related to excess emissions from the fly ash unloading baghouse and the second was for not fully engaging all relevant pollution control equipment prior to firing coal on startups. Exs. 11-14, 11-15 (SWCAA Notices of Violation No. 10642 and No. 10643).

TransAlta Centralia's coal-fired power also costs more, so ratepayers are likely to pay higher electricity bills to the extent there are continued coal-fired operations. Centralia power is priced significantly higher than the wholesale energy market price: \$62.04 per MWh for Centralia versus the wholesale market price of \$54.32 per MWh. Ex. 41 at ¶ 15.

And DOE's order disrupts plans to strengthen reliability by converting Centralia to natural gas. As discussed above, TransAlta has announced plans and submitted permit applications to convert its plant from coal to natural gas in order to operate as a peaking plant under a commercial agreement with Puget Sound Energy. This conversion is in danger of being disrupted and delayed by DOE's order to continue operating Centralia as a coal plant. The risk of delay will compound over time if DOE continues to extend its Order repeatedly, as it has done for other plants such as the J.H. Campbell Generating Station in Michigan and the Eddystone Plant in Pennsylvania.⁹ DOE's interference thus harms the ability of utilities to take steps they see as necessary to improve reliability—TransAlta Centralia as a natural gas peaker plant will provide grid services that an outdated coal plant cannot. Ex. 49 at ¶¶ 5–7 (Declaration of David Gomez).

⁹ See Ex. 58 (Campbell Order First Extension, DOE No. 202-25-7, August 20, 2025); Ex. 36 (Campbell Order, Second Extension, DOE No. 202-25-9, November 18, 2025); Ex. 59 (Eddystone Order, First Extension, DOE No. 202-25-8, August 28, 2025); Ex. 63 (Eddystone Order, Second Extension, DOE No. 202-25-10, November 25, 2025).

2. Running Centralia results in health and environmental impacts

Continuing coal operations at Centralia will increase air pollution in Washington, harm Washingtonian's health (imposing direct harms on the State and its agencies), and impair visibility at Washington's iconic natural areas such as the Mount Rainer National Park. *See supra* pp. 13–18; *see also* Ex. 10. Centralia has been a significant source of air pollution in Washington including for particulate matter, sulfur dioxide, nitrogen oxides, dioxin and furans, mercury, heavy metals, and polycyclic aromatic hydrocarbons. Ex. 10 at ¶ 7; Ex. 52 at ¶ 8.

Those emissions are known to adversely impact human health. For example, dioxins and furans are highly toxic persistent environmental pollutants that can cause cancer, reproductive and developmental problems, damage to the immune system, and hormone disruption. Ex. 52 at ¶ 11. Mercury exposure poses especially significant health risks for pregnant women and infants because of its impacts on fetal development and infant health. *Id.*; Ex. 10 at ¶ 14. Polycyclic aromatic hydrocarbons (PAHs) cause a range of serious health risks including various cancers, respiratory and cardiovascular diseases, and reproductive health problems. Ex. 52 at ¶ 11.

A series of investigations at Centralia found six hazardous substances in the soil, nine contaminants for groundwater, and nine substances in the sediment at the Site above cleanup levels. *Id.* at ¶ 7. Continued aerial emissions of hazardous substances associated with TransAlta's coal operations have the potential to settle on and contaminate thousands of properties and create thousands of PLPs. *Id.* at ¶ 14. And the Centralia Coal Plant uses settling

ponds containing byproducts from burning coal, many of which are also hazardous substances subject to MTCA. *Id.* at ¶ 15.

Based on estimates from the EPA's CO-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (COBRA), the continued operations at Centralia will contribute to an estimated 9-13 premature deaths, 3 nonfatal heart attacks, 53 cases of asthma onset, and \$140-210 million annually in Washington. Ex. 10 at ¶ 10. Moreover, even after the plant is converted to natural gas and begins operating again in 2028, the cleaner performance of the natural gas plant compared to coal-fired operations is expected to prevent an estimated 4-7 premature deaths, 2 nonfatal heart attacks, 24 cases of asthma onset, with an economic value of \$68-110 million annually in Washington. Ex. 10 at ¶ 12. Children are acutely prone to these health risks because their bodies are still developing, and they have more exposure to airborne contaminants that settle on lawns, parks, and schoolyards. Ex. 52 at ¶ 10.

These health impact estimates are based on the assumption that Centralia continues to abide by the requirements of its environmental permits. Ex. 10 at ¶ 7. However, Centralia's most recent quarterly report and recent inspections of the facility indicate that maintenance on Centralia's pollution control equipment is due or overdue. Ex. 11 at ¶¶ 10-11. A local clean air agency also issued Centralia two notices of violation for exceeding emissions limits in December 2025. *Id.* at ¶ 12; Ex. 11-14 and Ex. 11-15. Therefore, emissions under emergency coal-fired operations may be even higher if TransAlta Centralia cannot operate at a lower load or make necessary repairs. *Id.* at ¶ 11.

In addition to these health impacts, TransAlta Centralia's emissions of particulate matter, SO₂, and nitrogen oxides (NO_x) also impair visibility in Washington's iconic natural

areas, including at Mount Rainer National Park, located only 50 miles from the plant. And, because Centralia is the largest source of greenhouse gas emissions in Washington, Ex. 12, the continued coal-fired operations will also make it harder for Washington to achieve its statutory greenhouse gas emissions reduction requirements. *See* RCW 70A.45.020.

I. DOE's Section 202(c) Order Renewals

Since the sharp uptick in DOE's section 202(c) orders that started last year, DOE has issued at least 16 total extensions to six coal facilities. In August 2025, one day before the first order was set to expire, DOE issued a second section 202(c) order requiring the Campbell coal plant in Michigan to remain on-line. Ex. 58. DOE extended the order again in November 2025, a third time in February 2026, and a fourth time in May 2026. Ex. 36, Ex 101, Ex. 121 (May Campbell Order). Similarly, DOE extended its original May 2025 order issued to the Eddystone Generating Station in Pennsylvania in August 2025, November 2025, February 2026, and May 2026. Ex. 28, Ex. 59, Ex. 63, and Ex. 102, Ex. 122 (May Eddystone Order). After the initial order in December 2025, DOE issued two renewal orders to the Craig Station coal facility in Colorado. Ex. 123 (December Craig Order), Ex. 124 (March Craig Order), Ex. 125 (June Craig Order). DOE also issued two renewal orders to both the F.B. Culley Generating Station and the Schahfer Generation Station coal plants in Indiana after their initial orders in December 2025. Ex. 132 (December Culley Order), Ex. 126 (March Culley Order), Ex. 127 (June Culley Order), Ex. 128 (December Schahfer Order), Ex. 129 (March Schahfer Order), Ex 130 (June Schahfer Order). Across the country, DOE has demonstrated its commitment to keeping coal plants available to operate by seemingly finding "emergency conditions" that extend beyond a year in the case of Campbell and Eddystone.

DOE issued a renewal order for Centralia on March 16, 2026. Ex. 100. It issued a subsequent renewal order for Centralia on June 12, 2026. Ex. 120. In addition to repeating its speculative claims about “periods of extreme weather” and potential long-term grid capacity issues, in its latest renewal order, DOE cited to NERC’s 2026 Summer Reliability Assessment, an amended preliminary injunction issued by the District Court for the District of Oregon, and a Presidential Memorandum concerning the Defense Production Act to support the renewal of the Order. *Id.*

DOE’s renewal order will exacerbate problems with Washington’s grid by slowing the Centralia plant’s conversion to natural gas. For example, TransAlta cannot demolish the existing cooling towers, a necessary step in the conversion process, if it’s required to remain available to operate. Ex. 103at ¶ 6 (Second Lamoreaux Decl.); Ex. 103-1 (Air Discharge Permit Application). The first and second order also proved unnecessary—TransAlta was never needed or called on to operate during these first two emergency orders, even during a six-day outage by the largest non-hydroelectric generating facility in the state. Ex. 104 at ¶ 3, 6 (Second Moriyasu Decl.); Ex. 131 (Third Moriyasu Decl.) at ¶ 21.

J. TransAlta Applied for Permits for Its Planned Natural Gas Conversion

Prior to DOE’s December section 202(c) order, TransAlta targeted late 2028 to begin commercial operations at the natural gas facility conversion that would replace its coal facility. Ex. 41 at ¶ 6. The December 202(c) order required TransAlta to “take all measures necessary to ensure that Centralia Unit 2 is available to operate . . .” Ex. 1 at 3. That effectively delayed, or at least made uncertain, TransAlta’s natural gas conversion. Although TransAlta is still

taking steps to move forward with the planned conversion, further 202(c) orders could significantly delay that process.

One of the first steps in the planned conversion is to obtain the necessary environmental permits. The Department of Ecology issues Prevention of Significant Deterioration (PSD) permits for major modifications to existing sources that will trigger an increase in certain air emissions. TransAlta needs the PSD permit prior to beginning actual construction of the natural gas plant. TransAlta submitted its PSD permit application to Ecology on December 24, 2025. Ex. 105 at ¶ 6 (Lim Decl.); Ex. 105-1 (TransAlta PSD Permit Application). On January 23, 2026, Ecology sought more information from TransAlta, and on March 10, 2026 TransAlta responded with the requested information, which Ecology is still evaluating. Ex. 105-1 at ¶¶ 7–8; Ex. 105-2 (Ecology Incompleteness Letter); Ex. 105-3 (TransAlta Incompleteness Letter Response).

TransAlta has also submitted its Air Discharge Permit Application to the Southwest Clean Air Agency (SWCAA) in preparation for its planned conversion. The Air Discharge Permit is also a prerequisite to construction. Ex. 103 at ¶ 6.

TransAlta's Air Discharge Permit application indicates that it will replace the existing cooling towers with new units. Ex. 103-1. Although TransAlta needs to obtain air quality permits to begin construction, it does not need permits to begin the demolition process of those existing cooling towers or other activities that are not considered construction. Once TransAlta receives its necessary permits, which Ecology and SWCAA both anticipate occurring by late summer or early fall 2026, TransAlta can commence actual construction of the natural gas facility. Ex. 103 at ¶ 8; Ex. 105 at ¶ 9 (Lim Decl.) (Ecology is the lead SEPA

agency and anticipates that the SEPA process will be completed before the PSD permit is issued). However, TransAlta will not be able to undertake demolition and other pre-construction activities, or commence construction of the natural gas facility, if DOE continues to issue 202(c) orders.

K. Columbia Generating Station Outage

Washington's largest non-hydroelectric generating facility is the Columbia Generating Station (CGS) nuclear power facility. Ex. 104 at ¶ 3. An unplanned outage at CGS can result in a significant loss of generation capacity in Washington. CGS produces ten percent of the energy produced by the Total Electric Power Industry in the state—enough to power one million homes. *Id.* However, in the event of an unplanned outage at CGS, or any other generating facility in Washington, other facilities ramp up their generation to compensate for that loss and keep the grid functioning at capacity.

That scenario played out in February of 2026, when CGS experienced an unplanned outage due to an issue with the cooling system that supports the reactor's recirculation pumps. *Id.* at ¶ 4. At 2:49 a.m. on February 12, the nuclear plant unexpectedly shut down. *Id.* CGS alerted the Nuclear Regulatory Commission of the outage by 9:25 a.m. *Id.* CGS did not come back online until February 18. *Id.*

Despite the six-day outage, there were no blackouts during the period that CGS was offline. In fact, BPA maintained net generation greater than net demand during the entire duration of the outage. *Id.* at ¶ 6. The gap in supply was primarily filled by hydro and wind resources. *Id.* at Figure 1 (Hourly Generation Mix in BPA Balancing Authority).

During Centralia I, TransAlta Centralia’s coal-fired power was not once needed or used to balance the grid or serve load. Although Centralia was available to operate as a result of the first order, and the grid experienced a 10% loss of total supply as a result of the CGS outage, Centralia power was not necessary during the six-day CGS outage. *Id.* at 6.

Similarly, TransAlta has not been needed at any point during Centralia II. Ex. 131 at ¶ 21.

L. NERC’s 2026 Summer Reliability Assessment Continues to Confirm Resource Adequacy in Our Region Despite Methodological Flaws

The third Centralia order cites the NERC Summer Reliability Assessment (SRA) under the ‘emergency situation’ section, despite NERC categorizing the WECC-NW region as elevated, not high. *See* Ex 131-1 (2026 SRA). The 2026 SRA by NERC highlights “*potential* operational concerns that *may* need to be addressed” and does not support emergency action. Ex 131-1 at 1 (emphasis added). NERC defines *elevated risk* as “potential for insufficient operating reserves in above-normal conditions” whereas *high risk* is defined as “potential for insufficient operating reserve in normal conditions.” Ex. 131-1 at 3. Under these criteria, WECC-NW does not meet the conditions to be classified as high risk.

Elevated risk represents “probabilistic categories [that] are low” under “extreme peak-day demand” or “extreme outage” scenarios (e.g., LOLH above 0.1 hours across the season). *Id.* at 10. However, NERC’s criteria under the probabilistic index benchmark differs from more standardized criteria used by FERC, arbitrarily elevating perceived risk by up to 5%. Ex. 131 at ¶ 4. Even under NERC’s “most severe operating conditions of an area’s summer risk scenario,” which would not occur until August, or more likely September, WECC-NW maintains a projected 8.8% margin, never falling below demand. Ex. 131-1 at 10–11, 36.

NERC's projections for demand growth and resource limitations are overstated. WECC-NW's anticipated reserve margins dropped by 5% this year, which NERC still assesses as adequate for normal summer peak load conditions. Ex. 131-1 at 2. This slightly tighter margin is due to NERC's projected demand growth of 4.6% over last summer's forecasts, while anticipated resource growth is at 1.5%. Ex. 131-1 at 36. DOE relies on NERC's assessments attributing increased demand principally to data centers, both nationally and in the WECC-NW region. Ex. 131-1 at 8; Ex. 106 at 19; Ex. 120 at 4. NERC's assessments do not account for redundancy when data centers enter multiple interconnection queues, global supply chain issues, and regulatory barriers that can lead to significant overestimation of demand. Ex. 131 at ¶ 8. DOE also relies on E3's Resource Adequacy Study, which, similar to NERC, fails to account for large load flexibility and overstates the risk to resource adequacy. Ex. 131 at ¶ 14–16. The WECC-NW region—which has lower concentrations of data centers than most other regions to begin with—has waning data center plans from IOUs and a flurry of data center moratoriums throughout the region. Ex. 131 at ¶ 10–13. Notably, NERC's extreme demand projections from 2025 were never reached. Ex. 131-1 at 54.

According to NERC, WECC-NW's classification as elevated is attributable to the potential for heat events, wildfires, and low snowpack. Ex. 131-1 at 36. However, state regulators and investor-owned utilities convening on resource adequacy concerns in June 2026 confirmed that low snowpack is “partly offset by above average snowpack and reservoir levels in the Upper Columbia basin in British Columbia” leading to higher hydropower projections for the region than last year. Ex. 131 at ¶ 4. Further, NERC's LTRA

excludes generation sources that are near completion, non-firm imports, and potential new transmission, all of which underestimate future capacity. Ex. 131 at ¶ 7–8.

NERC also changed its assessment methodology this year, inexplicably decreasing demand response from 30 MW to 2 MW between the 2025 and 2026 SRAs which could account for the increased expected unserved energy. Ex. 131 at ¶ 3. Adding to the confusion, NERC notes that additional resources like those targeted by DOE’s 202(c) orders have potential use principally during winter. Ex 131-1 at 9. Even DOE acknowledges this in its latest order, noting that thermal generators—like coal plants—can be a useful resource in the winter, while NERC classifies WECC-NW as a winter peaking region. Ex. 120 at 5; Ex 131-1 at 36.

In response to potential shortfalls, NERC recommends engaging state regulators to prepare for efficient management of demand. Ex. 131-1 at 6. The Washington State Utilities and Transportation Commission (WUTC) did just that in a June 22, 2026, Resource Adequacy Meeting with all of the state’s Electric IOUs. Ex. 131 at ¶ 17. At that meeting, each utility independently confirmed adequate capacity for summer 2026, noting increased capacity, battery storage, and new access to electricity market resources. Ex. 131 at ¶ 18–20. Further, two of the state’s largest IOUs confirmed no plans, or even canceled plans for data center connections. Ex. 131 at ¶ 9–10.

Ultimately, the NERC report, despite its methodological flaws, still confirms that the Washington region faces no significant reliability risk, and that there is no emergency in Washington or the greater Northwest region justifying DOE’s invocation of section 202(c) authority. Washington regulators and utilities confirmed the same.

M. TransAlta Recently Sought Recovery for the Costs of DOE’s First Section 202(c) Order via a Tariff Revision Filed with FERC

Each of DOE’s Section 202(c) orders instructed TransAlta to seek recovery of costs incurred as a result of the orders via a tariff revision or waiver filed with the Federal Energy Regulatory Commission (FERC). Indeed, the most recent order stated that “[r]ate recovery is available pursuant to 16 U.S.C. § 824a(c).” Ex. 120 at 10.

TransAlta has now done just that. On April 30, TransAlta sought recovery for the costs associated with keeping Centralia available to operate from December 16, 2025 to March 16, 2026. *See* Application for Cost Recovery Under 16 U.S.C. § 824a(c), Docket No. ER26-2422-000 (April 30, 2026) [“Application for Cost Recovery”]. TransAlta is seeking \$19,862,266.65 for general operating, maintenance, and administrative costs, even though Centralia was never directed to operate during that period. *Id.* at 8–9. As described more fully in the argument below, these costs will continue to accrue for each new section 202(c) order DOE issues and will ultimately be paid for by consumers.

V. REQUEST FOR REHEARING

In addition to the grounds laid out in Washington’s request for rehearing in Centralia I and Centralia II, fully incorporated as set out herein, Washington provides the following additional grounds for rehearing of Centralia III.

A. The NERC 2026 Summer Reliability Assessment Still Does Not Establish an Emergency

The SRA does not establish an emergency. DOE’s Order based on conditions “from increasing demand” “in the near term” and “subsequent years” leading to “potential loss of power” is based entirely on circumstances that have yet to—and may never—materialize.

Ex. 120 at 8. Risk of potential loss of power at an unspecified time in the non-immediate future is not an emergency. This disregards NERC’s own definition of elevated risk and the steps it recommends in response, as well as the Federal Power Act’s description of emergency.¹⁰

As with the Winter Assessment, the description of the WECC-NW at an “elevated” risk for power shortages under “extreme” conditions, and as set out in Washington’s request for rehearing of Centralia I and II, the Summer Assessment fails to support a conclusion that there is an “emergency” within the meaning of section 202(c). Again, NERC’s criteria for “elevated risk,” a step below the “high” risk category, is not a forecast of an imminent emergency.

While the NERC 2025–2026 Winter Reliability Assessment was not cited in Centralia II’s “emergency situation” section, DOE now uses the Summer Assessment as evidence of an emergency. DOE’s reliance on NERC’s “elevated risk” designation fails to consider the meaning of elevated risk. This partly explains why Centralia was not required to run for the entire duration of Centralia I and Centralia II.

NERC places WECC-NW in the elevated category principally due to the remote prospect of extreme conditions in late summer—not because the entire summer represents a time of elevated risk. If an energy shortage were to arise based on the overlapping combination of multiple remote occurrences it would not be several months. An elevated risk in the NERC Summer Assessment does not indicate imminent risk of blackouts or power failures. It

¹⁰ 16 U.S. Code § 824a(c)(1) (“[S]udden increase in the demand for electric energy, or a shortage of electric energy or of facilities.”)

represents the risk or possibility that regulators may deploy existing mitigation measures. Ex. 131-1 at 6.

A slightly lower reserve margin is not an electricity shortage—by definition there is still a substantial reserve margin. The idea that a reserve margin may become lower if there are outages or derates simply means the reserve margin is serving its intended purpose—to provide backup power in the event of an outage. Even if the most extreme conditions under NERC’s assessment did arise in September, it would not constitute an emergency. Demand would never exceed capacity. If necessary, state regulators would implement measures to reduce demand, as suggested by NERC and as has been contemplated and planned for by the WUTC—neither of which recommend refiring an aged coal plant.

The Federal Power Act does not permit the issuance of emergency orders based on prospective events that could occur several months in the future under extreme, low probability scenarios. Here, DOE uses the extremely unlikely possibility of low reserve margins in August or September to issue an emergency order, months earlier, in June. And the most extreme scenario, leading to WECC-NW’s classification as elevated, would not occur until August, or more likely September. Ex 131-1 at 36.

As detailed in Washington’s second rehearing request, NERC’s information sources are also seriously flawed. Centralia II Rehearing Request. NERC primarily relies on utility projections, although those forecasts are variable and uncertain. The flawed methods used by NERC continue to be demonstrated by reports and regulators now. Ex. 131 ¶ 7–8.

Potential loads from data centers further complicate the picture. As NERC acknowledges, large loads “inherently add volatility to load forecasts as project timelines and

commitments can vary with factors related to construction, permitting approvals, grid development, and data center owner decisions.” Ex. 106 at 9. This very prediction has come true for the WECC-NW region since Centralia II was issued. Major IOUs are scaling back plans for data centers while cities and counties putting restrictions or outright bans on their construction. Ex. 131 at ¶ 10–13.

Ultimately, DOE relies on flawed data that—even when taken as true on its face—fails to establish an emergency.

B. TransAlta’s Application for Cost Recovery and the Comments of BPA, CAISO, Gridforce, and SPP Show that DOE’s Order is Arbitrary and Capricious, and Will Harm Ratepayers

As Washington argued in its prior rehearing requests, Centralia III will increase electricity rates for consumers, without providing any benefit. *See* Centralia I Rehearing Request at 93–94. In its Orders, DOE directed TransAlta to file tariff revisions or waivers with FERC to recover the costs associated with the Orders. In the event of a 202(c) order, FERC “may prescribe by supplemental order such terms as it finds to be just and reasonable, including the compensation or reimbursement which should be paid to or by any such party.” 16 U.S.C. § 842a(c)(1). Here, requiring consumers to pay for TransAlta’s efforts to keep Centralia online, in the absence of an emergency, is not reasonable.

Nonetheless, as discussed above, on April 30, 2026, TransAlta filed an application for cost recovery under 16 U.S.C. § 824a(c) with FERC. TransAlta sought \$19,862,266.65 in “fixed costs” for “general operating, maintenance and administration costs that do not vary with the operating level of Centralia Unit 2.” Application for Cost Recovery at 8–9. It also sought (1) variable charges of \$35.90 per MWh, (2) environmental charges of \$77.49 per

MWh, (3) start-up costs of \$577,377 per start, and (4) any other costs FERC deems appropriate to operate Centralia as directed by the Order. *Id.* at 9–11.

DOE’s emergency orders come at a cost, and that cost will be borne initially by the Balancing Authorities and Reliability Coordinators that DOE identified in its Orders. In its application for cost recovery, TransAlta sought compensation from the BPA, CAISO, Gridforce, and SPP, identified as the Balancing Authorities and Reliability Coordinators in DOE’s first two Orders. In essence, FERC will then decide whether to require BPA, CAISO, Gridforce, and SPP to pay for plant operations that they did not need—and, according to BPA and CAISO, could not have utilized even if they did need power from Centralia. *See* Comments of the Bonneville Power Administration, Docket No. ER26-2422-000 (June 22, 2026) [“Comments of BPA”]; Protest of California Independent System Operator Corporation, Docket No. ER 26-2422-000 (May 21, 2026) [“Protest of CAISO”]. Even the proper Balancing Authority (Gridforce) and Reliability Coordinator (SPP) protest TransAlta’s request to compensate it for costs incurred as part of the emergency order in this case. DOE’s order to TransAlta to keep Centralia ready to operate since December 2025 has impacted many entities, none of which have benefitted from the emergency order or directed TransAlta to operate.

BPA and CAISO’s arguments make clear that neither entity ever had an association with TransAlta and never had the authority to order dispatch of Centralia or purchase power from the plant. Comments of BPA at 3; Protest of CAISO at 1, 4, 8. It would be an injustice to the utility and residential customers of BPA and CAISO to require them to pay for a service

that they never could have even utilized, yet that is precisely what DOE's unlawful, arbitrary, and unjustified orders direct.

The protests of Gridforce and SPP also show that DOE's use of its section 202(c) authority was arbitrary because there were no beneficiaries from TransAlta keeping Centralia ready to operate as a coal plant. Those protests largely centered around the fact that neither entity was "a beneficiary of the Department's orders *or even capable of performing the functions referenced therein.*" Protest of Gridforce Energy Management, LLC, Docket No. ER 26-2422-000 at 5 (May 21, 2026) ["Protest of Gridforce"] (emphasis added); *See also* Protest of Southwest Power Pool, Inc., Docket No. ER 26-2422-000 at 9 (May 21, 2026) ["Protest of SPP"]. Even though SPP could direct Centralia to generate electricity if needed for reliability, it claimed that requiring Reliability Coordinators to pay such costs would be unjust because it has no ability to recover costs associated with the generation of electricity at Centralia. Protest of SPP at 12. Gridforce and SPP also allege that TransAlta's proposed tariff would "subject ratepayers entirely unconnected to its costs to a surcharge above the rate on file for the service they performed or received, if any," in violation of the filed rate doctrine and rule against retroactive ratemaking. *Id.* at 29; *see also* Motion for Leave to Answer and Answer of Gridforce Energy Management, LLC, Docket No. ER 2-2422-000 at 7 (June 30, 2026) ["Answer of Gridforce"]. And while the mechanism is not clear, SPP will "pass those costs along to an unknown and unidentified ratepayer via a tariff mechanism." Protest of SPP at 30.

Like the Balancing Authorities and Reliability Coordinators named in the Centralia I, II, and III, ratepayers have received no benefit from TransAlta's efforts to make Centralia

available to operate. Application for Cost Recovery at 11 (“Centralia Unit 2 was not directed to operate pursuant to the Orders. . .”). But here, if FERC grants TransAlta’s request to recover costs from BPA, CAISO, Gridforce, or SPP, ratepayers will ultimately foot the bill. DOE issued these Orders in the absence of an emergency *and* Centralia did not operate to supply the grid with power. Nonetheless, these Orders cost nearly \$20 million for ratepayers, at a time when electricity prices are already at a record high. *See* Centralia I Rehearing Request at 93–94,

DOE’s use of its section 202(c) authority here appears to be driven by political objectives. *See* 90 Fed. Reg. 15517; *see also* FOX 29 PHILADELPHIA, *FULL SIGNING: President Trump signs executive orders on coal mining* (YouTube, April 8, 2025), <https://www.youtube.com/watch?v=1TfJUn2VxM4>. Notably, the groups involved in the FERC rate proceeding, including a federal agency, effectively confirmed that using section 202(c) to accomplish those objectives is arbitrary and unlawful. *See* Comments of BPA; Protest of CAISO; Protest of Gridforce; Comments of Gridforce Energy Management, LLC, Docket No. ER 26-2422-000 (June 11, 2026) [“Comments of Gridforce”]; Answer of Gridforce; Protest of SPP.

This all supports Washington’s position in this rehearing request and its request for rehearing of Centralia I and II that DOE’s Orders are arbitrary and capricious, unsupported by substantial evidence, and contrary to law. Indeed, the fact that electricity has not been generated, delivered, or transmitted from Centralia since TransAlta received the first Order on December 16, 2026 makes crystal clear that the nearly \$20 million price-tag for TransAlta

to “be made available” for operation, is arbitrary and capricious and will harm ratepayers. Ex. 1.

The costs for ratepayers will not stop at \$20 million. As demonstrated by the recent orders affecting other coal facilities, DOE’s section 202(c) orders directing Centralia to operate will continue to be issued. In its application for cost recovery, TransAlta acknowledged that keeping Centralia available to operate throughout 2026 will require significant investment and maintenance work, for which it will promptly seek cost recovery. Application for Cost Recovery at 12. While the exact price to ensure Centralia is capable of operation is uncertain, TransAlta estimates costs in Q3 or Q4 of 2026 to total \$23,000,000 *in addition* to the nearly \$20,000,000 in costs it has already incurred. *Id.* And although FERC has not yet decided on TransAlta’s request for cost recovery, it has granted tariff revisions to allocate the costs of keeping other coal plants available to operate pursuant to DOE’s recent section 202(c) orders. *See e.g.* 192 FERC ¶ 61,158 (revising MISO Tariff to allocate costs of keeping Campbell Plant in operation). DOE’s use of 202(c) to push its pro-coal agenda will continue to cost ratepayers tens of millions of dollars, indefinitely.

DOE issued these Orders based on a generalized finding of emergency, not a particular triggering event, and as a result Centralia has sat idle for seven months. However, even without operating, TransAlta has incurred millions of dollars in costs to keep the plant available to operate. As explained more fully in Washington’s earlier rehearing requests, this Order is inconsistent with the requirements of section 202(c), is arbitrary and capricious, and will harm consumers.

C. Columbia River Power System Restrictions Imposed by the Oregon District Court do not Threaten Grid Reliability

As in *Centralia II*, DOE again asserts that regional electricity reliability is threatened by restrictions imposed on the Federal Columbia River Power System by a preliminary injunction issued by the United States District Court for District of Oregon. Ex. 120 at 6. Specifically, DOE asserts that the restrictions in the injunction will impact BPA’s ability to provide reliable power and transmissions services, resulting in a “substantial increased risk” to regional power reliability. *Id.* at 6. This assertion is fundamentally flawed on multiple levels.

First, after Washington pointed out that DOE in *Centralia II* cited the wrong version of preliminary injunction, DOE corrects that reference in *Centralia III*. But DOE’s reliance on the Columbia River Order is still misplaced and incorrect. DOE persists in making argument from BPA’s briefing about a requested injunction that was never issued. Specifically, DOE relies on arguments from declarations submitted by BPA dealing with a proposed injunction, rather than the injunction actually issued by the court with critically different terms and based on modeling of the operational measures in BPA’s briefing for preliminary injunction that, again, was not granted. *See* Ex. 120 at 6. In doing so, DOE entirely ignores that the actual injunction issued by the district court specifically accommodated power reliability concerns by allowing more water for power generation, routine flexibility for energy needs, and exceptions providing relief from operational conditions if there were an energy reliability emergency. Ex. 114-1 at 17–19 (*Nat’l Wildlife Fed’n v. NMFS Injunction*). Moreover, the arguments and evidence BPA submitted in its briefing and now relied on by DOE were considered and, where not specifically addressed by the final terms of the

injunction, they were rejected by the district court as unsupported. *Id.* DOE’s reliance on the injunction to support its emergency finding is wholly misplaced.

Second, in response to the very power reliability concerns that had been raised, the district court rejected the BPA’s request to set reservoir levels at Minimum Operating Pool (“MOP”) and instead ordered reservoir levels to be maintained at the higher Minimum Irrigation Pool (“MIP”) level, affording more water for electricity production as well as for irrigation. *Id.* at 17. These are not the reservoir levels that were the subject of the briefing and evidence relied on now by DOE to assert that the injunction will cause grid instability. For example, Centralia III cites BPA staff declarations that evaluated power reliability impacts for the reservoir forebay levels at the plaintiffs’ requested MOP level, not the MIP level ultimately set by the court in the injunction. Ex. 120 at 6, n.32-34; *see* Ex. 115, Dibble Decl. at ¶¶ 19, 28, 40; Ex. 116, Stevenson Decl. at ¶¶ 21, 24–27. As the court noted, however, setting reservoir levels at MIP in the final injunction, rather than MOP, significantly ameliorated the concerns relating to power system reliability, as well as concerns with flood risk, transportation, irrigation, and availability of water supplies and clean drinking water. Ex. 114-1 at 17.

Third, DOE fails to account for the fact that the court included specific relief valves from the conditions of its preliminary injunction related for electricity reliability. The court included these relief valves for both the reservoir levels as well as spill conditions. Ex. 114-2 at 41–42 (*Nat’l Wildlife Fed’n v. NMFS* Order) (“the Court includes flexibility of the Action Agencies to deviate from these [reservoir] levels for transportation and power generation emergencies . . . [and] builds into the injunction flexibility for the Action Agencies to adjust

spills for emergency power generation and transportation needs”). Thus, before the preliminary injunction could cause any energy emergency, relief from its provisions is plainly available. As in *Centralia II*, DOE acknowledges none of this in *Centralia III*.

Fourth, the district court also rejected many of the Federal Defendant’s grid reliability concerns (such as their concerns with spill provisions) as overblown, unsupported, and contrary to the scientific record in the case. *Id.* at 38. The court observed that recent Columbia River System operations with spill conditions and reservoir levels similar to what is imposed in the preliminary injunction have consistently been workable and not resulted in grid instability. *Id.* In fact, the court noted that since 2023 the Northwest Power and Conservation Council (the organization responsible for assessing regional power demand and reliability) “has found the regional power system to be reliable and anticipates that the system will continue to meet reliability standards.” *Id.* (citing Ex. 117, Hirsch Decl. ¶¶ 12–18); *see also* Ex. 114-2 at 10–11 (recounting 2023 stay of litigation and MOU). The court went on to find that “the routine variances and adjustments that have helped to support that reliability will continue to be available to Federal Defendants under the injunction.” *Id.*

DOE’s assertions in *Centralia III* regarding the district court’s injunction are based on outdated and not relevant briefing and declarations submitted by BPA in the midst of litigation and ignore key aspects of the actual injunction issued by the district court, which provides flexibility if needed for an actual emergency. The preliminary injunction affecting operation of the Columbia River Power System does not represent a risk to regional energy reliability. Not only did the court address, *and reject*, this very argument in its detailed ruling, it went to some length to accommodate power reliability concerns in crafting its injunction. The

injunction neither threatens grid reliability nor substantially increases the risk of an electricity reliability emergency. DOE's reliance on it here to declare a continuing "emergency" in Centralia III is arbitrary, capricious, and unlawful.

VI. REQUEST FOR STAY

Washington State further moves DOE for a stay of the Order until judicial review has concluded. 18 C.F.R. § 385.212. DOE has the authority to issue a stay under the Administrative Procedure Act where "justice so requires." 5 U.S.C. § 705.

To determine whether to grant a request for stay, agencies consider: (1) whether the requesting party will suffer irreparable injury without a stay; (2) whether issuing a stay may substantially harm other parties; and (3) whether a stay is in the public interest. *See Nken v. Holder*, 556 U.S. 418, 434, 436 (2009); *Ohio v. EPA*, 603 U.S. 279, 291 (2024); *see, e.g., Midcontinent Indep. Sys. Operator, Inc.*, 184 FERC ¶ 61,020, at P 41 (2023); *ISO New Eng. Inc.*, 178 FERC ¶ 61,063, at P 13 (2022), *rev'd on other grounds sub nom. In re NTE Conn., LLC*, 26 F.4th 980, 987-88 (D.C. Cir. 2022).

A. Washington State Will Suffer Irreparable Injury Without a Stay

A stay is necessary to prevent irreparable harm to Washington State caused by Centralia II. Injuries must be actual, certain, imminent, and beyond remediation. *Mexichem Specialty Resins, Inc. v. EPA*, 787 F.3d 544, 555 (D.C. Cir. 2015); *Wis. Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985); *ANR Pipeline Co.*, 91 FERC ¶ 61,252, at 61,887 (2000); *City of Tacoma*, 89 FERC ¶ 61,273, at 61,795 (1999) (identifying that, absent a stay, options for "meaningful judicial review would be effectively foreclosed").

Economic injury is irreparable only where no “adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation.” *Wis. Gas Co.*, 758 F.2d at 674 (quoting *Va. Petroleum Jobbers Ass’n v. Fed. Power Comm’n*, 259 F.2d 921, 925 (D.C. Cir. 1958)). Environmental injury, however, “can seldom be adequately remedied by money damages and is often permanent or at least of long duration, *i.e.*, irreparable. If such injury is sufficiently likely, therefore, the balance of harms will usually favor the issuance of an injunction.” *Amoco Prod. Co. v. Vill. of Gambell*, 480 U.S. 531, 545 (1987).

Centralia III imposes costs on Washington ratepayers that may not be recoverable through future litigation and would not have otherwise been expended absent the Centralia III. Assuming TransAlta complies with Centralia III,¹¹ it will expend considerable costs preparing the plant for refiring—if the plant is idle but available to operate *or* actively producing coal-fired power. *See supra* Section III at 10–11, Section IV.H.1. TransAlta will continue to generate staffing and overhead expenses under either scenario. Firing up the plant and transmitting electricity will further increase expenses. And plainly, coal is more expensive. Ex. 41 at ¶ 15 (“Under its current Purchase Power Agreement (PPA), the energy price from Centralia’s coal is significantly higher than the wholesale energy market price. Specifically, under the current contract, Puget Sound Energy pays \$62.04 per MWh, while the wholesale market price is \$54.32 per MWh.”). Centralia III again directs TransAlta to recover its expenses through a FERC tariff revision. Order at 4; 16 U.S.C. § 824a(c). Neither Centralia

¹¹ There is no indication that TransAlta will not comply with the Order, to the extent it understands what the Order requires it to do.

III nor the statute identify a mechanism for “corrective relief” should Centralia III be found unlawful. As there is no clear recourse to recovering these costs should Washington State prevail in its challenge, a stay pending judicial review is necessary to protect ratepayers from unwarranted energy cost increases.

Environmental injury is inevitable whether Centralia III requires TransAlta to immediately operate Centralia as a coal plant, or it operates intermittently from a stand-by posture. As described in the Rehearing Request, Washington residents will suffer environmental health and environmental harms because of the Centralia II. *See supra* Section III at 8, Section IV.H.3. TransAlta’s Centralia Coal Plant is a significant source of particulate matter, sulfur dioxide, and nitrogen oxides. Ex. 10 at ¶ 7. Those emissions are known to adversely impact human health. Based on estimates from the EPA’s CO-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (COBRA), the failure to cease operations at Centralia will contribute to an estimated 9-13 premature deaths, 3 nonfatal heart attacks, 53 cases of asthma onset, and \$140-210 million in health care costs and lost economic activity in Washington annually. Ex. 10 at ¶ 10. Further, Centralia is the highest source of greenhouse gas emissions in Washington. Ex. 12; Ex. 13. A local clean air agency issued Centralia two notices of violation for exceeding emissions limits in December 2025. Ex. 11 at ¶ 12. Emissions are expected to be even higher if Centralia cannot operate at a lower load or make necessary repairs, or cease operations entirely as it had planned to do prior to DOE’s orders. Ex. 11 at ¶ 11. Because the environmental injury to Washington State and its residents cannot be adequately remedied and may be permanent or long duration and is sufficiently likely, a stay pending judicial review is necessary.

B. A Stay Would Not Substantially Harm Other Parties

No parties would be harmed by a stay of Centralia III because no emergency exists and the Centralia III order was never needed to begin with. As detailed above, an order under 202(c) must be limited to circumstances that are imminent and unforeseen. *See supra* VI.A. Centralia III again provides no evidence to support a claim of an imminent emergency and references potential *future* grid unreliability. *See supra* VI.C.1. The State supplies substantial evidence to support the absence of an energy emergency. Because no current emergency exists, no other party could be harmed. Not forcing the deployment of coal plant that is not needed harms no one. A stay would not disrupt the local energy market or impair the provision of electricity to customers.

C. A Stay is in the Public Interest

Centralia III is contrary to the public interest. A stay will prevent any potential harm to the public that will be caused by Centralia III. Principally, Centralia III fails to meet the public interest standard under the Act DOE relies upon, i.e., 16 U.S.C. § 824a(c)(1), in bringing Centralia III. *See* Centralia I Rehearing Request VI.D.2. Further, if a true energy emergency existed, the public interest would not be served by an aging, unreliable coal plant that requires 12–18 hours to start up. Ex. 11 at ¶¶ 7, 8. Centralia III has the potential to throw the regional energy market into short-term and long-term uncertainty, both of which could have adverse consequences for energy users—the public. *See* Centralia I Rehearing Request VI.E.1. A stay is in the public interest.

VII. CONCLUSION

For the reasons set forth above, Washington respectfully requests that DOE grant intervention, grant rehearing, and rescind Centralia III in its entirety.

Dated this 10th day of July, 2026.

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State of Washington

Request for Rehearing of Order No. 202-26-28

Index of Exhibits

No.	Exhibit Name	Document Name	URL
Centralia I			
1	DOE Order No. 202-25-11	Department of Energy (DOE), Washington DC 20585, Order No. 202-25-11 (Dec. 16, 2025)	
2	NERC 2025–2026 Winter Reliability Assessment	North American Electric Reliability Corporation, 2025–2026 Winter Reliability Assessment (Nov. 2025)	
3	E3 Slide Deck	Resource Adequacy and the Energy Transition in the Pacific Northwest: Phase 1 Results, dated September 22, 2025	
4	DOE Resource Adequacy Report	DOE Resource Adequacy Report, Evaluating the Reliability and Security of the U.S. Electric Grid (July 2025)	

No.	Exhibit Name	Document Name	URL
5	Memorandum of Agreement	Memorandum of Agreement, TransAlta-State of Washington (fully executed) (Dec. 23, 2011)	
6	2017 Amended Memorandum of Agreement	First Amendment to Memorandum of Agreement, TransAlta-State of Washington (fully executed) (Jul. 13, 2017)	
7	2011 BART Order	Dep't of Ecology Administrative Order, First Revision: Order No. 6426 (Dec. 13, 2011)	
8	2020 BART Order	Dep't of Ecology Administrative Order, Second Revision: Order No. 6426 (Jul. 29, 2020)	
9	Technical Support Data-2020 BART Order	Dep't of Ecology Technical Support Document for Second BART Order Revision, TransAlta Centralia Generation Plant (July 2020)	

No.	Exhibit Name	Document Name	URL
10	Palcisko Declaration	Declaration of Gary Palcisko in Support of Request for Rehearing by State of Washington	
10-1	COBRA Data Coal v. Cease Operations	Total Health Benefits, Lewis County, Washington	
10-2	COBRA Data Coal v. Natural Gas	Total Health Benefits, Lewis County, Washington	
10-3	2023 Emissions Inventory	2023 Emissions Inventory	
11	Lamoreaux Declaration	Declaration of Clinton Lamoreaux in Support of Request for Rehearing by State of Washington	
11-1	TransAlta Centralia Title V Quarterly Report First Quarter 2025	Title V Report Certification Form, TransAlta Centralia Generation LLC, First Quarter, Jan. 1 - March 31, 2025	

No.	Exhibit Name	Document Name	URL
11-2	TransAlta Centralia Title V Quarterly Report Second Quarter 2025	Title V Report Certification Form, TransAlta Centralia Generation LLC, Second Quarter, April 1-June 30, 2025	
11-3	TransAlta Centralia Title V Quarterly Report Third Quarter 2025	Title V Report Certification Form, TransAlta Centralia Generation LLC, Third Quarter, Jul. 1 – Sep. 30, 2025	
11-4	TransAlta Centralia Title V Quarterly Report First Quarter 2024	Title V Report Certification Form, TransAlta Centralia Generation LLC, First Quarter, Jan 1 – March 31, 2024	
11-5	TransAlta Centralia Title V Quarterly Report Second Quarter 2024	Title V Report Certification Form, TransAlta Centralia Generation LLC, Second Quarter, Apr. 1 – June 30, 2024	
11-6	TransAlta Centralia Title V Quarterly Report Third Quarter 2024	Title V Report Certification Form, TransAlta Centralia Generation LLC, Third Quarter, Jul. 1 – Sep. 30, 2024	

No.	Exhibit Name	Document Name	URL
11-7	TransAlta Centralia Title V Quarterly Report Fourth Quarter 2024	Title V Report Certification Form, TransAlta Centralia Generation LLC, Fourth Quarter, Oct. 1 – Dec. 31, 2024	
11-8	TransAlta Centralia Title V Quarterly Report First Quarter 2023	Title V Report Certification Form, TransAlta Centralia Generation LLC, First Quarter, Jan. 1 – Mar. 31, 2023	
11-9	TransAlta Centralia Title V Quarterly Report Second Quarter 2023	Title V Report Certification Form, TransAlta Centralia Generation LLC, Second Quarter, Apr. 1 – Jun 30, 2023	
11-10	TransAlta Centralia Title V Quarterly Report Third Quarter 2023	Title V Report Certification Form, TransAlta Centralia Generation LLC, Third Quarter, Jul. 1 – Sep. 30, 2023	
11-11	TransAlta Centralia Title V Quarterly Report Fourth Quarter 2023	Title V Report Certification Form, TransAlta Centralia Generation LLC, Fourth Quarter, Oct. 1 – Dec. 31, 2023	

No.	Exhibit Name	Document Name	URL
11-12	Photograph of opacity readings	Photograph of opacity readings on Oct. 23, 2025	
11-13	Centralia Plant's 2022 U2 Boiler Tune-up Report	TransAlta Centralia U2 Boiler, 40 CFR 63 DDDDD Tune-Up Report (Oct. 3, 2022)	
11-14	Notice of Violation No. 10642, TransAlta	Southwest Clean Air Agency, Notice of Violation, No. 10643, TransAlta, Oct. 23, 2025	
11-15	Notice of Violation No. 10643, TransAlta	Southwest Clean Air Agency, Notice of Violation, No. 10643, TransAlta, Jan 11, Mar. 4, Jun. 6, Jun. 11, Aug. 26, 2025	
12	Top 10 Stationary Sources of GHG Emissions in WA – 2022	Dep't of Ecology Data Base: Top 10 Stationary Sources of Greenhouse Emissions in Washington (2022)	

No.	Exhibit Name	Document Name	URL
13	2023 EPA Top CO2 Emissions	U.S. Env't Prot. Agency, Greenhouse Gas Reporting Program (GHGRP), Top Washington Greenhouse Gas emissions sources for 2023, <i>GHGRP State and Tribal Fact Sheet</i> (last visited Jan. 6, 2026)	https://www.epa.gov/ghgreporting/ghgrp-state-and-tribal-fact-sheet
14	U.S. Energy Information – Start Up	U.S. Energy Information Administration, Owen Comstock, <i>About 25% of U.S. power plants can start up within an hour</i> (Nov. 19, 2020)	https://www.eia.gov/todayinenergy/detail.php?id=45956
15	Plant Job Underway	Centralia Daily Chronicle, <i>Plant Job Underway</i> (Jun. 14, 1968)	
16	2021 Title V Air Operating Permit	TransAlta Centralia Generation, LLC, Centralia Plant, Air Operating Permit SW-98-8-R5A, Southwest Clean Air Agency (Sep. 22, 2021)	

No.	Exhibit Name	Document Name	URL
17	2021 Title V Air Operating Permit - Basis Statement		
18	U.S. Energy Information Administration , Form EIA-860, Schedule 3: Generator Data (2024) (2024 Form EIA-860)		https://www.eia.gov/electricity/data/eia860/
19	2022 Visibility SIP	Washington Dep't of Ecology, Air Quality Program, <i>State Implementation Plan Revision, Second Regional Haze Plan</i> (2018 – 2028) (Jan. 2022)	
20	TransAlta News Release Announcing Coal to Gas Conversion Project	TransAlta, Alberta Calgary, News Release, <i>TransAlta Signs Long-Term Agreement for 700 MW at Centralia Facility Enabling Coal to Natural Gas Conversion</i> (Dec. 9, 2025)	https://transalta.com/newsroom/transalta-signs-long-term-agreement-for-700-mw-at-centralia-facility-enabling-coal-to-natural-gas-conversion/

No.	Exhibit Name	Document Name	URL
21	TransAlta Permit Application	TransAlta Centralia Generation, LLC, <i>Prevention of Significant Deterioration Permit Application</i> (Dec. 2025)	
22	Letter Re: Summary of the 2025 Long-term Resource Adequacy Meeting	Brian Rybarik, WA Utilities and Transportation Commission, Jennifer Grove, WA Dep't of Commerce, <i>Re: Summary of the 2025 Long-term Resource Adequacy Meeting</i> (Nov. 19, 2025)	
23	2025 DOE 202(c) Orders	2025 DOE 202(c) Orders	https://www.energy.gov/ceser/2025-doe-202c-orders
23-1	Order (Dec. 14, 2000)	U.S. Dep't of Energy, Order Pursuant to Section 202(c) of the Federal Power Act (Dec. 14, 2000) (California Energy Crisis in 2000)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority

No.	Exhibit Name	Document Name	URL
23-2	DOE Order No. 202-05-1 (Sep. 8, 2005) (Hurricane Rita)	DOE Order No. 202-05-1 (Sep. 8, 2005) (Hurricane Rita)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-3	DOE Order No. 202-05-2 (Sep. 8, 2005)	DOE Order No. 202-05-2 (Sep. 8, 2005) (Hurricane Rita)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-4	DOE Order No. 202-08-1 (Sep. 14, 2008)	DOE Order No. 202-08-1 (Sep. 14, 2008) (Hurricane Ike)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-5	DOE Order No. 202-20-1 (Aug. 27, 2020)	Ex. 23-9 (DOE Order No. 202-20-1 (Aug. 27, 2020) (Hurricane Laura)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-6	DOE Order No. 202-20-2 (Sep. 6, 2020)	DOE Order No. 202-20-2 (Sept. 6, 2020) (extreme heat in California)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-7	DOE Order No. 202-21-1 (Feb. 14, 2021)	DOE Order No. 202-21-1 (Feb. 14, 2021) (extreme cold)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-8	DOE Order No. 202-21-2	DOE Order No. 202-21-2) (extreme heat, wildfires and drought in California)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority

No.	Exhibit Name	Document Name	URL
23-9	DOE Order No. 202-22-1	DOE Order No. 202-22-1 (extreme heat, wildfires and drought in California)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-10	DOE Order No. 202-22-2	Exs. 23-13 and 23-14 (DOE Order Nos. 202-22-1 & 2 and amendments) (same)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-11	DOE Order No. 202-22-3 (Dec. 23, 2022)	DOE Order No. 202-22-3 (Dec. 23, 2022) (extreme cold)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-12	DOE Order No. 202-22-4 (Dec. 24, 2022)	DOE Order No. 202-22-4 (Dec. 24, 2022) (extreme cold)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-13	DOE Order No. 202-24-1 (Oct. 9, 2024)	Ex. 23-20 (DOE Order No. 202-24-1 (Oct. 9, 2024)) (Hurricane Milton)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-14	DOE Order No. 202-05-3 (Dec. 20, 2005)	DOE Order No. 202-05-3 (Dec. 20, 2005) (Mirant, DC)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-15	DOE Order No. 202-17-1	DOE Order No. 202-17-1 (GRDA)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority

No.	Exhibit Name	Document Name	URL
23-16	DOE Order No. 202-17-2	DOE Order No. 202-17-2 (Yorktown Power Station)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
23-17	DOE Order No. 202-17-4 (Sept. 14, 2017)	DOE Order No. 202-17-4 (Sept. 14, 2017) (Yorktown Power Station – extension)	https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority
24	Grand River Dam Authority Request for Emergency Order	Daniel S. Sullivan, Grand River Dam Authority, <i>Re: Request for Emergency Order Pursuant to Section 202(c) of the Federal Power Act</i> (April 11, 2017)	https://www.energy.gov/sites/default/files/2017/05/f34/GRDA%20public%20202%28c%29%20letter.pdf
25	Wagner Order No. 202-25-6	U.S. Dep't of Energy, Order No. 202-25-6 (Jul 28, 2025)	
26	Puerto Rico Electric Power Authority, Order No. 202-25-1	U.S. Dep't of Energy, Order No. 202-25-1 (May 16, 2025)	
27	Campbell Order	U.S. Dep't of Energy, Order No. 202-25-3 (May 23, 2025)	https://www.energy.gov/sites/default/files/2025-05/Midcontinent%20Independent%20System%20Operator%20%28MISO%29%20202%28c%29%20Order_1.pdf https://perma.cc/Q7P7-TDTX

No.	Exhibit Name	Document Name	URL
28	Eddystone Order	U.S. Dep't of Energy, Order No. 202-25-4 (May 30, 2025)	https://perma.cc/PS3M-6CJA
29	Trump Admin Ordered Coal Plan Stay Open	Ella Nilsen, CNN, <i>The Trump Admin Ordered a Coal Power Plant to Stay On Past Retirement. Customers in 15 States Will Foot the Bill</i> (June 6, 2025)	https://www.cnn.com/2025/06/06/climate/michigan-coal-plant-energy-cost-wright
30	CMS Energy Quarterly Report	U.S. Securities and Exchange Commission, Form 10-Q, <i>Quarterly Report for CMS Energy Corp.</i> (Jul. 31, 2025)	https://www.sec.gov/ix?doc=/Archives/edgar/data/0000201533/000081115625000071/cms-20250630.htm
31	Trump Administration Forcing Coal Plants to Stay Open	NRDC, <i>Trump Administration's DOE Is Forcing Coal Plants to Stay Open. Michigan Is the First Target</i> (June 16, 2025)	https://www.nrdc.org/bio/derrell-e-slaughter/trump-administrations-doe-forcing-coal-plants-stay-open-michigan-first

No.	Exhibit Name	Document Name	URL
32	U.S. Dep't of Energy Fact Sheet	U.S. Dep't of Energy, <i>Fact Sheet: The Department of Energy's Resource Adequacy Report Affirms The Energy Emergency Facing The U.S. Power Grid</i> (2025)	https://www.energy.gov/sites/default/files/2025-07/DOE_Fact_Sheet_Grid_Report_July_2025.pdf https://perma.cc/YLX7-8G7T
33	Press Release Dep't of Energy U.S. Grid Report	Press Release, U.S. Dep't of Energy, <i>Department of Energy Releases Report on Evaluating U.S. Grid Reliability and Security</i> (July 7, 2025)	https://www.energy.gov/articles/department-energy-releases-report-evaluating-us-grid-reliability-and-security https://perma.cc/8TEJ-AGH6
34	Campbell Rehearing Order	U.S. Dep't of Energy, Order No. 202-25-3B, Order Addressing Arguments Raised on Rehearing (Sep. 8, 2025)	

No.	Exhibit Name	Document Name	URL
35	August 6, 2025 State Request for Rehearing	Before the U.S. Dep't of Energy, In Re: Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid, July 2025, Motion to Intervene and Protective Request for Rehearing (Aug. 6, 2025)	
35-1	August 6 Rehearing Request Exhibit A	North American Electric Reliability Corp (NERC) <i>Interregional Transfer Capability Study (ITCS)</i> , Final Report, Nov. 2024	
35-2	August 6 Rehearing Request Exhibit B	GridLab Analysis: Department of Energy Resource Adequacy Report (July 15, 2025)	
35-3	August 6 Rehearing Request Exhibit C	New York University School of Law, Institute for Policy Integrity, <i>Enough Energy A Review of DOE's Resource Adequacy Methodology</i> (July 2025)	

No.	Exhibit Name	Document Name	URL
35-4	August 6 Rehearing Request Exhibit D	Nicholas Institute for Energy, Environment & Sustainability, <i>Rethinking Load Growth</i> (2025)	
35-5	August 6 Rehearing Request Exhibit E	London Economics Internat'l, <i>Uncertainty and Upward Bias Are Inherent in Data Center Electricity Demand Projections</i> (Jul 7, 2025)	
35-6	August 6 Rehearing Request Exhibit F	Grid Strategies, <i>Resource Adequacy Value of Interregional Transmission</i> (Jun. 2025)	
36	Second Campbell Order	U.S. Dep't of Energy, Order No. 202-25-9 (Nov. 18, 2025)	
37	Schahfer Order	U.S. Dep't of Energy, Order No. 202-25-12 (Dec. 23, 2025)	
38	Culley Order	U.S. Dep't of Energy, Order No. 202-25-13 (Dec. 23, 2025)	

No.	Exhibit Name	Document Name	URL
39	PJM Manual	Capacity Market & Demand Response Operations, <i>PJM Manuel 18: PJM Capacity Market</i> (Effective Date: Jul. 23, 2025)	
40	Eddystone Request for Rehearing	Before the U.S. Dep't of Energy, Order No. 202-25-4, Motion to Intervene and Request for Rehearing	
41	Moriyasu Declaration	Declaration of Callahan Moriyasu in Support of Request for Rehearing by State of Washington	
41-1	Historic Trends in Energy Use	Northwest Power and Conservation Council, <i>Historic Trends in Energy Use</i>	
41-2	Northwest Heat Wave	U.S. Energy Information Administration, <i>Northwest heat wave leads to record levels of summer electricity demand</i> (Aug. 23, 2017)	

No.	Exhibit Name	Document Name	URL
41-3	Ancillary Services Definitions and Capability Study	GE Energy Consulting, Ancillary Services Definitions and Capability Study (Dec. 2012)	
41-4	Optimizing Reserves	Electricity Advisory Committee, <i>Optimizing Reserves</i> (Oct. 2019)	
41-5	Historical Data	Bureau of Reclamation, Historical Data Access, Grand Coulee Dam (2020-2025)	https://www.usbr.gov/pn/hydromet/arcread.html
41-6	Washington Water Conditions	USGS Water Data for the Nation, <i>Washington Water Conditions</i> (Dec. 31, 2025)	
41-7	Water Management Data	U.S. Army Corps of Engineers, <i>Water Management Data</i> (Dec. 31, 2025)	
41-8	Grand Coulee Dam Levels Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, Grand Coulee Dam, Pacific Northwest Region, Dec. 2025	

No.	Exhibit Name	Document Name	URL
41-9	Chief Joseph Dam Levels Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, Chief Joseph Dam, Pacific Northwest Region, Dec. 2025	
41-10	Lower Granite Lock and Dam Levels Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, Lower Granite Lock and Dam, Walla Walla District, Dec. 2025	
41-11	Little Goose Lock and Dam Levels Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, Little Goose Lock and Dam, Walla Walla District, Dec. 2025	
41-12	Lower Monumental Lock and Dam Levels Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, Lower Monumental Lock and Dam, Walla Walla District, Dec. 2025	
41-13	Ice Harbor Lock and Dam Levels Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, Ice Harbor Lock and Dam, Walla Walla District, Dec. 2025	

No.	Exhibit Name	Document Name	URL
41-14	McNary Lock and Dam Levels Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, McNary Lock and Dam, Pacific Northwest Region, Dec. 2025	
41-15	John Day Lock and Dam Levels Dec 2025	U.S. Army Corps of Engineers, Water Management Data, John Day Lock and Dam, Pacific Northwest Region, Dec. 2025	
41-16	The Dalles Lock and Dam Levels Dec 2025	U.S. Army Corps of Engineers, Water Management Data, The Dalles Lock and Dam, Pacific Northwest Region, Dec. 2025	
41-17	Bonneville Lock and Dam Levels Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, Bonneville Lock and Dam, Pacific Northwest Region, Dec. 2025	
41-18	Priest Rapids Dam Levels, Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, Priest Rapids Dam, Pacific Northwest Region, Dec. 2025	

No.	Exhibit Name	Document Name	URL
41-19	Wanapum Dam Levels, Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, Wanapum Dam, Pacific Northwest Region, Dec. 2025	
41-20	Rock Island Dam Levels Dec. 2025	U.S. Army Corps of Engineers, Water Management Data, Rock Island Dam, Pacific Northwest Region, Dec. 2025	
41-21	NOAA NWS Three Month Outlook	NOAA, Nat'l Weather Service, <i>Three-Month Outlooks</i> , Official Forecasts Jan-Feb-Mar 2026	
41-22	Centralia Coal PPA (R)	Puget Sound Energy, Docket UE-250747, Attachment B (Impact of portfolio updates), <i>Sheet "Centralia Coal PPA(R)"</i> (Oct. 1, 2025)	
41-23	E3 NW RA Data for Washington	E3, Greater Northwest System Metrics 2025–2030	

No.	Exhibit Name	Document Name	URL
42	Press Release Re: Executive Order	U.S. Dep't of Energy, <i>Energy Secretary Ensures Washington Coal Plant Remains Open to Ensure Affordable, Reliable and Secure Power Heading into Winter</i> (Dec. 17, 2025)	
43	Promises Made Promises Kept	U.S. Dep't of Energy, <i>Promises Made, Promises Kept, Unleashing the Golden Era of Energy Dominance and Lowering Prices</i> (Dec. 18, 2025)	
44	Executive Order 14156	Administration of Donald J. Trump, 2025, Executive Order 14156- Declaring a National Energy Emergency (Jan. 20, 2025)	
45	E2 Clean Economy Works: Nov. 2025 Analysis	Michael Timberlake, E2 Economy + Environment, Clean Economy Works: November 2025 Analysis (Dec. 12, 2025)	

No.	Exhibit Name	Document Name	URL
46	Energy Department Announces Termination of 223 Projects	U.S. Dep't of Energy, <i>Energy Department Announces Termination of 223 Projects, Saving Over \$7.5 Billion</i> (Oct. 2, 2025)	
47	Archive of Energy Reliability and Resilience	U.S. Dep't of Energy, Office of Energy Efficiency & Renewable Energy, <i>Energy Reliability and Resilience</i>	
48	Dep't of Energy Response to State Rehearing Request of August 6	U.S. Dep't of Energy, <i>Re: August 6, 2025 Submission</i> (Sep. 5, 2025)	
49	Gomez Declaration	Declaration of David C. Gomez in Support of Request for Rehearing by State of Washington	
49-1	Centralia Power Plant Profile	S&P Capital IQ, Centralia Power Plant Profile	
49-2	Centralia Power Plant Financials	S&P Capital IQ, Centralia Power Plant Financials	

No.	Exhibit Name	Document Name	URL
50	Reeves Declaration	Declaration of Andrew Reeves in Support of Request for Rehearing by State of Washington	
50-1	Puget Sound Energy 2023 Electric Progress Report	Puget Sound Energy, 2023 <i>Electric Progress Report</i> , Chapters 1-9 (2023)	
50-2	2025 Avista Electric Integrated Resource Plan	Avista, <i>Electric Integrated Resource Plan</i> (2025)	
50-3	Puget Sound Energy 2021 Integrated Resource Plan	Puget Sound Energy, 2021 <i>PSE Integrated Resource Plan</i> , Chapters 1-9 (Apr. 2021)	
50-4	Letter Re: Summary of the 2025 Winter Preparedness Resource Adequacy Meeting	Brian Rybarik, WA Utilities and Transportation Commission, Jennifer Grove, WA Dep't of Commerce, <i>Re: Summary of the 2025 Winter Preparedness Resource Adequacy Meeting</i> (Dec. 31, 2025)	

No.	Exhibit Name	Document Name	URL
50-5	Jan 2024 Month In Review	Nat'l Weather Service, Pendleton OR, <i>The Month In Review, January 2024</i>	
50-6	WRAP Assessment of January 2024	WRAP, <i>Assessment of January 2024 Cold Weather Event</i>	
50-7	Reliability Coordinator Procedure, No. RC-410	California ISO, RC West, Reliability Coordinator Procedure, RC0410 (May 1, 2025)	
50-8	Western Energy Imbalance Market (WEIM)	Western Energy Markets	https://www.westernenergymarkets.com/western-energy-imbalance-market-weim
50-9	CAISO WEIM Fact Sheet	California Independent System Operator (CAISO) Fact Sheet, <i>Western Energy Imbalance Market</i> (WEIM)	https://www.caiso.com/Documents/western-energy-imbalance-market-fact-sheet.pdf
50-10	Pennington WRAP Area Map	David Pennington, WPP, Western Resource Adequacy Program (WRAP) Area Map (last modified Oct. 31, 2025)	https://www.westernpowerpool.org/news/wrap-area-map

No.	Exhibit Name	Document Name	URL
50-11	Avista Investor Overview	Avista, <i>Better energy for life</i> , Investor overview	https://investor.avistacorp.com/
50-12	RC West California ISO	California ISO, RC West	https://www.caiso.com/market-operations/products-services/rc-west
51	Nightingale Declaration	Declaration of Joel Nightingale in Support of Request for Rehearing by State of Washington	
51-1	Testimony of Ronald J. Roberts, RJR-1T	Washington Utilities and Transportation Commission, Docket Nos. UE-240004 and UG-240005, Prefiled Direct Testimony of Ronald J. Roberts (Feb. 15, 2024)	
51-2	Winter Reliability and Electric-Gas Coordination Slides for WUTC Resource Adequacy Meeting	Zapotocky, Electric Reliability & Security for the West, <i>Winter Reliability and Electric-Gas Coordination</i> ; North American Electric Reliability Corporation (NERC), <i>NERC's Winter Reliability Assessment</i> (Nov. 4, 2025)	

No.	Exhibit Name	Document Name	URL
51-3	Short-Term Energy Outlook US EIA	U.S. Energy Information Administration, <i>Short-Term Energy Outlook</i> (Dec. 2025)	https://www.eia.gov/outlooks/steo/
51-4	Levelized Costs of New Generation Resources in the Annual Energy Outlook 2025	U.S. Energy Information Administration, <i>Levelized Costs of New Generation Resources in the Annual Energy Outlook in 2025</i> (Apr. 2025)	https://www.eia.gov/outlooks/aeo/electricity_generation/pdf/AEO2025_LCOE_report.pdf
51-5	Generating Resource Reference Plants: Natural Gas	Northwest Power and Conservation Council, <i>Generating Resource Reference Plants, Natural Gas</i>	https://www.nwcouncil.org/2021powerplan_natural-gas_generating-resource-reference-plants/
51-6	Recent Changes to US Coal Plant Operations and Current Compensation Practices	National Association of Regulatory Utility Commissioners, <i>Recent Changes to U.S. Coal Plant Operations and Current Compensation Practices</i> (Jan. 2020)	https://pubs.naruc.org/pub/7B762FE1-A71B-E947-04FB-D2154DE77D45
51-7	2024 State of Reliability	North American Electric Reliability Corporation, 2024 State of Reliability (Jun. 2024)	https://www.nerc.com/globalassets/programs/rapa/pa/nerc_sor_2024_technical_assessment.pdf

No.	Exhibit Name	Document Name	URL
52	Middleton Declaration	Declaration of Thomas Middleton in Support of Request for Rehearing by State of Washington	
52-1	Model Toxics Control Act	Washington Dep't of Ecology, Model Toxics Control Act	https://ecology.wa.gov/spills-cleanup/contamination-cleanup/rules-directing-our-cleanup-work/model-toxics-control-act (Last visited January 5, 2026)
52-2	TransAlta Agreed Order	Washington Dep't of Ecology, Agreed Order No. DE 24235 with TransAlta Centralia Generation LLC for TransAlta Centralia (Dec. 29, 2025)	
52-3	Quick Facts Centralia WA	U.S. Census Bureau, Quick Facts Centralia (last visited Jan. 8, 2026)	https://www.census.gov/quickfacts/fact/table/centraliacitywashington/RTN131222
52-4	Data USA	Data USA, Centralia WA, Metropolitan Statistical Area (last visited Jan. 8, 2026)	https://datausa.io/profile/geo/centralia-wa-31000US16500

No.	Exhibit Name	Document Name	URL
52-5	Emissions of Hazardous Air Pollutants	Environmental Health & Engineering, Inc. <i>Emissions of Hazardous Air Pollutants from Coal-Fired Power Plants</i> (Mar. 7, 2011)	
53	Rybarik Declaration	Declaration of Brian Rybarik in Support of Request for Rehearing by State of Washington	
54	FEMA Declaration of Emergency	U.S. Dep't of Homeland Security, FEMA, <i>Emergency Declaration</i> , FEMA-3629-EM (Dec. 9, 2025)	
55	Best Practices Resource Planning	Synapse Energy Economics, Lawrence Berkeley Nat'l Laboratory, <i>Best Practices in Integrated Resource Planning</i> (Nov. 2024, Revised Dec. 2024)	https://www.synapse-energy.com/sites/default/files/IRP_Best_Practices_2024_Synapse_LBNL_24-061_1.pdf https://perma.cc/D68F-WHWQ

No.	Exhibit Name	Document Name	URL
56	Trump Signs Executive Orders	New York Times, <i>Trump Signs Orders Aimed at Reviving a Struggling Coal Industry</i> (April 8, 2025)	
57	Declared National Emergencies	Brennan Center for Justice, Declared National Emergencies under the National Emergencies Act	https://www.brennancenter.org/our-work/research-reports/declared-national-emergencies-under-national-emergencies-act
58	Campbell Order No. 202-25-7	Dep't of Energy Order No. 202-25-7 (Aug 20, 2025)	
59	Eddystone Order No. 202-25-8	Dep't of Energy Order No. 202-25-8 (Aug. 27, 2025)	
60	Trump Order Keep Michigan Power Plant Open	Tom Perkins, <i>Trump Order to Keep Michigan Power Plant Open Costs Taxpayers \$113m</i> (Nov. 28, 2025)	https://www.theguardian.com/us-news/2025/nov/28/trump-michigan-power-plant
61	Short-Term Energy Outlook Browser	U.S. Energy Information Administration, Short-Term Energy Outlook Data Browser (Dec. 9, 2025)	https://www.eia.gov/outlooks/steo/data/browser

No.	Exhibit Name	Document Name	URL
62	U.S. Frackers and Saudi Officials Tell Trump They Won't Drill More	Wall Street Journal, <i>U.S. Frackers and Saudi Officials Tell Trump They Won't Drill More</i> (Feb. 3, 2025)	https://www.wsj.com/business/energy-oil/trump-oil-drilling-saudi-arabia-71c095ff?reflink=desktopwebshare_permalink
63	Eddystone Order No. 202-25-10	Dep't of Energy Order No. 202-25-10 (Nov. 25, 2025)	
64	Winter Outlook 2025-2026	US Dep't Commerce, Nat'l Oceanic and Atmospheric Admin., Nat'l Weather Service, <i>Winter Outlook 2025-2026</i> , at 4 (Last visited Jan. 6, 2025)	https://www.weather.gov/media/abr/sitreport/2025-2026WinterOutlook.pdf
65	TransAlta Signs Agreement	<i>TransAlta Signs Long-Term Agreement for 700 MW at Centralia Facility Enabling Coal to Natural Gas Conversion</i> , TransAlta (Dec. 31, 2025, 9:39 AM)	https://transalta.com/newsroom/transalta-signs-long-term-agreement-for-700-mw-at-centralia-facility-enabling-coal-to-natural-gas-conversion/ .

No.	Exhibit Name	Document Name	URL
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67	Best Practices Resource Planning (PDF Exhibit Parts 1-7)	Synapse Energy Economics, Lawrence Berkeley Nat'l Laboratory, <i>Best Practices in Integrated Resource Planning</i> (Nov. 2024)	https://www.energy.gov/sites/default/files/2024-12/best_practices_irp_nov_2024_final_optimized.pdf
68	Trump Vowed Make Coal King	Hanna Northey, EE News, <i>Trump has vowed to make coal king again. How's it going?</i> (Sep. 24, 2025)	https://www.energy.gov/sites/default/files/2024-12/best_practices_irp_nov_2024_final_optimized.pdf
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70	Donors Benefit from Trump Return to Office	Karen Yourish, Kenneth Vogel, Charlie Smart, The New York Times, <i>Hundreds of Big Post-Election Donors Have Benefited from Trump's Return to Office</i> (Dec. 22, 2025)	https://www.nytimes.com/interactive/2025/12/22/us/politics/trump-donors-fundraising-benefits.html
71	White House Offers Concierge Service	Jake Spring, <i>White House offers 'concierge' service to fossil fuel firms, official says</i> (Updated Oct. 7, 2025)	https://www.washingtonpost.com/climate-environment/2025/10/07/white-house-fossil-fuel-concierge/
72	Trump Admin. Reconsiders Rule	Rachel Frazin, The Hill, <i>Trump admin will reconsider part of rule to protect miners from lung diseases</i> (Dec. 1, 2025)	https://thehill.com/policy/energy-environment/5628531-miner-lung-disease-rule-silica/
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No.	Exhibit Name	Document Name	URL
74	Grid Strategies Report	Michael Goggin, Grid Strategies LLC, The Cost of Federal Mandates to Retain Fossil-Burning Power Plants (Aug. 2025)	
75	Notice to Stakeholders	U.S. Dep't of Labor, Mine Safety and Health Admin., <i>Notice to Stakeholders</i>	https://www.msha.gov/notice-stakeholders
76	Columbia River Basin Dams	U.S. Army Corps of Engineers, NW Division Website, <i>Columbia River Dams</i> accessed Dec. 30, 2025)	https://www.nwd.usace.army.mil/crwm/cr-dams/
77	Hydropower Impact – Bonneville Power Admin.	Bonneville Power Administration, <i>Hydropower Impact; All About Federal Hydropower, the Largest Source of Clean Power in the U.S.</i> (Last accessed Dec. 30, 2025)	https://www.bpa.gov/energy-and-services/power/provider-of-choice/resources
78	Hydropower Flows Here – Bonneville Power Admin.	Bonneville Power Administration, <i>Hydropower Flows Here</i> (Last accessed Dec. 30, 2025)	https://www.bpa.gov/learn-and-participate/community-education/hydropower-flows-here

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79	BPA Maintains Strong Financial Position	Bonneville Power Administration, Newsroom, <i>BPA maintains strong financial position despite challenging water year</i> (Nov. 13, 2025)	https://www.bpa.gov/about/newsroom/news-articles/20251113-bpa-maintains-strong-financial-position-despite-challenging-water-year
80	Pacific Moisture Drenches the U.S. Northwest	NASA Earth Science, <i>Pacific Moisture Drenches the U.S. Northwest</i> (Dec. 12, 2025)	https://science.nasa.gov/earth/earth-observatory/pacific-moisture-drenches-the-u-s-northwest/
81	President Approves Washington Emergency Declaration	U.S. Dep't of Homeland Security, FEMA, <i>President Donald J. Trump Approves Emergency Declaration for State of Washington</i> (Dec. 12, 2025)	https://www.fema.gov/press-release/20251212/president-donald-j-trump-approves-emergency-declaration-state-washington
82	Federal Teams Support State-Led Response to Washington Storms	U.S. Dep't of Homeland Security, FEMA, <i>Federal Teams Support State-Led Response to Historic Washington Severe Storms and Flooding</i> (Dec. 23, 2025)	https://www.fema.gov/blog/federal-teams-support-state-led-response-historic-washington-severe-storms-and-flooding

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83	Stopping Radical Environmentalism to Generate Power	Presidential Actions, Presidential Memoranda, <i>Stopping Radical Environmentalism to Generate Power for the Columbia River Basin</i> , (Jun. 12, 2025)	https://www.whitehouse.gov/presidential-actions/2025/06/stopping-radical-environmentalism-to-generate-power-for-the-columbia-river-basin/ (last accessed January 5, 2026)
84	Electricity Data Browser	U.S. Energy Info. Admin., <i>Electricity Data Browser</i> , EIA (last visited Nov. 4, 2025)	https://www.eia.gov/electricity/data/browser/#/topic/7
85	Consumer Prices Up 2.9% August 2024 to August 2025	U.S. Bureau of Labor Statistics, <i>Consumer prices up 2.9 percent from August 2024 to August 2025</i> , TED: The Economics Daily (Sept. 17, 2024)	https://www.bls.gov/opub/ted/2025/consumer-prices-up-2-9-percent-from-august-2024-to-august-2025.htm
86	Report: Lack of Affordable Housing Options	Wash. State Dept. of Commerce, <i>Report: Lack of affordable housing options reaches critical levels in communities throughout Washington state</i> (May 13, 2024)	https://www.commerce.wa.gov/report-lack-of-affordable-housing-options-reaches-critical-levels-in-communities-throughout-washington-state/
87	Trends in Financial Hardship	United for Alice, <i>The State of Alice in Washington</i> , United Way of Northern New Jersey	https://www.unitedforalice.org/trends-in-hardship/Washington

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88	Emission Performance Standard SB 1368	California Energy Commission, Emission Performance Standards – SB 1368	https://www.energy.ca.gov/rules-and-regulations/energy-suppliers-reporting/emission-performance-standard-sb-1368
89	Coal and the Environment	U.S. Energy Information Administration, <i>Coal explained: Coal and the environment</i> (Last updated: Apr. 17, 2024)	https://www.eia.gov/energyexplained/coal/coal-and-the-environment.php
90	What They are Saying: President Trump Stops Radical Environmentalism	The White House Newsletter, <i>What They Are Saying: President Trump Stops Radical Environmentalism to Generate Power for the Columbia River Basin</i> (Jun. 13, 2025)	https://www.whitehouse.gov/articles/2025/06/what-they-are-saying-president-trump-stops-radical-environmentalism-to-generate-power-for-the-columbia-river-basin/

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92	SPP Balancing Authority Map	Southwest Power Pool (SPP) Balancing Authority Map	https://www.spp.org/documents/62914/rto%20and%20western%20rc%20footprint%20w%20planned%20expansion.png
93	NCR11393 Compliance Audit	Gridforce Energy Management, LLC, Compliance Audit, NCR11393 (Dec. 20, 2019)	
94	Craig Order No. 202-25-14	U.S. Dep't of Energy, Order No. 202-25-14 (Dec. 30, 2025)	

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95	Research Power Corp. Order Authorizing Electricity Exports to Canada	U.S. Dep't of Energy, Grid Deployment Office, Research Power Corporation, GDO Docket No. EA-365-C, Order Authorizaing Electricity Exports to Canada	
96	PJM to Ratchet Down Projected AI Power Demand Eastern US	Peter Behr, Energywire, <i>PJM to ratchet down projected AI power demand for eastern US</i> (Jan. 6, 2026)	
97	Declaration of Arne Olson	U.S. of America, Before the Dep't of Energy, Re: Transalta Centralia Generation, Declaration of Arne Olson (Jan. 13, 2026)	
97-1	E3 NW RA Data for Washington	E3, Greater Northwest System Metrics 2025-2030	

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98	Final Order Granting Petition	Washington Utilities and Transportation Commission, Re: Puget Sound Energy, Docket UE-121373, Order 03, Final Order Granting Petition, Subject to Conditions (Jan. 9, 2013)	
99	E3 Northwest Resource Adequacy Study Review	Sylvan Energy Analytics, GridLab, <i>Near-term winter resource adequacy challenges in the Pacific Northwest, A review of E3's Northwest RA Study Phase I and independent evaluation of near-term winter challenges</i> (January 2026)	
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100	Order No. 202-26-18	Dep't of Energy, <i>Order No. 202-26-18</i> (Mar. 16, 2026)	
101	February Campbell Order	Dep't of Energy, <i>Order No. 202-26-16</i> (Feb. 17, 2026)	

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102	Eddystone Order	Dep't of Energy, <i>Order No. 202-26-17</i> (Feb. 23, 2026)	
103	Second Lamoreaux Declaration	Second Declaration of Clinton Lamoreaux in Support of Motion to Intervene, Request for Rehearing, and Motion to Stay by State of Washington (Apr. 14, 2026)	
103-1	Air Discharge Permit Application	Tetra Tech, <i>Air Discharge Permit Application, TransAlta Centralia Generation, LLC</i> (Jan. 2026)	
103-2	Completeness determination for air discharge permit application	Letter from Southwest Clean Air Agency to TransAlta Centralia Generation <i>re: Completeness Determination for Air Discharge Permit Application L-760</i> (Feb. 25, 2026)	
104	Second Moriyasu Declaration	Declaration of Callahan Moriyasu in Support of Second Rehearing Filing (Apr. 13, 2026)	

No.	Exhibit Name	Document Name	URL
105	Lim Declaration	Declaration of Mengchui Lim in Support of Motion to Intervene, Request for Rehearing and Motion to Stay by State of Washington (Apr. 14, 2026)	
105-1	TransAlta PSD Permit Application	Tetra Tech, <i>Prevention of Significant Deterioration Permit Application, TransAlta Centralia Generation, LLC, Lewis County, Washington</i> (Dec. 2025)	
105-2	Ecology Incom-pleteness Letter	Letter from Dep't of Ecology to TransAlta Centralia Generation, LLC— <i>Incompleteness Letter for the TransAlta Centralia Plant Project</i> (Jan. 23, 2026)	
105-3	TransAlta Incom-pleteness Letter Response	Letter from TransAlta to Dep't of Ecology re: <i>Incompleteness Letter Response for the TransAlta Centralia Plant Project</i> (Mar. 10, 2026)	

No.	Exhibit Name	Document Name	URL
106	NERC LTRA	North American Electric Reliability Corporation, <i>Long-Term Reliability Assessment</i> (Jan. 2026)	https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf
107	Kumar Declaration	Declaration of Nikhil Kumar in Support of Motion to Intervene, Request for Rehearing, and Motion to Stay by State of Washington (Apr. 13, 2026)	
107-1	Sylvan Analytics Review of E3 Report	Sylvan Energy Analytics, <i>Near-term winter resource adequacy challenges in the Pacific Northwest, A review of E3's Northwest RA Study Phase 1 and independent evaluation of near-term winter challenges</i> (Jan. 2026)	
107-2	Koomey Analytics Data Center Forecasts	Koomey Analytics, <i>Separating Fact from Fiction in Data Center Electricity Forecasts, A Guide for Regulators</i> (Mar. 2026)	

No.	Exhibit Name	Document Name	URL
107-3	Brattle Report	Levitt, Pfeifenberger, Mohan, Patel (Brattle), <i>Proposed Options for Bilateral Integration of Generation Portfolios and Load (BIGPAL)</i> (Sep. 26, 2025)	
107-4	NERC to Dial Down RTO's Risk Level	Cook, RTO Insider, <i>MISO: NERC to Dial Down RTO's Risk Level; Members Create Large Load Working Group</i> (Mar. 25, 2026)	
108	GridStrategies Report	GridStrategies, <i>Review of NERC's 2025 Long-Term Reliability Assessment</i> (Mar. 5, 2026)	https://gridstrategiesllc.com/wp-content/uploads/FINAL-2025-LTRA-Review.pdf
109	Carvallo Report	Carvallo, Larsen, Sanstad, Goldman, Berkeley National Laboratory, <i>Load Forecasting in Electric Utility Integrated Resource Planning</i> (Oct. 2016)	https://eta-publications.lbl.gov/sites/default/files/lbnl-1006395.pdf
110	WA Revenue Report	Washington State Dep't of Revenue, <i>Data Center Workgroup: Preliminary Report</i> (Dec. 1, 2025)	https://dor.wa.gov/sites/default/files/2025-12/2025DataCntrWrkgrpPrelimReport.pdf

No.	Exhibit Name	Document Name	URL
111	UTC Notice of Hybrid Technical Conference	Utilities and Transportation Commission, <i>Notice of Hybrid Technical Conference</i> (Apr. 7, 2026)	https://www.utc.wa.gov/casedocket/2026/260162/docsets
112	NERC Statement on LTRA	North American Electric Reliability Corp., <i>Statement on NERC's 2024 Long-Term Reliability Assessment</i> (Jun. 25, 2025)	https://www.nerc.com/newsroom/statement-on-nercs-2024-long-term-reliability-assessment
113	NERC Comments on Large Load	Before the Federal Energy Regulatory Commission, Docket No. RM26-4-000, <i>Comments of the North American Electric Reliability Corporation in Response to Notice Inviting Comments</i> (Nov. 21, 2025)	https://www.nerc.com/globalassets/who-we-are/legal--regulatory/filings--orders/nerc-filings-to-ferc/2025/large_load_anopr_comments_final_digicert.pdf
114-1	Nat'l Wildlife Fed'n v. NMFS Injunction	U.S. Dist. Court, Dist. of Oregon, Case No. 3:01-cv-640-SI, <i>Amended Preliminary Injunction Order</i> (Mar. 2, 2026)	

No.	Exhibit Name	Document Name	URL
114-2	Nat'l Wildlife Fed'n v. NMFS Order	U.S. Dist. Court, Dist. of Oregon, Case No. 3:01-cv-640-SI, <i>Amended Order Granting Preliminary Injunction</i> (Mar. 2, 2026)	
115	Dibble Decl.	U.S. Dist. Court, Dist. of Oregon, Case No. 3:01-cv-640-SI, <i>Declaration of Rachel Dibble in Support of Federal Defendants' Opposition to Plaintiffs' Motions for a Preliminary Injunction</i> (Dec. 12, 2025)	
116	Stevenson Decl.	U.S. Dist. Court, Dist. of Oregon, Case No. 3:01-cv-640-SI, <i>Declaration of Audrey Stevenson in Support of Federal Defendants' Opposition to Plaintiffs' Motions for a Preliminary Injunction</i> (Dec. 11, 2025)	

No.	Exhibit Name	Document Name	URL
117	Hirsch Decl.	U.S. Dist. Court, Dist. of Oregon, Case No. 3:01- cv-640-SI, <i>Declaration of Nancy Hirsh in Support of Plaintiffs' Reply in Support of Motion for Preliminary Injunction</i> (Jan. 22, 2026)	
118	BPA FOIA Response	Dep't of Energy, Bonneville Power Administration Letter to Megan Sallomi, Wash. Attorney General's Office, EPA Division, <i>Response to Request for Agency Records via FOIA</i> (Feb. 19, 2026)	
119	US EIA Outlook	Short-Term Energy Outlook, April 7, 2026	https://www.eia.gov/outlooks/steo/report/elec_coal_renew.php
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120	Order No. 202-26-28	Dep't of Energy, <i>Order No. 202-26-28</i> (Jun. 12, 2026)	
121	May Campbell Order	Dep't of Energy, <i>Order No. 202-26-22</i> (May 19, 2026)	

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122	May Eddystone Order	Dep't of Energy, <i>Order</i> No. 202-26-24 (May 21, 2026)	
123	December Craig Order	Dep't of Energy, <i>Order</i> No. 202-25-14 (Dec. 30, 2025)	
124	March Craig Order	Dep't of Energy, <i>Order</i> No. 202-26-21 (Mar. 30, 2026)	
125	June Craig Order	Dep't of Energy, <i>Order</i> No. 202-26-31 (Jun. 26, 2026)	
126	March Culley Order	Dep't of Energy, <i>Order</i> No. 202-26-20 (Mar. 23, 2026)	
127	June Culley Order	Dep't of Energy, <i>Order</i> No. 202-26-30 (Jun. 18, 2026)	
128	December Schahfer Order	Dep't of Energy, <i>Order</i> No. 202-25-12 (Dec. 23, 2025)	
129	March Schahfer Order	Dep't of Energy, <i>Order</i> No. 202-26-19 (Mar. 23, 2026)	
130	June Schahfer Order	Dep't of Energy, <i>Order</i> No. 202-26-29 (Jun. 18, 2026)	

No.	Exhibit Name	Document Name	URL
131	Third Moriyasu Decl.	Third Declaration of Callahan Moriyasu	
131-1	NERC 2026 SRA	North American Electric Reliability Corporation, 2026 Summer Reliability Assessment (May 2026)	
131-2	Joint IOU Presentation Meeting Slides	WUTC Summer 2026 Resource Adequacy Meeting, Summer 2026 Readiness: A Joint IOU Presentation (Jun. 13, 2026)	
131-3	Resource Adequacy Requirements	The Brattle Group, <i>Resource Adequacy Requirements: Reliability and Economic Implications</i> (Sept. 2013)	
131-4	NERC 2025 SRA	North American Electric Reliability Corporation, 2025 Summer Reliability Assessment (May 2025)	
131-5	Grid Strategies Review of LTRA	Review of NERC's 2025 Long-Term Reliability Assessment (Jun. 22, 2026)	

No.	Exhibit Name	Document Name	URL
131-6	Full Report Grid Strategies Review of LTRA	Review of NERC's 2025 Long-Term Reliability Assessment (Mar. 5, 2026)	
131-7	PSE Response to WUTC	PSE Response to WUTC Staff Data Request No. 008 (Apr. 6, 2026)	
131-8	Sylvan June 22, 2026 WA RA Meeting Slides	Sylvan Energy Analytics, GridLab, <i>Near- term winter resource adequacy challenges in the Pacific Northwest, A review of E3's Northwest RA Study Phase 1 and independent evaluation of near-term winter challenges</i> (Jun. 22, 2026)	
132	December Culley Order	Dep't of Energy, <i>Order</i> No. 202-25-13 (Dec. 23, 2025)	