

EXHIBIT 120



Department of Energy
Washington, DC 20585

TransAlta Centralia Generation LLC and
GridForce Energy Management, LLC and
Southwest Power Pool, Inc. Western RC
Regarding the TransAlta Centralia Generation Facility

Order No. 202-26-28

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy (DOE or the Department) Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists within the Western Electricity Coordinating Council (WECC)–Northwest assessment area³ due to a shortage of electric energy, a shortage of facilities for the generation of electric energy, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

TransAlta Centralia Generation Facility (Centralia) is an electric generating facility in Centralia, Washington. Centralia is owned and operated by TransAlta Centralia Generation LLC (TransAlta). Centralia consists of one remaining coal-fired generation unit, Unit 2, with a nameplate capacity of 729.9 MW.⁴ Unit 2 began operations in 1973 and was slated to cease operations in December 2025. Unit 1 was retired in 2020. Unit 2 is slated to cease operation based on a 2011 Washington law⁵ and

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ The terms “area” and “region” are used interchangeably herein.

⁴ U.S. Energy Info. Admin., *Form EIA-860, Schedule 3: Generator Data (2024)* (Sep. 9, 2025), <https://www.eia.gov/electricity/data/eia860m/>.

⁵ Coal-Fired Elec. Generation Facilities, 2011 Wash. Sess. Laws, Ch. 180, <https://lawfilesexxt.leg.wa.gov/biennium/2011-12/Pdf/Bills/Session%20Laws/Senate/5769-S2.sl.pdf>.

a subsequent agreement between TransAlta and the State of Washington.⁶ TransAlta has announced plans to convert the unit to natural gas by 2028.⁷

Order Nos. 202-25-11 and 202-25-11B, issued pursuant to FPA section 202(c), required that Centralia remain in operation for 90 days, until March 16, 2026. A subsequent order, Order No. 202-26-18, was issued pursuant to FPA section 202(c), requiring Centralia to remain in operation for 90 days, until June 14, 2026. Those orders were based on my determination that emergency conditions existed in the WECC–Northwest assessment area due to a shortage of electric energy, a shortage of facilities for the generation of electric energy, and other causes.

⁶ See Memorandum of Agreement between Christine O. Gregoire, Governor, State of Washington, & Paul Taylor, President, TransAlta Centralia Generation LLC (Dec. 23, 2011), <https://ecology.wa.gov/getattachment/858591f6-dd25-47be-ba1d-0f58264ca147/20111223TransAltaMOA.pdf> (“D. In exchange for the benefits of entering into an MOA with the State pursuant to RCW 80.80.100, the Company will . . . (5) permanently cease power generation operations of one Boiler in 2020 and the other Boiler in 2025, which dates are prior to the 2035 end of their expected useful lives”); see also First Amendment to Memorandum Of Agreement between Jay Inslee, Governor, State of Washington, & Bob Nelson, President, TransAlta Centralia Generation LLC (July 13, 2017), <https://fortress.wa.gov/ecy/ezshare/AQ/PDFs/TransAltaMOAAmend1-20170713.pdf>. As a coal-fired facility, it likely would be difficult for the Centralia plant to resume operations once it has been retired. Specifically, any stop and start of operation creates heating and cooling cycles that could cause an immediate failure that could take 30–60 days to repair if a unit comes offline. In addition, other practical issues, such as employment, contracts, and permits may greatly increase the timeline for resumption of operations. Further, if TransAlta were to begin disassembling the plant or other related facilities, the associated challenges would be greatly exacerbated. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist. The costs and time of decommissioning a coal plant are extensive and includes various components. Therefore, restarting such decommissioned plants would presumably cost the same as decommissioning in dollars and time, if not more. See Jennifer Lessick et al., *Bus. Models for Coal Plant Decommissioning* 9–12 (DOE, Pac. Nw. Nat’l Lab’y, Report, Aug. 2021), https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-31348.pdf; see also U.S. Energy Info. Admin., *Capital Cost & Performance Characteristics for Util. Scale Elec. Power Generating Techs.* (Jan. 2024), https://www.eia.gov/analysis/studies/powerplants/capitalcost/pdf/capital_cost_AEO2025.pdf.

⁷ TransAlta, *TransAlta Signs Long-Term Agreement for 700 MW at Centralia Facility Enabling Coal to Nat. Gas Conversion* (Dec. 9, 2025), <https://transalta.com/newsroom/transalta-signs-long-term-agreement-for-700-mw-at-centralia-facility-enabling-coal-to-natural-gas-conversion/>.

Specifically, I determined that the WECC–Northwest region is at an elevated risk of insufficient operating reserves during periods of extreme weather.⁸ I determined that the continued operation of Centralia would provide additional generation capacity during these periods, which would help prevent the potential loss of power to homes and local businesses in the areas that might have been affected by curtailments or outages that would otherwise pose a risk to public health and safety.⁹ I determined that the continued operation of Centralia was necessary to alleviate immediate and anticipated threats to reliability.¹⁰ My determination was based on a number of facts.

First, in its 2025–2026 Winter Reliability Assessment, the North American Electric Reliability Corporation (NERC) finds that the WECC–Northwest region, which includes Montana, Oregon, Washington, and parts of northern California and northern Idaho, is at elevated risk during periods of extreme weather.¹¹ The assessment notes that “there is sufficient capacity in the area for expected peak conditions; however, [balancing authorities] are likely to require external assistance during extreme winter weather that causes thermal plant outages and adverse wind turbine conditions for area internal resources. External assistance may not be available during region-wide extreme winter conditions. Winter peak demand for the area is forecast to be 2.9 GW higher (9.3%) compared to last year [i.e., in 2025–2026 compared to 2024–2025].”¹²

Second, in a September 2025 report evaluating Resource Adequacy in the Pacific Northwest, Energy + Environmental Economics (E3) determined that “[a]ccelerated load growth and continued retirements create a resource gap beginning in 2026 and growing to 9 GW by 2030”¹³ and that “[l]oad growth and retirements mean the region faces a power supply shortfall in 2026.”¹⁴ E3 reported that nearly 9,000 MW of new capacity will be needed in the region by 2030, but currently only 3,000 MW of projects for new capacity are in active development.¹⁵ Overall, E3 found that “[p]referred resources such as wind, solar and batteries make only small contributions to meeting resource adequacy

⁸ See, e.g., *TransAlta Centralia Generation LLC*, DOE Order No. 202-25-11, at 1 (2025) (*Centralia*).

⁹ See, e.g., *id.* at 1–3.

¹⁰ See, e.g., *id.* at 3–4.

¹¹ NERC, *2025–2026 Winter Reliability Assessment*, at 6 (Nov. 2025), https://www.nerc.com/globalassets/our-work/assessments/nerc_wra_2025.pdf.

¹² *Id.*

¹³ Wash. Utils. & Transp. Comm’n, *Res. Adequacy & the Energy Transition in the Pac. Nw.: Phase I Results*, ENERGY+ENV’T ECON. (E3), at 2 (Sept. 22, 2025), <https://www.utc.wa.gov/sites/default/files/2025-10/Revised%20V3%20E3%20Presentation%20RA%20Study%20September%202022%20WA%20RA%20Meeting.pdf>; see also *id.* (listing E3’s study sponsors, which include certain “regional utilities and generation owners”).

¹⁴ *Id.* at 10.

¹⁵ *Id.*

needs” and “[t]imely development of all resources is extremely challenging due to permitting and interconnection delays, federal policy headwinds, and cost pressures.”¹⁶

EMERGENCY SITUATION

The emergency conditions that necessitated the issuance of Order Nos. 202-25-11, 202-25-11B, and 202-26-18 continue, both in the near and long term.¹⁷ The production of electricity from Centralia will continue to be an asset to maintain reliability in the WECC Northwest region. According to the U.S. Environmental Protection Agency’s data, in 2025,¹⁸ Centralia generated an average of approximately 340,000 MWh per month, providing vital generation capacity to the region.

In its 2025 Long-Term Reliability Assessment,¹⁹ the NERC assessed that the WECC Northwest region is at high risk of energy shortfalls over the next five years,²⁰ noting that “[r]apid forecasted demand growth is driving the need for more resources” and that “[p]eriods of unserved energy are projected for both summer and winter.”²¹ The assessment notes that peak load in the region “is forecast to increase by 6.6 GW (19%) over the next 10 years, driven by an influx of data centers into the Pacific Northwest.”²² Additionally, while over 10 GW of new variable resources are in development, the assessment warns that “additional resources will be needed to avoid shortfalls in planning reserves and prevent energy risks from emerging.”²³

¹⁶ *Id.* at 2.

¹⁷ *See, e.g.*, Order No. 202-25-11 at 1.

¹⁸ *See* U.S. Env’t Prot. Agency, *Custom Data Download, EPA CAMPD (Clean Air Mkts. Program Data)*, <https://campd.epa.gov/data/custom-data-download> (choose “Emissions” from Data Type dropdown; choose “Monthly Emissions” from Data Subtype dropdown; choose “Unit (No Aggregation)” from Aggregation dropdown; then click “Apply”; then type “2025” into “Time Period” filter and click “January, February, March, April, May, June, July, August, September, October, November, December”; then click “Apply Filter”; then click “Facility” filter and type “Centralia (3845)”; then click “Centralia (3845)”; then click “Apply Filter”; then click “Preview Data”).

¹⁹ NERC, *2025 Long-Term Reliability Assessment* (Jan. 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

²⁰ *Id.* at 7.

²¹ *Id.* at 8.

²² *Id.* at 19.

²³ *Id.*

NERC’s 2026 Summer Reliability Assessment (2026 SRA) classifies the WECC–Northwest region as an Elevated Risk²⁴ area with highest-risk conditions occurring in early evening hours (around 6 p.m.) in late summer.²⁵ The region faces “elevated risks of electricity supply shortfalls during periods of more extreme summer conditions or [is] subject to localized constraints that raise the risk levels of certain small areas within the broader system. This determination of elevated risk is based on analysis of plausible scenarios, including 90/10 demand forecasts and historical high outage rates as well as low wind or solar photovoltaic (PV) energy conditions.”²⁶ Under typical outage conditions the 2026 SRA forecasts reserve margins to be 25.2% and in a scenario with extreme conditions such as higher demand, outages, and derates, reserve margin is estimated to drop to 8.8%, below the 2026 SRA Reference Margin Level of 10.0%. In normal and typical outages, reserve margins in the 2026 SRA are expected to tighten compared to the 2025 SRA, partly due to net demand growth of 4.6% compared to an increase in energy availability by generation resources of 1.5%. NERC notes that “[t]hermal generators with diverse fuel sources can be an important electricity resource, especially during winter when solar PV and battery resources are less capable compared to summer months.”²⁷

In addition, NERC’s 2026 Summer Reliability Assessment notes,

WECC-Northwest: The coming summer brings challenging hydrological conditions for regions in which hydropower makes up half or more of the supply fleet. Almost the entire Western Interconnection is in the grips of a persistent drought or in an area where drought development has a greater likelihood through the end of July. In Washington, for example, the snow water equivalent was at 52% of normal levels as of April 1 this year when snowpack typically reaches its peak. While the total water year supply is forecast to be nearly average in the Columbia River Basin, snowpack peaked at low elevation and melted early in the year. This has implications for the expected resources available to the Northwest, the generation mix for which is 55% hydropower. The region is contending with a nearly 5% increase in net internal demand from the 2025 SRA and a nearly 2% drop in existing resources as well as a roughly 43% drop in expected Tier 1 resources. Though higher modeled net transfers are projected to contribute double what they were projected to last year (albeit with the increase largely attributable to a modeling change that accounts for economic transfers), this

²⁴ Elevated risk refers to the potential for insufficient operating reserves in above-normal conditions. NERC, *2026 Summer Reliability Assessment*, at 2–3 (May 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_sra_2026.pdf.

²⁵ NERC, *2026 Summer Reliability Assessment*, at 2–3 (May 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_sra_2026.pdf.

²⁶ *Id.* at 2.

²⁷ *Id.* at 9.

was not enough to prevent the drop in the Anticipated Reserve Margin from 32% last year to 27% this year.²⁸

Peak net internal demand is projected to grow 4.6% over last summer's forecasts; however, anticipated resources are showing just a 1.5% increase in energy availability, leading to tighter margins. Wide-area heat events, wildfires, and low snow-water equivalents due to a changing climate impact generation resource and transmission availability and remain a continued reliability concern. Firm imports may be limited at this time if neighboring areas are also experiencing peak loads or derates, limiting energy availability. Supply chain constraints and economic uncertainty may impact Tier 1 resources. There have been instances where operators had difficulty maintaining frequency due to sudden disconnection of large loads necessitating additional regulation capability. Expected resources do not meet operating reserve requirements under the assessed extreme scenarios.²⁹

On March 2, 2026, an amended preliminary injunction was issued by the U.S. District Court for the District of Oregon that imposes operational constraints on the dams that comprise the Federal Columbia River Power System.³⁰ The restrictions imposed by the amended preliminary injunction will impact power and transmission system reliability, grid stability, and the ability to meet reserve requirements in the WECC–Northwest assessment region.³¹ The District Court did not give adequate consideration to the impacts that the preliminary injunction measures will have on the Bonneville Power Administration's (BPA) ability to provide reliable power and transmission services. BPA submitted several declarations detailing the impacts on reliability that would result from the preliminary injunction sought.³² BPA's modeling of the operational measures in the motion for preliminary injunction concluded that the Columbia River System generation would be greatly decreased in March through November (nine months out of the year) and substantially increase the risk during time periods of high demand such as summer heat waves.³³ Indeed, there is a substantial increased risk that the regional power system will not be able to operate reliably under the ordered spill levels.³⁴

²⁸ *Id.* at 2.

²⁹ *Id.* at 36.

³⁰ *Nat'l Wildlife Fed'n (NWF) v. Nat'l Marine Fisheries Serv. (NMFS)*, No. 3:01-cv-00640 (D. Or. Mar. 2, 2026) (granting amended preliminary injunction).

³¹ Fed. Def. Response to Minute Order at 4–5, *NWF v. NMFS*, No. 3:01-cv-00640.

³² *See, e.g.*, Decl. of Rachel Dibble in Supp. of Fed. Def. Opp'n to Pls. Mot. for a Prelim. Inj., *NWF v. NMFS*, No. 3:01-00640, ECF No. 2574; Decl. of Audrey Stevenson in Supp. of Fed. Def. Opp'n to Pls.' Mot. for a Prelim. Inj., *NWF v. NMFS*, No. 3:01-00640, ECF No. 2582.

³³ *See* Dibble Decl. ¶ 28; *id.* ¶ 42, fig. 3.

³⁴ *See, e.g.*, Dibble Decl. ¶ 26; Stevenson Decl. ¶ 18.

Order Nos. 202-25-11, 202-25-11B, and 202-26-18 were preceded by executive orders on January 20, 2025, and April 8, 2025, in which President Donald J. Trump underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order No. 14156, *Declaring a National Energy Emergency*, in which he determined that the “United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.”³⁵ The Executive Order adds, “hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets.”³⁶ In a subsequent Executive Order No. 14262, *Strengthening the Reliability and Security of the United States Electric Grid*, President Trump emphasized that “the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.”³⁷

Further, the Department detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” issued pursuant to the President’s directive in Executive Order No. 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”³⁸ The prolific growth of data centers for the development of AI, as well as their immense energy needs, presents a new and unexpected source of load growth.

In addition, President Trump issued a White House Memo that emphasized the findings of Executive Order No. 14156 stating that “ensuring reliable coal supply chains and baseload power generation capacity is essential to the United States national defense Without sufficient coal-fired baseload power, the United States will lack the stable electricity required to support defense installations, industrial expansion, and the high-energy demands of emerging technologies, such as artificial intelligence.”³⁹

³⁵ Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>.

³⁶ *Id.*

³⁷ Exec. Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025), <https://www.federalregister.gov/documents/2025/04/14/2025-06381/strengthening-the-reliability-and-security-of-the-united-states-electric-grid>.

³⁸ DOE, *Res. Adequacy Rep.: Evaluating the Reliability & Sec. of the U.S. Elec. Grid*, at 1 (July 2025), <https://www.energy.gov/sites/default/files/2025-07/DOE%20Final%20EO%20Report%20%28FINAL%20JULY%207%29.pdf>.

³⁹ The White House, *Presidential Determination Pursuant to Sec. 303 of the Defense Product. Act of 1950, as Amended, on Coal Supply Chains & Baseload Power Generation Capacity*, (Apr. 20, 2026), <https://www.whitehouse.gov/presidential-actions/2026/04/presidential-determination-pursuant-to-section-303-of-the-defense->

President Trump “further determine[d] that action to expand coal supply chain capacity and baseload generation availability is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.”⁴⁰

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy . . . or other causes,” the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in [his] judgment will best meet the emergency and serve the public interest.”⁴¹ This statutory language constitutes a specific grant of authority to the Secretary to require the continued availability of Centralia Unit 2 when the Secretary has determined that such continued availability will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity.

As described above, the emergency conditions resulting from increasing demand and accelerated retirement of generation facilities will continue in the near term and are also likely to continue in subsequent years. This could lead to the potential loss of power to homes, businesses, and facilities critical to the national defense in the areas that may be affected by curtailments or power outages, presenting a risk to public health and safety.

I have also made the determination that, to best meet the emergency arising from increased demand, determined shortage, and other causes, and serve the public interest under FPA section 202(c), Centralia Unit 2 shall be made available for operation through September 12, 2026.

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

- A. From June 15, 2025, TransAlta shall take all measures necessary to ensure that Centralia Unit 2 is available to operate at the direction of either Gridforce Energy Management, LLC (in its role as Balancing Authority)⁴² or Southwest Power Pool

production-act-of-1950-as-amended-on-coal-supply-chains-and-baseload-power-generation-capacity.

⁴⁰ *Id.*

⁴¹ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. *See* 42 U.S.C. § 7151(b).

⁴² *See* U.S. Energy Info. Admin., *Hourly Elec. Grid Monitor*, EIA-930A 2024 data, <https://www.eia.gov/electricity/gridmonitor/about>. On EIA-930A 2024 SCH 2, the BA Code for TransAlta Centralia Generation is GRID. *See id.*, EIA-930 data reference tbls., <https://www.eia.gov/electricity/gridmonitor/about>. On EIA-930 data reference tables, BA Code GRID is associated with Gridforce Energy Management, LLC.

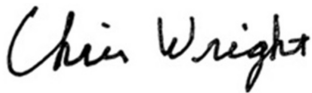
Western RC⁴³ (in its role as the Reliability Coordinator) or any successors thereto. Following the conclusion of this Order, sufficient time for orderly ramp down is permitted, consistent with industry practices.

- B. To minimize adverse environmental impacts, this Order limits operation of Centralia Unit 2 to the times and within the parameters established in paragraph A. TransAlta shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether Centralia Unit 2 has operated in compliance with this Order.

⁴³ See Sw. Power Pool, Map (illustrating Regional Transmission Organization and Western Reliability Coordinator footprint with planned expansion), <https://www.spp.org/documents/62914/rto%20and%20western%20rc%20footprint%20w%20planned%20expansion.png>.

- C. All operations of Centralia Unit 2 must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions. This Order does not provide relief from any obligation to pay fees or purchase offsets or allowances for emissions that occur during the emergency condition or to use other geographic or temporal flexibilities available to generators.
- D. By June 29, 2026, TransAlta is directed to provide the Department of Energy (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of Centralia Unit 2, consistent with this Order. TransAlta shall also provide such additional information regarding the environmental impacts of this Order and its compliance with the conditions of this Order, as requested by the Department of Energy from time to time.
- E. TransAlta is directed to file with the Federal Energy Regulatory Commission tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
- F. BPA is directed to facilitate transmission service, as needed, to effectuate this Order.
- G. This Order shall not preclude the need for Centralia Unit 2 to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
- H. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, Centralia Unit 2 shall not be considered a capacity resource.
- I. This Order shall be effective from June 15, 2026, through September 12, 2026, with the exception of applicable compliance obligations in paragraph D.

Issued in Washington, D.C. on this 12th day of June 2026.



Chris Wright
Secretary of Energy

cc: **FERC Commissioners**
Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

Washington Utilities and Transportation Commission
Chairman Brian Rybarik
Commissioner Milt Doumit
Commissioner Ann Rendahl

EXHIBIT 121



Department of Energy
Washington, DC 20585

Order No. 202-26-22

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists in portions of the Midwest region of the United States due to a shortage of electric energy, a shortage of facilities for the generation of electricity, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

The J.H. Campbell Generating Plant (Campbell Plant) is a 1,420 MW coal-fired plant primarily owned by Consumers Energy Company (Consumers) and located in West Olive, Michigan. In 2021, Consumers announced that it planned to implement a “speed closure” of the Campbell Plant fifteen years before the end of its scheduled design life.³ Instead of retiring the Campbell Plant at the end of its design life, Consumers planned to accelerate the Campbell Plant’s retirement and discontinue its operations on May 31, 2025.

Order Nos. 202-25-3, 202-25-7, and 202-25-9 issued pursuant to FPA section 202(c), each required that the Campbell Plant remain in operation for 90 days, until August 21, 2025, November 19, 2025, and February 17, 2026, respectively. Subsequently, Order No. 202-26-16, issued pursuant to FPA section 202(c), required that the Campbell Plant remain in operation for 90 days, through May 18, 2026. Those orders were based on my determination that emergency conditions existed in the region served by the Midcontinent Independent System Operator, Inc. (MISO).

Specifically, I determined that MISO likely faced tight reserve margins due to well-documented year-round resource adequacy concerns, particularly during periods of high demand or low generation resource output.⁴ I determined that the continued operation of the Campbell Plant would provide additional generation capacity during

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ See Consumers Energy, *Consumers Energy Announces Plan to End Coal Use by 2025; Lead Michigan’s Clean Energy Transformation* (June 23, 2021), <https://www.consumersenergy.com/news-releases/news-release-details/2021/06/23/consumers-energy-announces-plan-to-end-coal-use-by-2025-lead-michigans-clean-energy-transformation>.

⁴ See, e.g., *Midcontinent Indep. Sys. Operator, Inc., and Consumers Energy Co.*, Order No. 202-25-9, at 1 (Nov. 18, 2025), <https://www.energy.gov/sites/default/files/2025-11/Order%20No%20202-25-9.pdf>.

these periods, which would help prevent the potential loss of power to homes and local businesses in the areas that might have been affected by curtailments or outages that would otherwise pose a risk to public health and safety.⁵ I determined that the continued operation of the Campbell Plant was necessary to alleviate immediate and anticipated threats to reliability.⁶ My determination was based on a number of facts.

First, the North American Electric Reliability Corporation (NERC) released its 2025 Summer Reliability Assessment on May 14, 2025. In its assessment, NERC stated that “[d]emand forecasts and resource data indicate that MISO is at elevated risk of operating reserve shortfalls during periods of high demand or low resource output.”⁷ In particular, NERC explained that the retirement of thermal generation capacity increased the likelihood of electricity supply shortfalls. NERC anticipated that the near -term period of greatest capacity shortfall for MISO would likely occur in August.⁸

Second, multiple generation facilities in Michigan have retired in recent years. According to the U.S. Energy Information Administration (EIA), “[s]ince 2020, about 2,700 megawatts of coal-fired generating capacity have been retired and no new coal-fired facilities are planned.”⁹ Additionally, EIA stated, “Michigan’s nuclear power plants typically supplied about 30% of in-state electricity, but the amount of electricity generated by nuclear power plants in Michigan has declined as plants have been decommissioned.”¹⁰ The state’s Big Rock Point nuclear power plant shut down in 1997, and the Palisades nuclear power plant closed in 2022. The Palisades plant remains unavailable, although the plant will reportedly resume service in 2026.¹¹

Third, the Campbell Plant’s retirement would have further decreased available dispatchable generation within MISO’s service territory, adding to the loss of 1,575 MW of natural gas and coal-fired generation that has retired since the summer of 2024.

⁵ *Id.* at 5; *see also id.* at 1, 8.

⁶ *Id.* at 1.

⁷ NERC, *2025 Summer Reliability Assessment*, at 16 (May 2025), https://www.nerc.com/globalassets/programs/rapa/ra/nerc_sra_2025.pdf.

⁸ *Id.*

⁹ EIA, *Mich. State Profile & Energy Estimates* (Nov. 19, 2025), <https://www.eia.gov/states/MI/analysis>.

¹⁰ *Id.*

¹¹ *See* Dustin Dwyer, *Palisades nuclear plant restart plans pushed back to “early 2026,”* MICH. PUB. (Dec. 17, 2025), <https://www.michiganpublic.org/environment-climate-change/2025-12-17/palisades-nuclear-plant-restart-plans-pushed-back-to-early-2026>; Will Wade, *Despite \$80-billion commitment, nuclear plants face decadelong timeline to meet AI energy needs*, L.A. TIMES (Nov. 13, 2025), <https://www.latimes.com/business/story/2025-11-13/despite-80-billion-commitment-nuclear-plants-face-decade-long-timeline-to-meet-ai-energy-needs>.

Although MISO and Consumers have incorporated the planned retirement of the Campbell Plant into their supply forecasts, and Consumers acquired a 1,200 MW natural gas power plant in Covert, Michigan, NERC has noted “[e]scalating demand forecasts and uncertainty around new resource commercialization timing contribute to heightened resource adequacy concerns in the MISO area.”¹²

Fourth, MISO’s Planning Resource Auction Results for the 2025–2026 Planning Year, released in April 2025, noted that for the northern and central zones, which include Michigan, “new capacity additions were insufficient to offset the negative impacts of decreased accreditation, suspensions/retirements and external resources.”¹³ While the results “demonstrated sufficient capacity,” the summer months reflected the “highest risk and a tighter supply-demand balance.”¹⁴ According to MISO, these results “reinforce the need to increase capacity.”¹⁵

CONTINUING EMERGENCY CONDITIONS

The emergency conditions that necessitated the issuance of Order Nos. 202-25-3, 202-25-7, 202-25-9, and 202-26-16 continue, both in the near and long term.¹⁶ The production of electricity from the Campbell Plant will continue to be a critical asset to maintain reliability in MISO. According to the EIA-923 Power Plant Operations Report’s monthly generation data for February 2026, the total net generation for the

¹² NERC, *2025 Long-Term Reliability Assessment*, at 15 (Jan. 2026) (2025 NERC Long-Term Reliability Assessment), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

¹³ MISO, *Planning Resource Auction—Results for Planning Year 2025–2026*, at 13 (May 29, 2025) (MISO 2025–2026 Planning Resource Auction), https://cdn.misoenergy.org/2025%20PRA%20Results%20Posting%2020250529_Corrections694160.pdf.

¹⁴ *Id.* at 12.

¹⁵ *Id.* at 2. See *Midcontinent Indep. Sys. Operator, Inc. & Consumers Energy Co.*, Order No. 202-25-7 (Aug. 20, 2025) (determining that emergency conditions existed), <https://www.energy.gov/sites/default/files/2025-08/MISO%20Order%20No.%20202-25-7.pdf>.

¹⁶ Further, as noted in Order No. 202-25-7, as a coal-fired facility, it would be difficult for the Campbell Plant to resume operations once it has been retired. Specifically, any stop and start of operation creates heating and cooling cycles that could cause an immediate failure that could take 30–60 days to repair if a unit comes offline. In addition, other practical issues, such as employment, contracts, and permits may greatly increase the timeline for resumption of operations. If Consumers were to begin disassembling the plant or other related facilities, the associated challenges would be greatly exacerbated. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist. See Order No. 202-25-7 at 1 n.1.

Campbell Plant was 394,703 MWh and from June 2025 through December 2025 the plant generated an average of approximately 520,670 MWh per month.¹⁷ The historic data of consistent generation indicates the Campbell plant is providing vital generation capacity to the region. From June 11, 2025, through November 5, 2025, MISO issued dozens of alerts to manage grid reliability in its Central Region in response to hot weather, severe weather, high customer load, forced generation outages, and transfer capability limits.¹⁸

MISO's resource adequacy concerns were most recently demonstrated during Winter Storm Fern, when it operated under a cold weather alert and declared conservative operations from January 23 through February 1, 2026. On January 24, MISO declared an Energy Emergency Alert (EEA) 1, as well as an EEA 2 "MaxGen" event for MISO's North and Central Regions due to generational outages, high demand, and transfer capability limits.¹⁹

MISO's year-round resource adequacy concerns are well documented. In 2021, MISO requested that the Federal Energy Regulatory Commission (FERC) approve its revised resource adequacy construct (including the Planning Resource Auction or PRA) to establish capacity requirements for each of the four seasons of the year rather than on an annual basis determined by peak summer demand.²⁰ MISO justified this revision by explaining that "Reliability risks associated with resource adequacy have shifted from 'Summer only' to a year-round concern."²¹ MISO noted that over 60% of all "MaxGen" events (events when MISO initiates emergency procedures because of concerns over the adequacy of available generation) occurred outside of the summer season.²²

In December 2023, MISO released its *Attributes Roadmap*, in which it presented "an in-depth look at the challenges of operating a reliable bulk electric system in a

¹⁷ See EIA, Form EIA-923 detailed data with previous form data (EIA-906/920), February 2026 Data (Mar. 2026), <https://www.eia.gov/electricity/data/eia923/>. On the "Page 1 Generation and Fuel Data" tab, Plant Name filtered for J H Campbell, Rows 533–535.

¹⁸ MISO *Operations Report* (Sept. 16, 2025) cdn.misoenergy.org/20250916%20Markets%20Committee%20of%20the%20BOD%20Item%2005%20MISO%20Operations%20Report717458.pdf

¹⁹ Midcontinent ISO, @MISO_energy, X (Jan. 24, 2026, 9:39 AM), https://x.com/MISO_energy/status/2015072060876140805.

²⁰ *Midcontinent Indep. Sys. Operator, Inc.*, Transmittal Letter, Docket No. ER22-495-000 (filed Nov. 30, 2021). FERC accepted MISO's proposed tariff revisions on August 31, 2022. *Midcontinent Indep. Sys. Operator, Inc.*, 180 FERC ¶ 61,141 (2022), *order on reh'g & compliance*, 182 FERC ¶ 61,096 (2023).

²¹ MISO Transmittal Letter at 3.

²² *Id.* at 3–4.

rapidly transforming energy landscape.”²³ Among other things, this report described changes in the time of year during which the risk of the loss of load was greatest. For the 2023–2024 Planning Year, the greatest risk of loss of load was in the summer, but it is expected that by the summer of 2027, there will be an equal loss of load risk in both the summer and fall seasons.²⁴ MISO also projected that the risk of loss of load in the winter and spring seasons will nevertheless increase over time, although not as high as in the summer or fall.²⁵

More recently, MISO affirmed the resource adequacy problems occurring outside of its summer season in its 2024 report entitled, *MISO’s Response to the Reliability Imperative*.²⁶ In a section of that report labeled “Risks in Non-Summer Seasons,” MISO again stressed that it has resource reliability concerns outside of the summer season.

Widespread retirements of dispatchable resources, lower reserve margins, more frequent and severe weather events and increased reliance on weather-dependent renewables and emergency-only resources have altered the region’s highest historic risk profile, creating risks in non-summer months that rarely posed challenges in the past.²⁷

These MISO studies indicate that the emergency conditions caused by the loss of generation capacity in MISO extend past the summer season.

In its 2025 Long-Term Reliability Assessment, NERC assessed that the MISO region is at high risk of energy shortfalls over the next five years,²⁸ stating that it faces significant reliability challenges as “projected resource additions do not keep pace with escalating demand forecasts and announced generator retirements.”²⁹ This determination is based on the combination of accelerating demand growth from new data centers and the retirement of existing thermal generators.³⁰ Moreover, the 2025 NERC Long-Term Reliability Assessment notes that “MISO’s accredited thermal capacity has decreased by 8.8 GW, driven primarily by reductions in accredited capacity of existing facilities and

²³ MISO, *Attributes Roadmap*, at 3 (Dec. 2023), <https://cdn.misoenergy.org/2023%20Attributes%20Roadmap631174.pdf>.

²⁴ *Id.* at 11.

²⁵ *Id.*

²⁶ MISO, *MISO’s Response to the Reliability Imperative* (updated Feb. 2024), <https://cdn.misoenergy.org/2024+Reliability+Imperative+report+Feb.+21+Final504018.pdf>.

²⁷ *Id.* at 12.

²⁸ 2025 NERC Long-Term Reliability Assessment at 6.

²⁹ *Id.* at 8.

³⁰ *Id.* at 43.

retirements.”³¹ The report observes that winter peak periods are a particular concern, with projections showing “shortfalls in planned resources for winter peak periods.”³² However, NERC also concluded that “risks could expand into spring and fall generator maintenance periods when the available dispatchable generation is not enough to counter wind and solar variability when demand is high.”³³

While the 2025–2026 NERC Winter Reliability Assessment found the MISO region to be at normal risk in 2026 and elevated risk in 2027, two earlier winter studies were more critical. The 2023–2024 NERC Winter Reliability Assessment characterized MISO as a region at elevated risk with the “[p]otential for insufficient operating reserves in above-normal conditions.”³⁴ These findings were echoed in NERC’s 2024–2025 Winter Reliability Assessment, which noted that “[g]enerating capacity is 10 GW lower (-6.8%) compared to the prior winter as generators have retired, withdrawn from MISO’s capacity market, or received lower winter accredited capacity.”³⁵

The evidence indicates that there is also a potential longer-term resource adequacy emergency in MISO. When MISO reported the results of its PRA for the 2025–2026 Planning Year, it noted that “new capacity additions were insufficient to offset the negative impacts of decreased accreditation, suspensions/retirements and external resources” in the northern and central zones, which include Michigan.³⁶

On June 6, 2025, the Organization of MISO States (OMS) and MISO issued the results of their survey, which has been conducted annually for many years to determine the degree to which expected capacity resources satisfy planning reserve margin requirements.³⁷ The 2025 OMS-MISO Survey presented projections of resource adequacy for the summer of 2026 and subsequent years. Although the survey projected a potential capacity surplus for the summer of 2026, it also projected that at least 3.1 GW of additional generation capacity beyond currently committed generation capacity must be added to meet the projected planning reserve margin.³⁸ The 2025 OMS-MISO Survey also projected that there would be insufficient capacity to meet the peak demand for

³¹ *Id.* at 15.

³² *Id.*

³³ *Id.*

³⁴ NERC, *2023–2024 Winter Reliability Assessment*, at 5 (Nov. 2023), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_WRA_2023.pdf.

³⁵ NERC, *2024–2025 Winter Reliability Assessment*, at 15 (Nov. 2024), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_WRA_2024.pdf.

³⁶ MISO 2025–2026 Planning Resource Auction at 13.

³⁷ OMS & MISO, *OMS-MISO Survey Results* (updated June 6, 2025) (2025 OMS-MISO Survey), <https://cdn.misoenergy.org/20250606%20OMS%20MISO%20Survey%20Results%20Workshop%20Presentation702311.pdf>.

³⁸ *Id.* at 2.

electricity in each of the following four summers, increasing from a deficit of 1.4 GW in 2027 to 8.2 GW in 2030.³⁹ Similar results were projected for MISO's winter seasons, with a small surplus of generation capacity in 2026, followed by increasing deficits the following four years.⁴⁰

The primary reasons for these projected deficits also are shown on the 2025 OMS-MISO Survey. Large amounts of existing generation capacity are projected to be retired each year while, at the same time, the demand for electricity is projected to increase at an accelerating pace.⁴¹ Although the 2025 OMS-MISO Survey projects generation capacity to continue to increase in the coming years with the addition of new potential generation assets, the increase in capacity is largely offset by the projected retirements, and does not keep up with the growth in demand.⁴²

MISO has been taking steps to address these projected deficits. For example, on June 6, 2025, MISO submitted a proposal to FERC to establish an Expedited Resource Addition Study (ERAS) process to provide a framework for the expedited study of interconnection requests to address urgent resource adequacy and reliability needs in the near term. This proposal was approved by FERC on July 21, 2025.⁴³ MISO's ERAS should help expedite the construction of needed new capacity; however, resources studied under the ERAS will have commercial operation dates that are at least three years away and are provided an additional three-year grace period to commence commercial operations.⁴⁴ In addition, supply chain constraints impeding the acquisition of critical grid components, including large natural gas turbines and transformers, are likely to further hinder rapid construction and exacerbate reliability concerns.⁴⁵ Consequently, the

³⁹ *Id.* at 7.

⁴⁰ *Id.* at 9.

⁴¹ *Id.* at 7, 9.

⁴² *Id.*

⁴³ *Midcontinent Indep. Sys. Operator, Inc.*, 192 FERC ¶ 61,064 (2025), https://cdn.misoenergy.org/2025-07-21_192%20FERC%20%C2%B6%2061,064_Docket%20No.%20ER25-2454-000709770.pdf.

⁴⁴ *Id.* P 84.

⁴⁵ See generally S&P Global, *US Gas-Fired Turbine Wait Times as Much as Seven Years; Costs Up Sharply* (May 2025), <https://www.spglobal.com/energy/en/news-research/latest-news/electric-power/052025-us-gas-fired-turbine-wait-times-as-much-as-seven-years-costs-up-sharply>. (“With demand for natural gas-fired turbines in the US rapidly accelerating amid power demand growth forecasts driven by AI, manufacturing, and electrification, wait times for turbines are anywhere between one and seven years depending on the model, and costs have increased considerably, experts told Platts.”).

new ERAS process is unlikely to result in the addition of any new generation capacity in the next few years.

Order Nos. 202-25-3, 202-25-7, 202-25-9, and 202-26-16 were preceded by executive orders on January 20, 2025, and April 8, 2025, in which President Donald J. Trump underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order 14156, *Declaring a National Energy Emergency*, in which he determined that the “United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.”⁴⁶ The Executive Order adds, “hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets.”⁴⁷ In a subsequent Executive Order 14262, *Strengthening the Reliability and Security of the United States Electric Grid*, President Trump emphasized that “the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.”⁴⁸

Further, the Department detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” issued pursuant to the President’s directive in Executive Order 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”⁴⁹ The prolific growth of data centers for the development of AI, as well as their immense energy needs, presents a new and unexpected source of load growth. This growth is illustrated by the fact that there are more than twenty AI companies operating in Michigan alone.⁵⁰ In addition, as just one example, Consumers

⁴⁶ Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-energy-emergency/>.

⁴⁷ *Id.*

⁴⁸ Exec. Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/strengthening-the-reliability-and-security-of-the-united-states-electric-grid/>.

⁴⁹ U.S. Dep’t of Energy, *Res. Adequacy Rep.: Evaluating the Reliability & Sec. of the U.S. Elec. Grid*, at 1 (July 2025), <https://www.energy.gov/sites/default/files/2025-07/DOE%20Final%20EO%20Report%20%28FINAL%20JULY%207%29.pdf>.

⁵⁰ Ekku Jokinen, *Top 21 A.I. Cos. in Mich.* (last accessed Aug. 13, 2025), <https://www.inven.ai/company-lists/top-21-artificial-intelligence-companies-in-michigan>.

has announced an additional 1 GW of new power to a planned hyperscale data center and “continue[s] to see positive momentum with data centers within the 9 GW pipeline”⁵¹

Grid operators—including MISO itself—have also acknowledged the Nation’s current energy crisis. For instance, during a March 25, 2025, hearing before the House Committee on Energy and Commerce, Jennifer Curran, Senior Vice President, Planning and Operations, MISO, testified that “the MISO region faces resource adequacy and reliability challenges due to the changing characteristics of the electric generating fleet, inadequate transmission system infrastructure, growing pressures from extreme weather, and rapid load growth.”⁵² Ms. Curran also described “much stronger growth [in demand for electricity] from continued electrification efforts, a resurgence in manufacturing, and an unexpected demand for energy-hungry data centers to support artificial intelligence.”⁵³ She added, “[a] growing reliability risk is that the rapid retirement of existing coal and gas power plants threatens to outpace the ability of new resources with the necessary operational characteristics to replace them.”⁵⁴

Pursuant to section 202(c)(4)(B) of the FPA, the Department has consulted with the primary Federal agency with expertise in the environmental interest protected by the laws or regulations that may conflict with this Order. The agency did not submit additional conditions for inclusion in this Order.

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of the Department of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy . . . or other causes,” the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in his judgment will best meet the emergency and serve the public

⁵¹ See Data Center Dynamics, *Michigan utility Consumers Energy to provide 1GW of power to new hyperscale data center* (Aug. 5, 2025) (quoting Consumers CEO Garrick Rochow), <https://www.datacenterdynamics.com/en/news/michigan-utility-consumers-energy-to-provide-1gw-of-power-to-new-hyperscale-data-center/>.

⁵² *Keeping the Lights On: Examining the State of Regional Grid Reliability; Hearing Before the House Committee on Energy and Commerce, Subcommittee on Energy*, 119th Cong. 5 (2025) (statement of Ms. Jennifer Curran, Senior Vice President for Planning and Operations, Midcontinent Independent System Operator), <https://www.congress.gov/119/meeting/house/118040/witnesses/HHRG-119-IF03-Wstate-CurranJ-20250325.pdf>.

⁵³ *Id.* at 6

⁵⁴ *Id.* at 7.

interest.”⁵⁵ This statutory language constitutes a specific grant of authority to the Secretary to require the continued operation of the Campbell Plant when the Secretary has determined that such continued operation will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity.

As described above, the emergency conditions resulting from the combination of increasing demand for electricity and the capacity shortfall stemming from accelerated retirements of generation facilities supporting the issuance of Order Nos. 202-25-3, 202-25-7, 202-25-9, and 202-26-16, will continue in the near term and are also likely to continue in subsequent years. This could lead to the loss of power to homes and local businesses in the areas affected by curtailments or outages, presenting a risk to public health and safety. Given the responsibility of MISO to identify and dispatch generation necessary to meet load requirements, I have determined that, under the conditions specified below, continued additional dispatch of the Campbell Plant is necessary to best meet the increased demand for electricity and mitigate the observed shortage of electric energy, shortage of facilities for the generation of electric energy, and other causes, thus serving the public interest pursuant to FPA section 202(c).

To ensure that the Campbell Plant will be available if needed to address emergency conditions, it shall remain in operation through August 16, 2026.⁵⁶

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

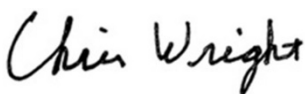
- A. From May 19, 2026, MISO and Consumers shall take all measures necessary to ensure that the Campbell Plant is available to operate. For the duration of this Order, MISO is directed to take every step to employ economic dispatch of the Campbell Plant to minimize costs to ratepayers. Following the conclusion of this Order, sufficient time for orderly ramp down is permitted, consistent with industry practices. Consumers is directed to comply with all orders from MISO related to the availability and dispatch of the Campbell Plant.
- B. To minimize adverse environmental impacts, this Order limits operation of dispatched units to the times and within the parameters as determined by MISO pursuant to paragraph A. MISO shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether the Campbell Plant has operated in compliance with the allowances contained in this Order.

⁵⁵ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. *See* 42 U.S.C. § 7151(b).

⁵⁶ 16 U.S.C. § 824a(c)(4).

- C. All operation of the Campbell Plant must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions. This Order does not provide relief from any obligation to pay fees, or purchase offsets or allowances for emissions that occur during the emergency conditions, or to use other geographic or temporal flexibilities available to generators.
- D. By June 2, 2026, MISO is directed to provide the Department (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of the Campbell Plant consistent with this Order. MISO shall also provide such additional information regarding the environmental impacts of this Order and its compliance with the conditions of this Order, in each case as requested by the Department from time to time.
- E. Consumers is directed to file with FERC tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
- F. This Order shall not preclude the need for the Campbell Plant to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
- G. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, the Campbell Plant shall not be considered a capacity resource.
- H. This Order shall be effective on May 19, 2026, through August 16, 2026, with the exception of applicable compliance obligations in paragraph D.

Issued in Washington, D.C. on this 19th day of May 2026.



Chris Wright
Secretary of Energy
cc:

FERC Commissioners

Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

Michigan Public Service Commissioners

Chairman Dan Scripps

Commissioner Katherine Peretick

Commissioner Shaquila Myers

EXHIBIT 122



Department of Energy
Washington, DC 20585

PJM Interconnection, L.L.C. and
Constellation Energy Corp.
Regarding Eddystone Unit 3 and Unit 4

Order No. 202-26-24

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy (DOE or the Department) Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists in the PJM Interconnection, L.L.C. (PJM) region due to a shortage of electric energy, a shortage of facilities for the generation of electric energy, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

The Eddystone Generating Station is a power plant owned by Constellation Energy Corporation (Constellation Energy) and located in Eddystone, Pennsylvania. Units 3 and 4 (Eddystone Units), each with 380 MW of generation capacity, are subcritical steam boiler-turbine generator units that run on either natural gas or oil, depending on market conditions. The Eddystone Units were initially scheduled for retirement on May 31, 2025.

Order Nos. 202-25-04, 202-25-08, and 202-25-10, issued pursuant to FPA section 202(c), each required that the Eddystone Units remain available to operate for 90 days, until August 28, 2025, November 26, 2025, and February 24, 2026, respectively. Subsequently, Order No. 202-26-17, issued pursuant to FPA section 202(c), required the Eddystone Units to remain available to operate for 90 days, through May 24, 2026. Those orders were based on my determination that emergency conditions existed in the PJM region. Specifically, I explained that there was a potential shortage of electric energy and a shortage of facilities for the generation of electric energy.³ I stated that the potential loss of power to homes and local businesses presents a risk to public health and safety.⁴ I determined that continued operation and economic dispatch of the Eddystone

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ See, e.g., *PJM Interconnection, L.L.C.*, Order No. 202-25-10, at 7 (Nov. 25, 2025).

⁴ *Id.* at 9.

Units was necessary to best meet the emergency and serve the public interest.⁵ My determination was based on a number of different facts.

First, in congressional testimony, PJM's President and CEO stated that its system faces a "growing resource adequacy concern" due to load growth, the retirement of dispatchable resources, and other factors.⁶ Through 2030, PJM anticipates reliability risk from increasing electricity demand, generator retirement outpacing new resource construction, and characteristics of resources in PJM's interconnection queue.⁷ Upcoming retirements, including the planned retirement of the Eddystone Units, would exacerbate these resource adequacy issues.

Second, PJM indicated that resource constraints could exist within its service territory under peak load conditions, stating that "available generation capacity may fall short of required reserves in an extreme planning scenario."⁸ In its February 2023 assessment, *Energy Transition in PJM: Resource Retirements, Replacements & Risks*, PJM highlighted increasing reliability risks in the coming years due to the "potential timing mismatch between resource retirements, load growth and the pace of new generation entry" under "low new entry" scenarios for renewable generation.⁹

Third, in December 2024, PJM filed revisions with the Federal Energy Regulatory Commission (FERC) to Part VII of its Open Access Transmission Tariff, known as the Reliability Resource Initiative (RRI), to address near-term resource adequacy concerns. In a February 2025 order, FERC accepted the revisions and found "the possibility of a

⁵ *Id.* at 9 & Ordering Paragraph A.

⁶ *Keeping the Lights On: Examining the State of Reg'l Reliability; Hearing Before the House Comm. on Energy & Com., SubComm. on Energy*, 119th Cong. 4–5 (2025) (testimony of Mr. Manu Asthana, President and CEO, PJM) [hereinafter Asthana Test.], <https://www.congress.gov/119/meeting/house/118040/witnesses/HHRG-119-IF03-Wstate-AsthanaM-20250325.pdf>.

⁷ *Id.*; see also *PJM Interconnection, L.L.C.*, 190 FERC ¶ 61,084, at P 15 (2025) ("PJM states . . . that, in 2023, it found that generator retirements, load growth, the pace of new entry, and the operating characteristics of the intermittent and limited duration resources that make up a large part of PJM's interconnection queue pose increasing reliability risks through 2030.").

⁸ *PJM Summer Outlook 2025: Adequate Resources Available for Summer Amid Growing Risk*, PJM INSIDE LINES (May 9, 2025), <https://insidelines.pjm.com/pjm-summer-outlook-2025-adequate-resources-available-for-summer-amid-growing-risk/>.

⁹ PJM, *Energy Transition in PJM: Res. Rets., Replacements & Risks*, at 1 (Feb. 24, 2023) [hereinafter Four Rs Report], <https://www.pjm.com/-/media/DotCom/library/reports-notices/special-reports/2023/energy-transition-in-pjm-resource-retirements-replacements-and-risks.ashx>.

resource adequacy shortfall driven by significant load growth, premature retirements, and delayed new entry.”¹⁰

CONTINUING EMERGENCY CONDITIONS

The emergency conditions that necessitated the issuance of Order Nos. 202-25-04, 202-25-08, 202-25-10, and 202-26-17 continue, both in the near and long term.¹¹ The production of electricity from the Eddystone Units will continue to be a critical asset for maintaining reliability in PJM. According to data from the U.S. Environmental Protection Agency (EPA), the Eddystone Units generated 26,971 MWh between June 2025 and December 2025,¹² providing vital generation capacity to the region. Over the summer of 2025, PJM took action to manage grid operations, issuing Hot Weather Alerts and/or Maximum Generation Alerts (i.e., an Energy Emergency Alert (EEA) 1) to manage grid reliability covering a total of 20 days, including days in June, July, and August.¹³

PJM’s resource adequacy concerns were recently demonstrated during Winter Storm Fern, when PJM operated under a cold weather alert and declared conservative operations from January 24 to February 2, 2026. Additionally, on January 27, 2026, PJM declared a Maximum Generation Emergency/Load Management Alert and an EEA 1.¹⁴

¹⁰ *PJM Interconnection*, 190 FERC ¶ 61,084 at P 14.

¹¹ Further, it likely would be difficult for these units to resume operations once retired. Specifically, practical issues, such as employment, contracts, and permits, may greatly increase the timeline for resumption of operations during the period they are needed. Moreover, if Constellation Energy were to begin disassembling the units or other related facilities, the associated challenges would be greatly exacerbated. Thus, continued operation is required in such cases so long as the Secretary determines that an emergency exists. The costs and time of decommissioning a coal plant are extensive and includes various components. Therefore, restarting such decommissioned plants could have significant costs in terms of dollars and time. *See* Section 4 in Lessick, Jennifer, et al. *Business Models for Coal Plant Decommissioning*.

www.pnnl.gov/main/publications/external/technical_reports/PNNL-31348.pdf.

¹² *See* EPA, *Custom Data Download, EPA CAMPD (Clean Air Mkts. Program Data)*, <https://campd.epa.gov/data/custom-data-download> (choose “Emissions” from Data Type dropdown; choose “Monthly Emissions” from Data Subtype dropdown; choose “Unit (No Aggregation)” from Aggregation dropdown; then click “Apply”; then type “2025” into “Time Period” filter and click “June, July, August, September, October, November, December”; then click “Apply Filter”; then click “Facility” filter and type “Eddystone Generating Station (3161)”; then click “Eddystone Generating Station (3161)”; then click “Apply Filter”; then click “Preview Data”).

¹³ *See* PJM, *Emergency Procs.*, <https://emergencyprocedures.pjm.com/ep/pages/dashboard.jsf> (search Effective From 06/01/2025 Effective To 08/31/2025).

¹⁴ *See id.* (search Effective From 01/20/2026 Effective To 02/07/2026).

Due to concerns about resource adequacy from the high demand driven by the extreme cold, PJM also applied for an order pursuant to FPA section 202(c) “that broadly authorizes all electric generating units located within the PJM Region to operate up to their maximum generation output levels, notwithstanding air quality or other permit limitations or fuel shortages during the pendency of this emergency.”¹⁵ DOE granted PJM’s application and issued Order No. 202-26-02 on January 25, 2026.¹⁶

On January 29, 2026, PJM applied for an extension of Order No. 202-26-02, which was designated as Order No. 202-26-02A, which was granted by the Department on the same day.¹⁷ Furthermore, on March 17, 2026, in his testimony to the House Committee on Energy and Commerce, North American Electric Reliability Corporation (NERC) Chief Executive Officer Jim Robb stated that “PJM and other grid operators indicated that 202(c) facilities made material contributions” with regard to reliability during Winter Storm Fern.¹⁸

PJM’s resource adequacy concerns are well documented. In January 2025, PJM reached a new record peak for winter demand, exceeding the previous winter peak set in 2015.¹⁹ PJM notes that the “20-year annualized growth rate in the 2025 Long-Term Load Forecast for the winter peak is up to 2.4%.”²⁰ Further, PJM’s risk profile continues to shift from the summer season to the winter season. For example, in a March 2025 presentation, PJM estimated that 87.8% of the expected unserved energy for the 2025/2026 delivery year falls in the winter season.²¹

¹⁵ Letter from Michael E. Bryson, Senior Vice Pres., Operations, PJM, to Hon. Chris Wright, Sec’y, DOE, at 2 (Jan. 4, 2026) (requesting emergency order under FPA section 202(c)), <https://www.energy.gov/documents/pjm-202c-application-2026-01-24>.

¹⁶ *PJM Interconnection, L.L.C.*, Order No. 202-26-02 (Jan. 25, 2026).

¹⁷ *PJM Interconnection, L.L.C.*, Order No. 202-26-02A (Jan. 29, 2026).

¹⁸ *Winter Storm Fern Lessons: Supplying Reliable Power to Meet Peak Demand; Hearing Before the House Comm. on Energy & Com., Subcomm. On Energy*, 119th Cong. 8 (2026) (statement of James B. Robb, President and CEO, NERC), <https://www.congress.gov/119/meeting/house/119077/witnesses/HHRG-119-IF03-Wstate-RobbJ-20260317.pdf>.

¹⁹ *Jan. 22 Update: Extreme Cold Produces PJM Record for Winter Elec.y Demand*, PJM INSIDE LINES (Jan. 22, 2025), <https://insidelines.pjm.com/jan-22-update-extreme-cold-produces-pjm-record-for-winter-electricity-demand/>.

²⁰ *2025 Long-Term Load Forecast Rep. Predicts Significant Increase in Elec. Demand*, PJM INSIDE LINES (Jan. 30, 2025), <https://insidelines.pjm.com/2025-long-term-load-forecast-report-predicts-significant-increase-in-electricity-demand/>.

²¹ PJM Res. Adequacy Planning Special Planning Comm., *2026/27 BRA IRM, FPR, & ELCC Class Ratings: Shift Towards More Winter Risk*, at 8 (Mar. 13, 2025), <https://www.pjm.com/-/media/DotCom/committees-groups/committees/pc/2025/20250313-special/2026-2027-irm-fpr-elcc-and-winter-risk.pdf>.

Recognizing the need for and importance of additional generation resources, on April 20, 2026, a Consent Decree between the Commonwealth of Pennsylvania and Keystone-Conemaugh Projects, LLC (KEY-CON) authorized operations to continue at two coal-fired steam electric generating plants that were slated for permanent cessation. The Consent Decree explained that “[d]ue to recent changes in the long-term electricity market outlook based on recent projections by PJM Interconnection LLC and the U.S. Department of Energy, including the need for electricity generators to cover projected increased electrical demand driven by build-out of data centers, particularly within the Mid-Atlantic Area Council, a portion of the PJM Interconnection LLC regional transmission organization that the [Conemaugh Generating Station and Keystone Generating Station] CON has recently reevaluated its 2021 decision to achieve [permanent cessation of coal combustion] at the [Conemaugh Generating Station and Keystone Generating Station] by December 31, 2028.”²²

In the fall of 2025, Pennsylvania Governor Josh Shapiro recognized the need for and importance of securing more electricity generation for the grid. Governor Shapiro stated that “[c]hange is needed to keep energy costs low, bring new energy generation onto the grid more quickly, and meet the needs of the 67 million Americans who rely on this grid for everything from running a business to keeping the lights on at home.”²³ Furthermore, PJM expressed support for Order No. 202-25-04, since it has “repeatedly documented and voiced its concerns over the growing risk of a supply and demand imbalance driven by the confluence of generator retirements and demand growth. Such an imbalance could have serious ramifications for reliability and affordability for consumers.”²⁴

PJM has indeed voiced these concerns for years. In its February 2023 Four Rs Report, PJM cautioned that 40 GW of thermal generation are at risk of retirement

²² Commonwealth of Pennsylvania, Dep’t of Env’t Prot. v. Keystone-Conemaugh Projects, LLC, No. 2169-CD-2025-1, slip op. at 4 (Apr. 20, 2026) (Unopposed Motion to Enter Consent Decree), <https://www.pa.gov/content/dam/copapwp-pagov/en/governor/documents/motion%20to%20enter%20cd-as%20filed.pdf>.

²³ *How Josh Shapiro wants to reshape the region’s power grid operator as prices rise*, Spotlight PA (Oct. 14, 2025), <https://www.spotlightpa.org/news/2025/10/electricity-prices-shapiro-grid-operator-pjm-data-centers-environment/>.

²⁴ *PJM Statement on the U.S. Dept. of Energy 202(c) Order of May 30*, PJM INSIDE LINES (May 31, 2025), <https://insidelines.pjm.com/pjm-statement-on-the-u-s-department-of-energy-202c-order-of-may-30/>. Further, PJM concluded, “In light of these concerns, PJM supports the U.S. Department of Energy’s Order, issued May 30, pursuant to Section 202(c) of the Federal Power Act, to defer the retirements of certain generators operating in PJM’s footprint.” *Id.*

by 2030.²⁵ PJM also noted that, while there were then 290 GW of renewable generation capacity in the PJM interconnection queue, historically, the rate of completion for renewable projects is approximately 5%.²⁶ PJM determined that the pace of new capacity additions “would be insufficient to keep up with expected retirements and demand growth by 2030.”²⁷ PJM estimated that, depending on the pace of new capacity additions, reserve margin erosion would occur between 2026 and 2028.²⁸

In its December 2024 Reliability Resource Initiative (RRI) filing with FERC, PJM stated that “[c]oncerns about resource adequacy . . . have only increased since the Four Rs Report.”²⁹ PJM warned that its “resource adequacy concerns are increasing at an extraordinary pace.”³⁰ PJM went on to explain that its “resource adequacy concerns are driven in large part by significant load growth caused by, among other things, large data centers” and that its preliminary analysis shows “substantial increases [in load additions] since the 2024 forecast” for both the summer and winter seasons.³¹ According to PJM, “load growth and generator retirements are significantly outpacing the entry of new generation in the PJM Region with this trend expected to continue unabated based on all available evidence.”³² Although the RRI process will help expedite the construction of needed new capacity, it is unlikely to result in the addition of any new generation capacity in the next few years.³³

In support of the RRI filing, PJM submitted an affidavit from Donald Bielak, PJM’s Director, Interconnection Planning. Mr. Bielak characterized the increase in forecasted load growth throughout PJM as “extraordinary” and “unprecedented,” stating that it “could not have been foreseen as recently as a year ago.”³⁴ Mr. Bielak expressed the opinion that the “rapid” retirement of thermal generation resources, “extreme”

²⁵ Four Rs Report, *supra* note 9, at 2.

²⁶ *Id.*

²⁷ *Id.* at 16 tbl. 1.

²⁸ *Id.*

²⁹ PJM, Filing, , Dkt. No. ER25-712-000, at 10 (Dec. 13, 2024).

³⁰ *Id.*

³¹ *Id.* at 10-11; *see also id.* at 13 (stating that “the exponential load growth resulting from development of new data centers and the intense energy needs of Artificial Intelligence technology overshadows any relaxation in the pace of fossil fuel generation retirements”).

³² *Id.* at 14.

³³ *See id.* attach. C (Affidavit of Mr. Donald Bielak), at 18–19 (explaining that projects studied in Transition Cycle #2, which includes RRI projects, “could be constructed and in commercial operation by the 2029/30 Delivery Year or sooner”).

³⁴ Bielak Aff. at 10.

forecasted load growth, and “delays in new generation resources achieving commercial operation,” would adversely affect resource adequacy throughout PJM’s electricity grid.³⁵

On February 11, 2025, FERC accepted PJM’s proposed tariff revisions in its RRI filing.³⁶ In its order on rehearing, FERC concluded that “PJM identified increasing reliability risks arising in the next few years and significant resource adequacy issues anticipated by the 2030/31 delivery year. The record supports that these resource adequacy concerns are likely to manifest.”³⁷

The NERC has raised similar concerns. In its 2025 Long-Term Reliability Assessment, released in January 2026, NERC observed that the PJM region is at high risk of energy shortfalls over the next five years³⁸ and faces significant reliability challenges as “[c]urrent projections for resource additions do not keep pace with escalating demand forecasts and expected generator retirements.”³⁹ The assessment notes that “[d]emand for electricity in PJM is growing at its fastest pace in years, driven primarily by data centers, followed by electrification and manufacturing loads;” however “[a]t the same time, PJM faces an extreme and rapid tightening of capacity resources in the near term because of generator retirements and project delays.”⁴⁰ Overall, the assessment concludes that “[b]ased on the load increase and generation decrease, PJM is projecting potential reserve margin shortages during peak operating periods. As a result, there is an increased risk that emergency procedures may be required to meet load and reserve requirements.”⁴¹

Order Nos. 202-25-04, 202-25-08, 202-25-10, and 202-26-17 were preceded by executive orders on January 20, 2025, and April 8, 2025, in which President Donald J. Trump underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order 14156, *Declaring a National Energy Emergency*, in which he determined that the “United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national

³⁵ *Id.* at 12.

³⁶ *PJM Interconnection, L.L.C.*, 190 FERC ¶ 61,084 (2025); *see also, e.g., id.* P 263.

³⁷ *PJM Interconnection, L.L.C.*, 192 FERC ¶ 61,085, at P 25 (2025).

³⁸ NERC, *2025 Long-Term Reliability Assessment*, at 7 fig. 1 (Jan. 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

³⁹ *Id.* at 8.

⁴⁰ *Id.* at 16.

⁴¹ *Id.* at 91.

security, and foreign policy.”⁴² The Executive Order adds, “hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets.”⁴³ In a subsequent Executive Order 14262, *Strengthening the Reliability and Security of the United States Electric Grid*, President Trump emphasized that “the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.”⁴⁴

Further, the Department detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” issued pursuant to the President’s directive in Executive Order 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”⁴⁵ The prolific growth of data centers for the development of AI, as well as their immense energy needs, presents a new and unexpected source of load growth. For example, PPL Electric Utilities has 11.7 GW of advanced data center requests in Pennsylvania through to 2030.⁴⁶ As of December 2024, Dominion Energy has 40.2 GW of contracted data center capacity, which is an 18.2 GW increase over the amount from July 2024, an approximately 88% increase.⁴⁷ In collaboration with the national labs, the Department modeled the effects of approximately 25 GW of load growth in PJM, of which 15 GW came from data centers, as well as approximately 17 GW of announced

⁴² Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>.

⁴³ *Id.*

⁴⁴ Exec. Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025), <https://www.federalregister.gov/documents/2025/04/14/2025-06381/strengthening-the-reliability-and-security-of-the-united-states-electric-grid>.

⁴⁵ DOE, *Res. Adequacy Rep.: Evaluating the Reliability & Sec. of the U.S. Elec. Grid*, at 1 (July 2025) [hereinafter Resource Adequacy Report], <https://www.energy.gov/sites/default/files/2025-07/DOE%20Final%20EO%20Report%20%28FINAL%20JULY%207%29.pdf>.

⁴⁶ See PPL Corporation, *PPL Corporation Q2 2025 Investor Update*, at 7 (July 31, 2025), https://filecache.investorroom.com/mr5ir_pplweb2/1245/PPL_2025_Q2_Investor_Update_vFINAL.pdf.

⁴⁷ See Dominion Energy Virginia, *Q4 2024 Earnings Call*, at 18 (Feb. 12, 2025), https://s2.q4cdn.com/510812146/files/doc_financials/2024/q4/2025-02-12-DE-IR-4Q-2024-earnings-call-slides-vTCII.pdf.

coal, gas, and oil generation retirements.⁴⁸ Under these assumptions, the model estimated approximately 430.3 loss of load hours in an average weather year. Under worst weather year assumptions, the model estimated 1,052 loss of load hours and a maximum unserved load of approximately 21.335 GW.⁴⁹

Grid operators, including PJM, have likewise acknowledged the Nation’s current energy crisis. For instance, during a hearing before the United States House of Representatives Committee on Energy and Commerce on March 25, 2025, Manu Asthana, President and CEO, PJM, testified that there was a “growing resource adequacy concern . . . impacting a significant part of our country.”⁵⁰ Mr. Asthana explained that the “rate of electricity demand is anticipated to increase significantly in the future due to development of large data centers in the PJM service Area . . . [and] increases in demand coming from the transportation and heating sectors and from industrial growth.”⁵¹ Mr. Asthana noted that, though various reforms instituted by PJM had succeeded in bringing new generation online and preventing the retirement of existing units, supply conditions within PJM are still tightening.⁵² Therefore, Mr. Asthana stated that PJM “encourage[s] all generation owners who have signaled an intent to retire their units to reconsider their decision to support resource adequacy and grid reliability.”⁵³

Pursuant to section 202(c)(4)(B) of the FPA, the Department has consulted with the primary Federal agency with expertise in the environmental interest protected by the laws or regulations that may conflict with this Order. The agency did not submit additional conditions for inclusion in this Order.

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of the Department of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy . . . or other causes,” the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in his judgment will best meet the emergency and serve the public

⁴⁸ Resource Adequacy Report, *supra* note 44, at 28.

⁴⁹ *Id.* at 27.

⁵⁰ Asthana Test., *supra* note 6, at 4.

⁵¹ *Id.*

⁵² *Id.* at 9–10.

⁵³ *Id.* at 10.

interest.”⁵⁴ This statutory language constitutes a specific grant of authority to the Secretary to require the continued operation of the Eddystone Units when the Secretary has determined that such continued operation will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity.

As described above, the emergency conditions resulting from the combination of increasing demand and the capacity shortfall stemming from accelerated retirements of generation facilities supporting the issuance of Order Nos. 202-25-04, 202-25-08, 202-25-10, and 202-26-17 will continue in the near term and are also likely to continue in subsequent years. This could lead to the loss of power to homes and local businesses in the areas affected by curtailments or outages, presenting a risk to public health and safety. Given the responsibility of PJM to identify and dispatch generation necessary to meet load requirements, I have determined that, under the conditions specified below, continued additional dispatch of the Eddystone Units is necessary to best meet the increased demand for emergency and mitigate the observed shortage of generation, thus serving the public interest pursuant to FPA section 202(c).

To ensure that the Eddystone Units will be available if needed to address emergency conditions, they shall remain available to operate through August 22, 2026.⁵⁵

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

- A. From May 25, 2026, PJM and Constellation Energy shall take all measures necessary to ensure that the Eddystone Units are available to operate. For the duration of this Order, PJM is directed to take every step to employ economic dispatch of the Eddystone Units to minimize cost to ratepayers. Constellation Energy is directed to comply with all orders from PJM related to the availability and dispatch of the Eddystone Units.
- B. To minimize adverse environmental impacts, this Order limits operation of dispatched units to the times and within the parameters as determined by PJM pursuant to paragraph A. PJM shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether the Eddystone Units have operated in compliance with the allowances contained in this Order.
- C. All operations of the Eddystone Units must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with

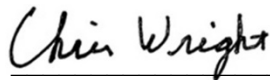
⁵⁴ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. *See* 42 U.S.C. § 7151(b).

⁵⁵ 16 U.S.C. § 824a(c)(4).

the emergency conditions. This Order does not provide relief from any obligation to pay fees, or purchase offsets or allowances for emissions that occur during the emergency conditions, or to use other geographic or temporal flexibilities available to generators.

- D. By June 8, 2026, PJM is directed to provide the Department (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of the Eddystone Units consistent with this Order. PJM shall also provide such additional information regarding the environmental impacts of this Order and its compliance with the conditions of this Order, in each case as requested by the Department from time to time.
- E. Constellation Energy is directed to file with FERC tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
- F. This Order shall not preclude the need for the Eddystone Units to comply with applicable state, local, or Federal laws or regulations following the expiration of this Order.
- G. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, the Eddystone Units shall not be considered capacity resources.
- H. This Order shall be effective on May 25, 2026, through August 22, 2026, with the exception of applicable compliance obligations in paragraph D.

Issued in Washington, D.C. on this 21st day of May 2026.



Chris Wright
Secretary of Energy

cc: **FERC Commissioners**
Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

Pennsylvania Public Utility Commission
Chairman Stephen M. DeFrank
Vice Chair Kimberly M. Barrow
Commissioner Kathryn L. Zerfuss
Commissioner John F. Coleman, Jr.
Commissioner Ralph V. Yanora

EXHIBIT 123



Department of Energy
Washington, DC 20585

Order No. 202-25-14

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists 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, and that issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

Craig Station (Craig) is an electric generating facility in Craig, Colorado. Craig is operated by the Tri-State Generation and Transmission Association (Tri-State). Craig consists of three coal-fired generation units, Unit 1 (446.4 MW), Unit 2 (446.4 MW), and Unit 3 (534.8 MW), with a combined name plate capacity of 1427.6 MW.³ Unit 1 and Unit 2 are co-owned by Tri-State, Platte River Power Authority, Salt River Project, PacifiCorp, and Xcel Energy (co-owners).⁴ Unit 3 is wholly owned by Tri-State. Unit 1 and Unit 2 began operations in 1980 and 1979 respectively. Unit 3 began operations in 1984. Unit 1 is slated to cease operations in December 2025. Unit 2 and Unit 3 are slated to retire in 2028.⁵

EMERGENCY SITUATION

In its 2024 Long-Term Reliability Assessment (LTRA), the North American Electric Reliability Corporation (NERC) notes that in the WECC Northwest assessment area, which includes Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, “[e]nergy variability is greater in the Northwest than other WECC regions due to the large share of wind and hydro in the portfolio.” The LTRA notes that:

[f]ive [gigawatts] of baseload resource retirements are anticipated between 2024 and 2028. The energy needs are to be replaced by solar, wind, and [battery energy storage systems], further increasing variability in the portfolio. Given the retiring of baseload resources, supply chain issues preventing the construction of [battery energy storage systems] resources are a concern as they assist in meeting demand

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ U.S. Energy Information Administration, Form EIA-860, Schedule 3: Generator Data (2024), <https://www.eia.gov/electricity/data/eia860/>.

⁴ Platte River Power Authority, Craig Units 1 & 2 (Yampa Project), <https://prpa.org/generation/yampa-project/>.

⁵ As a coal-fired facility, it would be difficult for the Craig Unit 1 to resume operations once it has been retired. Specifically, any stop and start of operation creates heating and cooling cycles that could cause an immediate failure that could take 30-60 days to repair if a unit comes offline. In addition, other practical issues, such as employment, contracts, and permits may greatly increase the timeline for resumption of operations. Further, if Tri-State and co-owners were to begin disassembling the plant or other related facilities, the associated challenges would be greatly exacerbated. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist.

during shoulder periods where solar availability is dropping but loads remain high.⁶

The 2024 WECC Western Assessment of Resource Adequacy notes that peak demand in WECC's Northwest-Central subregion, which includes Colorado, is "forecast to grow by 8.5% over the next decade, from 33 GW in 2025 to 36 GW in 2034."⁷ Meanwhile, WECC notes that most planned retirements are "baseload generation, such as coal, natural gas, and nuclear."⁸

Since 2019, 571.3 MW of coal-fired generating capacity across six units at three locations have retired in Colorado,⁹ leading to a decline in the share of coal-generated electricity from 45% to 28%.¹⁰ Looking forward, by 2029, about 3,700 megawatts of coal-fired generating capacity in Colorado is scheduled to retire according to the Energy Information Administration (EIA),¹¹ accounting for all but one coal-fired power plant in Colorado. In that same time frame, 675.6 MW of natural gas-fired generating capacity in Colorado will retire as well.¹² In 2025, intermittent wind accounted for over 5,300 MW of Colorado's electricity generating capacity.¹³

Executive orders issued by President Donald J. Trump on January 20, 2025 and April 8, 2025 underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order 14156, "Declaring a National Energy Emergency," in which he determined that the "United States' insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation's economy, national security, and foreign policy."¹⁴ The Executive Order adds: "Hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets."¹⁵ In a subsequent Executive Order 14262, "Strengthening the Reliability and Security of the United States Electric Grid," President Trump emphasized that "the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion

⁶ NERC 2024 Long-Term Reliability Assessment, at 130 (Dec. 2024, corrected Jul. 11, 2025), https://www.nerc.com/globalassets/ourwork/assessments/2024-ltra_corrected_july_2025.pdf.

⁷ Western Electricity Coordinating Council, *Western Assessment of Resource Adequacy 2024: Peak Demand by Subregion*, at 2, <https://www.wecc.org/sites/default/files/documents/products/2024/WARA%202024%20Peak%20Demand%20by%20Subregion.pdf>.

⁸ Western Electricity Coordinating Council, *Western Assessment of Resource Adequacy*, <https://feature.wecc.org/wara/>.

⁹ *Id.*

¹⁰ U.S. Energy Information Administration, *Electricity Data Browser, Net Generation for All Sectors Annually from 2019-2024, State: Colorado*, (last accessed Dec. 30, 2025), <https://www.eia.gov/electricity/data/browser/#/topic/0?agg=2,0,1&fuel=vtvp&geo=0000000000g&sec=g&freq=A&start=2019&end=2024&ctype=linechart<ype=pin&rttype=s&pin=&rse=0&maptype=0>.

¹¹ U.S. Energy Information Administration, *Preliminary Monthly Electric Generator Inventory (based on Form EIA-860M as a supplement to Form EIA-860), Inventory of Operating Generator as of November 2025, Plant State: Colorado, Technology: Conventional Steam Coal* (Nov. 2025), <https://www.eia.gov/electricity/data/eia860m/>.

¹² U.S. Energy Information Administration, *Preliminary Monthly Electric Generator Inventory (based on Form EIA-860M as a supplement to Form EIA-860), Inventory of Operating Generator as of November 2025, Plant State: Colorado, Technology: Natural Gas Fired Combustion Turbine and Natural Gas Stream Turbine* (Nov. 2025), <https://www.eia.gov/electricity/data/eia860m/>.

¹³ U.S. Energy Information Administration, *Preliminary Monthly Electric Generator Inventory (based on Form EIA-860M as a supplement to Form EIA-860), Inventory of Operating Generator as of November 2025, Plant State: Colorado, Technology: Onshore Wind Turbine* (Nov. 2025), <https://www.eia.gov/electricity/data/eia860m/>.

¹⁴ Executive Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025) (*Declaring a National Energy Emergency*), <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>.

¹⁵ *Id.*

of artificial intelligence data centers and increase in domestic manufacturing.”¹⁶

Further, the Department detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” issued pursuant to the President’s directive in Executive Order 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”¹⁷

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy,” then the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest.”¹⁸ This statutory language constitutes a specific grant of authority to the Secretary to require the continued operation of Craig Unit 1 when the Secretary has determined that such continued operation will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity.

Such is the case here. As described above, the emergency conditions resulting from increasing demand and shortage from accelerated retirement of generation facilities will continue in the near term and are also likely to continue in subsequent years. This could lead to the loss of power to homes, and businesses in the areas that may be affected by curtailments or power outages, presenting a risk to public health and safety.

I have made the determination that, to best meet the emergency arising from increased demand, determined shortage, and other causes, and serve the public interest under FPA section 202(c), Craig Unit 1 shall be made available for operation until March 30, 2026.

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

- A. From December 30, 2025, Tri-State and the co-owners, shall take all measures necessary to ensure that Craig Unit 1 is available to operate at the direction of either Western Area Power Administration (WAPA)—Rocky Mountain Region Western Area Colorado Missouri (WACM) in its role as Balancing Authority or the Southwest Power Pool (SPP) West in its role as the Reliability Coordinator, as applicable.¹⁹ Following the conclusion of this Order, sufficient time for orderly ramp down is permitted, consistent with industry

¹⁶ Executive Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025) (*Strengthening the Reliability and Security of the United States Electric Grid*), <https://www.federalregister.gov/documents/2025/04/14/2025-06381/strengthening-the-reliability-and-security-of-the-united-states-electric-grid>.

¹⁷ U.S. Department of Energy, *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid*, at 1 (Jul. 2025), <https://www.energy.gov/sites/default/files/2025-07/DOE%20Final%20EO%20Report%20%28FINAL%20JULY%207%29.pdf>.

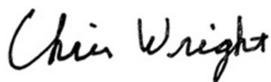
¹⁸ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. See 42 U.S.C. § 7151(b).

¹⁹ U.S. Energy Information Administration, Form EIA-860, Schedule 3: Plant Data (2024), <https://www.eia.gov/electricity/data/eia860/>.

practices.

- B. To minimize adverse environmental impacts, this Order limits operation of Craig Unit 1 to the times and within the parameters established in paragraph A. Tri-State shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether Craig Unit 1 has operated in compliance with this Order.
- C. All operations of Craig Unit 1 must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions. This Order does not provide relief from any obligation to pay fees or purchase offsets or allowances for emissions that occur during the emergency condition or to use other geographic or temporal flexibilities available to generators.
- D. By January 20, 2026, Tri-State, in coordination with the co-owners, is directed to provide the Department of Energy (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of Craig Unit 1 consistent with this Order. Tri-State and the co-owners shall also provide such additional information regarding the environmental and operational impacts of this Order and its compliance with the conditions of this Order, in each case as requested by the Department of Energy from time to time.
- E. Tri-state and the co-owners are directed to file with the Federal Energy Regulatory Commission Tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
- F. This Order shall not preclude the need for Craig Unit 1 to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
- G. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, Craig Unit 1 shall not be considered a capacity resource.
- H. This Order shall be effective from 11:59 PM Eastern Standard Time (EST) on December 30, 2025, and shall expire at 11:59 PM Eastern Daylight Time (EDT) on March 30, 2026, with the exception of applicable compliance obligations in paragraph D.

Issued in Washington, D.C. at 7:08PM EST on this 30th day of December 2025.



Chris Wright
Secretary of Energy

cc:

FERC Commissioners

Chairman Laura V. Swett

Commissioner David Rosner

Commissioner Lindsay S. See

Commissioner Judy W. Chang

Commissioner David A. LaCerte

Colorado Public Utilities Commission

Chairman Eric Blank

Commissioner Megan Gilman

Commissioner Tom Plant

EXHIBIT 124



Department of Energy
Washington, DC 20585

Order No. 202-26-21

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists within the Western Electricity Coordinating Council (WECC) Rocky Mountain³ assessment area due to a shortage of electric energy, a shortage of facilities for the generation of electricity, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

Craig Station (Craig) is an electric generating facility in Craig, Colorado. Craig is operated by the Tri-State Generation and Transmission Association (Tri-State). Craig consists of three coal-fired generation units, Unit 1 (446.4 MW), Unit 2 (446.4 MW), and Unit 3 (534.8 MW), with a combined name plate capacity of 1427.6 MW.⁴ Unit 1 and Unit 2 are co-owned by Tri-State, Platte River Power Authority, Salt River Project, PacifiCorp, and Public Service Company of Colorado (a subsidiary of Xcel Energy), hereinafter collectively referred to as the “co-owners”.⁵ Unit 3 is wholly owned by Tri-State. Unit 1 and Unit 2 began operations in 1980 and 1979 respectively. Unit 3 began operations in 1984. Unit 1 was slated to cease operations in December 2025. Unit 2 and Unit 3 are slated to retire in 2028.⁶

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ The 2024 Long-Term Reliability Assessment (LTRA) from the North American Electric Reliability Corporation (NERC) included Colorado in the WECC Northwest assessment area. The 2025 LTRA provides new assessment area boundaries for WECC to provide more geographic detail of reliability risk information and to, “reflect a more accurate alignment with operational and planning realities, as well as the footprints of various entities.” In the 2025 LTRA, Colorado is included in the WECC Rocky Mountain assessment region.

⁴ U.S. Energy Information Administration, *Form EIA-860, Schedule 3: Generator Data* (2024), <https://www.eia.gov/electricity/data/eia860/>.

⁵ Platte River Power Authority, Craig Units 1 & 2 (Yampa Project), <https://prpa.org/generation/yampa-project/>.

⁶ As a coal-fired facility, it would be difficult for the Craig Unit 1 to resume operations once it has been retired. Specifically, any stop and start of operation creates heating and cooling cycles that could cause an immediate failure that could take 30–60 days to repair if a unit comes offline. In addition, other practical issues, such as

Order No. 202-25-14, issued pursuant to FPA section 202(c) on December 30, 2025, required that Tri-State and the co-owners take all measures necessary to ensure that Craig Unit 1 continues to be available to operate for 90 days, until March 30, 2026. This order was based on my determination that emergency conditions existed within the WECC Northwest assessment area.

Specifically, I determined that the WECC Northwest assessment area faced significant amount of retiring baseload generation resources and concerns meeting demand during shoulder periods.⁷ I determined that the continued availability of Craig Unit 1 would provide additional generation capacity, which would help prevent the loss of power to homes and businesses that would otherwise pose a risk to public health and safety.⁸ I determined that the continued availability of Craig Unit 1 was necessary to alleviate immediate and anticipated threats to reliability.⁹ My determination was based on several facts.

First, in its 2024 Long-Term Reliability Assessment (LTRA), the North American Electric Reliability Corporation (NERC) notes that in the WECC Northwest assessment area, which included Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, “[e]nergy variability is greater in the Northwest than other WECC regions due to the large share of wind and hydro in the portfolio.” The 2024 LTRA notes that:

[f]ive [gigawatts] of baseload resource retirements are anticipated between 2024 and 2028. The energy needs are to be replaced by solar, wind, and [battery energy storage systems], further increasing variability in the portfolio. Given the retiring of baseload resources, supply chain issues preventing the construction of [battery energy storage systems] resources are a concern as they assist in meeting demand during shoulder periods where solar availability is dropping but loads remain high.¹⁰

employment, contracts, and permits may greatly increase the timeline for resumption of operations. Further, if Tri-State and co-owners were to begin disassembling the plant or other related facilities, the associated challenges would be greatly exacerbated. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist.

⁷ See, e.g., *Tri-State Generation and Transmission Association (Tri-State), Platte River Power Authority, Salt River Project, PacifiCorp, and Xcel Energy*, Order No. 202-25-14, at 1–2 (Dec. 30, 2025).

⁸ See, e.g., *id.* at 1–3.

⁹ See, e.g., *id.* at 3.

¹⁰ NERC, *2024 Long-Term Reliability Assessment* (Dec. 2024, corrected Jul. 11, 2025), at 130 (Dec. 2024, corrected Jul. 11, 2025), https://www.nerc.com/globalassets/ourwork/assessments/2024-ltra_corrected_july_2025.pdf.

Second, the 2024 WECC Western Assessment of Resource Adequacy notes that peak demand in WECC’s Northwest-Central subregion, which included Colorado at the time, is “forecast to grow by 8.5% over the next decade, from 33 GW in 2025 to 36 GW in 2034.”¹¹ Meanwhile, WECC notes that most planned retirements are “baseload generation, such as coal, natural gas, and nuclear.”¹²

CONTINUING EMERGENCY CONDITIONS

The emergency conditions that necessitated the issuance of Order No. 202-25-14 continue, both in the near and long term.¹³ The availability of electricity from Craig Unit 1 will continue to be critical to maintain reliability in the WECC Rocky Mountain assessment area.

In January 2026, NERC released its 2025 Long-Term Reliability Assessment.¹⁴ While NERC assessed that the WECC Rocky Mountain region, which includes Colorado, is at normal risk of energy shortfalls over the next five years,¹⁵ the area has an “[anticipated reserve margin] that falls below the [Reference Margin Level] in Summer 2034 and 2035, and Winter 2034–35.”¹⁶ The LTRA also notes that the WECC-Rocky Mountain assessment area faces challenges from an aging thermal resource fleet, which can lead to unplanned outages, exacerbated by supply chain issues, and vendor availability.¹⁷ Additionally, both solar and wind variability are year-round concerns, and while the region is pursuing advancement into Regional Transmission Organizations (RTOs) to leverage a wider footprint, smaller entities currently have limited geographic diversity to counteract these generation constraints.¹⁸

The 2025 WECC Western Assessment of Resource Adequacy notes that “the West’s planned resource buildout will not keep up with anticipated load growth over the next decade, particularly in the Basin and Northwest subregions. The West could see

¹¹ WECC, *Western Assessment of Resource Adequacy 2024: Peak Demand by Subregion*, at 2, <https://www.wecc.org/sites/default/files/documents/products/2024/WARA%202024%20Peak%20Demand%20by%20Subregion.pdf>.

¹² WECC, *Western Assessment of Resource Adequacy*, <https://feature.wecc.org/wara/>.

¹³ Further, as noted in Order No. 202-25-14, as a coal-fired facility, it would be difficult for Craig Unit 1 to resume operations once it has been retired. *See* Order No. 202-25-14 at 1.

¹⁴ NERC, *2025 Long-Term Reliability Assessment* (Jan. 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

¹⁵ *Id.* at 7.

¹⁶ *Id.* at 160.

¹⁷ *Id.* at 161.

¹⁸ *Id.*

energy shortfalls as early as 2028.”¹⁹ The assessment goes on to say that “[i]f resources are added as planned, loss of load may be limited to the Basin and Northwest subregions. However, if planned resource additions are delayed or cancelled, other subregions could also be at risk.”²⁰ Further, the assessment highlights that 90% of planned resources over the next decade are inverter-based resources, which “continue the rapid evolution of the resource mix away from traditional dispatchable resources to more weather-dependent resources.”²¹

Since 2019, the retirement of coal-fired generating capacity in Colorado has led to a decline in the share of coal-generated electricity from 45% to 25%.²² Looking forward, by 2029, about 3,700 megawatts (MW) of coal-fired generating capacity in Colorado is scheduled to retire according to the Energy Information Administration (EIA),²³ accounting for all but one coal-fired power plant in Colorado. In that same time frame, 620 MW of natural gas-fired generating capacity in Colorado will retire as well.²⁴ In 2025, intermittent wind accounted for over 5,300 MW of Colorado’s electricity generating capacity.²⁵ Additionally, Colorado Public Utilities Commissioners

¹⁹ WECC, *Western Assessment of Resource Adequacy*, <https://feature.wecc.org/2025wara/index.html>.

²⁰ *Id.*

²¹ *Id.*

²² U.S. Energy Information Administration, *Electricity Data Browser; Net Generation for All Sectors Annually from 2019-2025, State: Colorado*, (last accessed Mar. 18, 2026), <https://www.eia.gov/electricity/data/browser/#/topic/0?agg=2,0,1&fuel=vtvp&geo=0000000000g&sec=g&freq=A&start=2019&end=2024&ctype=linechart<ype=pin&rtype=s&pin=&rse=0&motype=0>.

²³ U.S. Energy Information Administration, *Preliminary Monthly Electric Generator Inventory (based on Form EIA-860M as a supplement to Form EIA-860), Inventory of Operating Generator as of January 2026, Plant State: Colorado, Technology: Conventional Steam Coal* (Jan. 2026), <https://www.eia.gov/electricity/data/eia860m/>.

²⁴ U.S. Energy Information Administration, *Preliminary Monthly Electric Generator Inventory (based on Form EIA-860M as a supplement to Form EIA-860), Inventory of Operating Generator as of January 2026, Plant State: Colorado, Technology: Natural Gas Fired Combustion Turbine and Natural Gas Stream Turbine* (Jan. 2026), <https://www.eia.gov/electricity/data/eia860m/>.

²⁵ U.S. Energy Information Administration, *Preliminary Monthly Electric Generator Inventory (based on Form EIA-860M as a supplement to Form EIA-860), Inventory of Operating Generator as of January 2026, Plant State: Colorado, Technology: Onshore Wind Turbine* (Jan. 2026), <https://www.eia.gov/electricity/data/eia860m/>.

have expressed concerns about the ability of certain utilities to meet projected summer 2026 loads.²⁶

Order No. 202-25-14 was preceded by executive orders on January 20, 2025, and April 8, 2025, in which President Donald J. Trump underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order 14156, *Declaring a National Energy Emergency*, in which he determined that the “United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.”²⁷ The Executive Order adds, “hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets.”²⁸ In a subsequent Executive Order 14262, *Strengthening the Reliability and Security of the United States Electric Grid*, President Trump emphasized that “the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.”²⁹

Further, the Department detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” issued pursuant to the President’s directive in Executive Order 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”³⁰ The prolific growth of data centers for the development of AI, as well as their immense energy needs, presents a new and unexpected source of load growth.

²⁶ RTO Insider, *Comanche 3 Repair Delay Raises RA Concerns in Colorado*, (March 26, 2026), <https://www.rtoinsider.com/129021-comanche-3-repair-delay-raises-ra-concerns-in-colorado/>.

²⁷ Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025) (*Declaring a National Energy Emergency*), <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-energy-emergency/>.

²⁸ *Id.*

²⁹ Exec. Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025) (*Strengthening the Reliability and Security of the United States Electric Grid*), <https://www.whitehouse.gov/presidential-actions/2025/04/strengthening-the-reliability-and-security-of-the-united-states-electric-grid/>.

³⁰ U.S. Dep’t of Energy, *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid*, at 1 (July 2025), <https://www.energy.gov/sites/default/files/2025-07/DOE%20Final%20EO%20Report%20%28FINAL%20JULY%207%29.pdf>.

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy,” then the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in [his] judgment will best meet the emergency and serve the public interest.”³¹ This statutory language constitutes a specific grant of authority to the Secretary to require the availability and operation of Craig Unit 1 when the Secretary has determined that such availability and operation will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity.

Such is the case here. As described above, the emergency conditions resulting from increasing demand and shortage from accelerated retirement of generation facilities will continue in the near term and are also likely to continue in subsequent years. This could lead to the loss of power to homes and businesses in the areas that may be affected by curtailments or power outages, presenting a risk to public health and safety.

I have also made the determination that, to best meet the emergency arising from increased demand, determined shortage, and other causes, and serve the public interest under FPA section 202(c), Craig Unit 1 shall be made available for operation through June 28, 2026.

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

- A. For March 31, 2026, Tri-State and the co-owners, shall take all measures necessary to ensure that Craig Unit 1 is available to operate at the direction of either Western Area Power Administration (WAPA)—Rocky Mountain Region, Western Area Colorado Missouri (WACM), in its role as Balancing Authority,³² or the Southwest Power Pool (SPP) West in its role as the Reliability Coordinator,³³ as applicable.
- B. From April 1, 2026, SPP, Tri-State and the co-owners shall take all measures

³¹ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. *See* 42 U.S.C. § 7151(b).

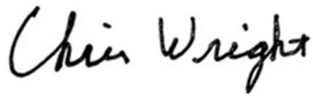
³² *See* EIA-930A 2024 Data, <https://www.eia.gov/electricity/gridmonitor/about>. On EIA-930A 2024 SCH 2, the balancing authority (BA) Code for Craig is WACM. *See* EIA-930 data reference tables, <https://www.eia.gov/electricity/gridmonitor/about>. On EIA-930 data reference tables BA Code WACM is associated with Western Area Power Administration—Rocky Mountain Region.

³³ SPP, *Western RC Services*, [https://www.spp.org/western-services/western-rc-services/#:~:text=SPP%20is%20a%20certified%20Reliability%20Coordinator%20\(RC\),Interchange%20Tool%20*%20Western%20Interconnection%20Synchrophasor%20Project](https://www.spp.org/western-services/western-rc-services/#:~:text=SPP%20is%20a%20certified%20Reliability%20Coordinator%20(RC),Interchange%20Tool%20*%20Western%20Interconnection%20Synchrophasor%20Project).

- necessary to ensure that Craig Unit 1 is available to operate.³⁴ For the duration of this Order, SPP is directed to take every step to employ economic dispatch of Craig Unit 1 to minimize costs to ratepayers. Following the conclusion of this Order, sufficient time for orderly ramp down is permitted, consistent with industry practices. Tri-State and the co-owners are directed to comply with all orders from SPP related to the availability and dispatch of Craig Unit 1.
- C. To minimize adverse environmental impacts, this Order limits operation of Craig Unit 1 to the times and within the parameters established in paragraph A and paragraph B. SPP and Tri-State shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether Craig Unit 1 has operated in compliance with this Order.
 - D. All operations of Craig Unit 1 must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions.
 - E. By April 14, 2026, SPP and Tri-State, in coordination with the co-owners, are directed to provide the Department of Energy (via AskCR@hq.doe.gov) with information concerning the measures each has taken and is planning to take to ensure the operational availability of Craig Unit 1 consistent with this Order. SPP, Tri-State and the co-owners shall also provide such additional information regarding the environmental and operational impacts of this Order and its compliance with the conditions of this Order, in each case as requested by the Department of Energy from time to time.
 - F. Tri-state and the co-owners are directed to file with the Federal Energy Regulatory Commission Tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
 - G. This Order shall not preclude the need for Craig Unit 1 to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
 - H. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, Craig Unit 1 shall not be considered a capacity resource.
 - I. This Order shall be effective from March 31, 2026 through June 28, 2026, with the exception of applicable compliance obligations in paragraph E.

³⁴ WAPA, *Southwest Power Pool RTO Membership Initiative*, <https://www.wapa.gov/about-wapa/the-source/key-topics/southwest-power-pool-membership/#:~:text=Since%202020%2C%20WAPA's%20Colorado%20River,FERC%20website%20under%20Docket%20No.>

Issued in Washington, D.C. on this 30th day of March 2026.



Chris Wright
Secretary of Energy

cc: **FERC Commissioners**
Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

Colorado Public Utilities Commission
Chairman Eric Blank
Commissioner Megan Gilman
Commissioner Tom Plant

EXHIBIT 125



Department of Energy
Washington, DC 20585

Tri-State Generation and Transmission Association,
Platte River Power Authority, Salt River Project,
PacifiCorp, and Public Service Company of Colorado, and
Southwest Power Pool
Regarding Craig Station

Order No. 202-26-31

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy (DOE or the Department) Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists within the Western Electricity Coordinating Council (WECC)–Rocky Mountain³ assessment area due to a shortage of electric energy, a shortage of facilities for the generation of electricity, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

Craig Station (Craig) is an electric generating facility in Craig, Colorado. Craig is operated by the Tri-State Generation and Transmission Association (Tri-State). Craig consists of three coal-fired generation units, Unit 1 (446.4 MW), Unit 2 (446.4 MW), and Unit 3 (534.8 MW), with a combined name plate capacity of 1427.6 MW.⁴ Unit 1 and Unit 2 are co-owned by Tri-State, Platte River Power Authority, Salt River Project, PacifiCorp, and Public Service Company of Colorado (a subsidiary of Xcel Energy), hereinafter collectively referred to as the co-owners.⁵ Unit 3 is wholly owned by Tri-State. Unit 1 and Unit 2 began operations in 1980 and 1979, respectively. Unit 3 began operations in 1984. Unit 1 was slated to cease operations in December 2025. Unit 2 and Unit 3 are slated to retire in 2028.⁶

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ The 2024 Long-Term Reliability Assessment (LTRA) from the North American Electric Reliability Corporation (NERC) included Colorado in the WECC–Northwest assessment area. The 2025 LTRA provides new assessment area boundaries for WECC to provide more geographic detail of reliability risk information and to, “reflect a more accurate alignment with operational and planning realities, as well as the footprints of various entities.” In the 2025 LTRA, Colorado is included in the WECC–Rocky Mountain assessment region.

⁴ U.S. Energy Info. Admin., *Form EIA-860, Schedule 3: Generator Data* (2024), <https://www.eia.gov/electricity/data/eia860/>.

⁵ Platte River Power Authority, Craig Units 1 & 2 (Yampa Project), <https://prpa.org/generation/yampa-project/>.

⁶ It likely would be difficult for the coal-fired unit to resume operations once retired. Specifically, practical issues, such as acquiring employment, contracts, and

Order Nos. 202-25-14 and 202-26-21, issued pursuant to FPA section 202(c) on December 30, 2025, and March 30, 2026, respectively, each required that Craig Unit 1 continue to be available to operate for 90 days, until March 30, 2026, and June 28, 2026, respectively. Those orders were based on my determination that emergency conditions existed within the WECC–Northwest and WECC–Rocky Mountain assessment areas.

Specifically, I determined that the WECC–Northwest and, later, WECC–Rocky Mountain, assessment areas faced significant amount of retiring baseload generation resources and concerns meeting demand during shoulder periods.⁷ I determined that the continued operation of Craig Unit 1 would provide additional generation capacity, which would help prevent the loss of power to homes and businesses that would otherwise pose a risk to public health and safety.⁸ I determined that the continued operation of Craig Unit 1 was necessary to alleviate immediate and anticipated threats to reliability.⁹

My determination was based on several facts. First, in its 2024 Long-Term Reliability Assessment (LTRA), the North American Electric Reliability Corporation (NERC) notes that in the WECC–Northwest assessment area, which included Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, “[e]nergy variability is greater in the Northwest than other WECC regions due to the large share of wind and hydro in the portfolio.” The 2024 LTRA notes that:

Five [gigawatts (GW)] of baseload resource retirements are anticipated between 2024 and 2028. The energy needs are to be replaced by solar, wind, and [battery energy storage systems], further increasing variability in the portfolio. Given the retiring of baseload resources, supply chain issues preventing the construction of [battery energy storage systems]

permits, may greatly increase the timeline for resumption of operations, such that the facility may not be available in the period needed. Moreover, if the co-owners were to begin disassembling the unit or other related facilities, the associated challenges would be greatly exacerbated. The costs and time of decommissioning a coal plant are extensive, and restarting such decommissioned plants would presumably cost the same as decommissioning in dollars and time, if not more. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist. See Jennifer Lessick et al., *Bus. Models for Coal Plant Decommissioning*, at 9–12 (Aug. 2021), https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-31348.pdf.

⁷ See, e.g., *Tri-State Generation & Transmission Ass’n*, DOE Order No. 202-25-14, at 1–2 (Dec. 30, 2025) (*Tri-State*).

⁸ See *id.* at 1–3.

⁹ See *id.* at 3.

resources are a concern as they assist in meeting demand during shoulder periods where solar availability is dropping but loads remain high.¹⁰

Second, the 2024 WECC Western Assessment of Resource Adequacy notes that peak demand in WECC's Northwest-Central subregion, which included Colorado at the time, is "forecast to grow by 8.5% over the next decade, from 33 GW in 2025 to 36 GW in 2034."¹¹ Meanwhile, WECC notes that most planned retirements are "baseload generation, such as coal, natural gas, and nuclear."¹²

Further, in January 2026, NERC released its 2025 Long-Term Reliability Assessment.¹³ While NERC assessed that the WECC–Rocky Mountain region, which includes Colorado, is at normal risk of energy shortfalls over the next five years,¹⁴ the area has an "[anticipated reserve margin] that falls below the [Reference Margin Level] in Summer 2034 and 2035, and Winter 2034–35."¹⁵ The LTRA also notes that the WECC–Rocky Mountain assessment area faces challenges from an aging thermal resource fleet, which can lead to unplanned outages, exacerbated by supply chain issues, and vendor availability.¹⁶ Additionally, both solar and wind variability are year-round concerns, and while the region is pursuing advancement into Regional Transmission Organizations (RTO) to leverage a wider footprint, smaller entities currently have limited geographic diversity to counteract these generation constraints.¹⁷

CONTINUING EMERGENCY CONDITIONS

The emergency conditions that necessitated the issuance of Order Nos. 202-25-14 and 202-26-21 continue, both in the near and long term.¹⁸ The production of electricity from Craig Unit 1 continues to be critical to maintain reliability in the WECC–Rocky Mountain assessment area.

The 2025 WECC Western Assessment of Resource Adequacy notes that "the West's planned resource buildout will not keep up with anticipated load growth over the

¹⁰ N. Am. Elec. Reliability Corp., *2024 Long-Term Reliability Assessment*, at 13 (Dec. 2024, corrected July 11, 2025), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

¹¹ WECC, *W. Assessment of Res. Adequacy 2024: Peak Demand by Subregion*, at 2, <https://www.wecc.org/wecc-document/17066>.

¹² WECC, *W. Assessment of Res. Adequacy 2024*, <https://feature.wecc.org/wara/>.

¹³ NERC, *2025 Long-Term Reliability Assessment* (Jan. 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

¹⁴ *See id.* at 7.

¹⁵ *Id.* at 160–61.

¹⁶ *See id.* at 161.

¹⁷ *Id.*

¹⁸ Further, as noted in *Tri-State*, as a coal-fired facility, it would be difficult for Craig Unit 1 to resume operations once it has been retired. *See Tri-State*, DOE Order No. 202-25-14 at 1.

next decade, particularly in the Basin and Northwest subregions. The West could see energy shortfalls as early as 2028.”¹⁹ The assessment goes on to say that “[i]f resources are added as planned, loss of load may be limited to the Basin and Northwest subregions. However, if planned resource additions are delayed or cancelled, other subregions could also be at risk.”²⁰ Further, the assessment highlights that 90% of planned resources over the next decade are inverter-based resources, which “continue the rapid evolution of the resource mix away from traditional dispatchable resources to more weather-dependent resources.”²¹ The assessment notes that “entities plan to retire 22 GW of generation over the next 10 years. The vast majority is baseload generation such as coal (7 GW), natural gas (8 GW), and nuclear (2.3 GW, Diablo Canyon's two units, in 2029 and 2030).”²²

Between 2019 and 2024, the retirement of coal-fired generating capacity in Colorado has led to a decline in the share of coal-generated electricity from 45% to 25%.²³ Looking forward, by 2029, about 3,700 megawatts (MW) of coal-fired generating capacity in Colorado is scheduled to retire according to the Energy Information Administration,²⁴ accounting for all but one coal-fired power plant in Colorado. In that same time frame, 620 MW of natural gas-fired generating capacity in Colorado will retire as well.²⁵ In 2025, intermittent wind accounted for over 5,300 MW of Colorado’s electricity generating capacity.²⁶ Additionally, Colorado Public Utilities Commissioners have expressed concerns about the ability of certain utilities to meet projected summer 2026 loads.²⁷

Finally, in May 2026, NERC released its 2026 Summer Reliability Assessment. According to NERC, Anticipated Reserve Margins will remain above the Reference Margin Level, they note that “wildfires in the region, along with extreme heat conditions

¹⁹ WECC, *W. Assessment of Res. Adequacy* (2025), <https://feature.wecc.org/2025wara/index.html>.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ U.S. Energy Info. Admin. (EIA), *Elec. Data Browser, Net Generation for All Sectors Annually from 2019-2025, State: Colorado*, <https://www.eia.gov/electricity/data/browser/#/topic/0?agg=2,0,1&fuel=vtvp&geo=0000000000g&sec=g&freq=A&start=2019&end=2024&ctype=linechart<ype=pin&rtype=s&pin=&rse=0&maptype=0>.

²⁴ EIA, *Preliminary Monthly Elec. Generator Inventory (based on Form EIA-860M as a supplement to Form EIA-860)* (Jan. 2026), <https://www.eia.gov/electricity/data/eia860m/> (choose “January 2026” XLS document under “2026” column, titled “Inventory of Operating Generators as of Jan. 2026”).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Comanche 3 Repair Delay Raises RA Concerns in Colo.*, RTO INSIDER (Mar. 26, 2026), <https://www.rtoinsider.com/129021-comanche-3-repair-delay-raises-ra-concerns-in-colorado/>.

for the summer, pose the greatest reliability risk scenario for the Rocky Mountains . . . [which] can impact rural communities disproportionately.”²⁸

Order Nos. 202-25-14 and 202-26-21 were preceded by executive orders on January 20, 2025, and April 8, 2025, in which President Donald J. Trump underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order No. 14156, “Declaring a National Energy Emergency,” in which he determined that the “United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.”²⁹ The Executive Order adds, “hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets.”³⁰ In the subsequent Executive Order No. 14262, “Strengthening the Reliability and Security of the United States Electric Grid,” President Trump emphasized that “the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.”³¹

In addition, President Trump issued a White House Memo for the Secretary of Energy that emphasized the findings of Executive Order No. 14156, stating that “ensuring reliable coal supply chains and baseload power generation capacity is essential to the United States national defense... Without sufficient coal-fired baseload power, the United States will lack the stable electricity required to support defense installations, industrial expansion, and the high-energy demands of emerging technologies, such as artificial intelligence.”³² The President “further determine[d] that action to expand coal supply chain capacity and baseload generation availability is necessary to avert an

²⁸ NERC, *2026 Summer Reliability Assessment*, at 37, https://www.nerc.com/globalassets/our-work/assessments/nerc_sra_2026.pdf.

²⁹ Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-energy-emergency/> (*Declaring a National Energy Emergency*).

³⁰ *Id.*

³¹ Exec. Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/strengthening-the-reliability-and-security-of-the-united-states-electric-grid/> (*Strengthening the Reliability and Security of the United States Electric Grid*).

³² Memorandum from President Donald J. Trump to the Secretary of Energy (Apr. 20, 2026) (“Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Coal Supply Chains and Baseload Power Generation Capacity”), <https://www.whitehouse.gov/presidential-actions/2026/04/presidential-determination-pursuant-to-section-303-of-the-defense-production-act-of-1950-as-amended-on-coal-supply-chains-and-baseload-power-generation-capacity/>.

industrial resource or critical technology item shortfall that would severely impair national defense capability.”³³

Further, the Department of Energy detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” issued pursuant to the President’s directive in Executive Order No. 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”³⁴

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy,” the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in [his] judgment will best meet the emergency and serve the public interest.”³⁵ This statutory language constitutes a specific grant of authority to the Secretary to require the operation of Craig Unit 1 when the Secretary has determined that such operation will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity, or a shortage of electric energy or facilities for generation or transmission of electric energy.

As described above, the emergency conditions resulting from increasing demand and shortage from premature retirement of the generation facility will continue in the near term and are also likely to continue in subsequent years. This could lead to the loss of power to homes and businesses in the areas that may be affected by curtailments or power outages, presenting a risk to public health and safety.

I have determined that, to best meet the emergency arising from increased demand, determined shortage, and other causes, and serve the public interest under FPA section 202(c), Craig Unit 1 shall be made available for operation through September 26, 2026.

³³ *Id.*

³⁴ DOE, *Res. Adequacy Rep.: Evaluating the Reliability & Sec. of the U. S. Elec. Grid*, at 1 (July 2025), <https://www.energy.gov/sites/default/files/2025-11/DOE%20Final%20EO%20Report%20%28REVISED%20OCT%2027%29.pdf>.

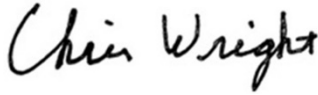
³⁵ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. *See* 42 U.S.C. § 7151(b).

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

- A. From June 29, 2026, at the direction of the Southwest Power Pool (SPP) in its role as Balancing Authority and Reliability Coordinator, Tri-State and the co-owners shall take all measures necessary to ensure that Craig Unit 1 is available to operate. For the duration of this Order, SPP is directed to take every step to employ economic dispatch of Craig Unit 1 to minimize costs to ratepayers. Following the conclusion of this Order, sufficient time for orderly ramp down is permitted, consistent with industry practices. Tri-State and the co-owners are directed to comply with all orders from SPP related to the availability and dispatch of Craig Unit 1.
- B. To minimize adverse environmental impacts, this Order limits operation of Craig Unit 1 to the times and within the parameters established in paragraph A. Tri-State shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether Craig Unit 1 has operated in compliance with this Order.
- C. All operations of Craig Unit 1 must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions. This Order does not provide relief from any obligation to pay fees, or purchase offsets or allowances for emissions that occur during the emergency conditions, or to use other geographic or temporal flexibilities available to generators.
- D. By July 14, 2026, Tri-State, in coordination with the co-owners, are directed to provide the Department of Energy (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of Craig Unit 1 consistent with this Order. SPP, Tri-State and the co-owners shall also provide such additional information regarding the environmental and operational impacts of this Order and its compliance with the conditions of this Order, as requested by the Department of Energy from time to time.
- E. Tri-State and the co-owners are directed to file with the Federal Energy Regulatory Commission any tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
- F. This Order shall not preclude the need for Craig Unit 1 to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
- G. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, Craig Unit 1 shall not be considered a capacity resource.

H. This Order shall be effective from June 29, 2026, through September 26, 2026, with the exception of applicable compliance obligations in paragraph D.

Issued in Washington, D.C. on this 26th day of June 2026.



Chris Wright
Secretary of Energy

cc: **FERC Commissioners**
Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

Colorado Public Utilities Commission
Chairman Eric Blank
Commissioner Megan Gilman
Commissioner Tom Plant

EXHIBIT 126



Department of Energy
Washington, DC 20585

Order No. 202-26-20

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists in portions of the Midwest region of the United States (U.S.) due to a shortage of electric energy, a shortage of facilities for the generation of electricity, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

The F.B. Culley Generating Station (Culley) is an electric generating facility in Warrick County, Indiana. Culley is owned and operated by CenterPoint Energy and consists of two coal-fired generation units, Unit 2 (103.7 MW) and Unit 3 (265.2 MW), with a combined name plate capacity of 368.9 MW.³ Unit 2 and Unit 3 began operations in 1966 and 1973, respectively. Unit 2 was slated to cease operations in December 2025.⁴

Order No. 202-25-13, issued pursuant to FPA section 202(c), required that Culley Unit 2 remain in operation for 90 days, through March 23, 2026. This order was based on my determination that emergency conditions existed in the region served by the Midcontinent Independent System Operator, Inc. (MISO).

Specifically, I determined that MISO faced tight reserve margins due to well-documented year-round resource adequacy concerns, particularly during periods of high demand or low generation resource output.⁵ I determined that the continued operation of

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ U.S. Energy Information Administration, *Form EIA-860, Schedule 3: Generator Data* (2024), <https://www.eia.gov/electricity/data/eia860/>.

⁴ As a coal-fired facility, it would be difficult for Culley Unit 2 to resume operations once it has been retired. Specifically, any stop and start of operation creates heating and cooling cycles that could cause an immediate failure that could take 30–60 days to repair if a unit comes offline. In addition, other practical issues, such as employment, contracts, and permits may greatly increase the timeline for resumption of operations. Further, if Culley were to begin disassembling Unit 2 or other related facilities, the associated challenges would be greatly exacerbated. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist.

⁵ See, e.g., *Midcontinent Indep. Sys. Operator, Inc., and Northern Indiana Public Service Company*, Order No. 202-25-12, at 1–4 (Dec. 23, 2025).

Culley Unit 2 would provide additional generation capacity during these periods, which would help prevent the loss of power to homes and businesses that would otherwise pose a risk to public health and safety.⁶ I determined that the continued operation of Culley Unit 2 was necessary to alleviate immediate and anticipated threats to reliability.⁷

My determination was based on several facts.

First, in its 2024 Long-Term Reliability Assessment (LTRA), the North American Electric Reliability Corporation (NERC) notes that the MISO assessment area, which covers portions of Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, North Dakota, South Dakota, Texas, and Wisconsin, is at an elevated risk “because probabilistic assessments indicate above-normal generator outages during extreme weather can result in unserved energy or load loss. With uncertainty around new resource additions and existing generator retirements, MISO is also at risk of falling below [Reference Margin Levels] within the next five years.”⁸ Additionally, the LTRA notes that “[t]he departure of MISO’s coal fleet has continued with a reduction in capacity of around 6 GW in the past year, and a projected reduction of a further 12 GW over the next five years.”⁹

Second, MISO’s year-round resource adequacy concerns are well-documented. In 2022, MISO requested Federal Energy Regulatory Commission (FERC) approval of its filing to revise its resource adequacy construct (including the Planning Resource Auction or PRA) to establish capacity requirements for each of the four seasons of the year rather than on an annual basis determined by peak summer demand.¹⁰ MISO justified this revision by explaining that “Reliability risks associated with [r]esource [a]dequacy have shifted from ‘Summer only’ to a year-round concern.”¹¹ MISO noted that over 60% of all “MaxGen” events (events when MISO initiates emergency procedures because of concerns over the adequacy of available generation) occurred outside of the summer season.¹²

⁶ See, e.g., *id.* at 1–4.

⁷ See, e.g., *id.* at 5.

⁸ NERC, *2024 Long-Term Reliability Assessment*, at 13 (December 2024, corrected July 11, 2025), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

⁹ *Id.* at 44.

¹⁰ *Midcontinent Independent System Operator, Inc.*, FERC Docket No. ER22-495-000 (Nov. 30, 2021). This request was approved by FERC on August 31, 2022. See *Midcontinent Independent System Operator, Inc.*, 180 FERC ¶ 61,141 (2022).

¹¹ *MISO Transmittal Letter*, FERC Docket No. ER22-495-000, at 3 (Nov. 30, 2021).

¹² *Id.* at 3–4.

CONTINUING EMERGENCY CONDITIONS

The emergency conditions that necessitated the issuance of Order No. 202-25-13 continue, both in the near and long term.¹³ The production of electricity from Culley Unit 2 will continue to be critical to maintain reliability in MISO. MISO's resource adequacy concerns were most recently demonstrated during Winter Storm Fern, when Culley operated under a cold weather alert and declared conservative operations from January 23–February 1, 2026. On January 24, MISO declared an Energy Emergency Alert (EEA) 1, as well as an EEA 2 “MaxGen” event for MISO's North and Central Regions due to generation outages, high demand, and transfer capability limits.¹⁴ From January 21–February 1, 2026, Culley operated at roughly 30 MW almost every day, providing vital generation capacity to the region.¹⁵

In December of 2023, MISO released an “Attributes Roadmap,” in which it presented “an in-depth look at the challenges of operating a reliable bulk electric system in a rapidly transforming energy landscape.”¹⁶ Among other things, this report described changes in the time of year during which the risk of the loss of load was greatest. For the 2023/2024 Planning Year, the greatest risk of loss of load was in the summer, but it is expected that by the summer of 2027, there will be an equal loss of load risk in both the summer and fall seasons. MISO also projects risk of loss of load in the winter and spring seasons; although not as high as in the summer or fall, losses will nevertheless increase over time.¹⁷

¹³ Further, as noted in Order No. 202-25-13, as a coal-fired facility, it would be difficult for Culley Unit 2 to resume operations once it has been retired. Specifically, any stop and start of operation creates heating and cooling cycles that could cause an immediate failure that could take 30–60 days to repair. In addition, other practical issues, such as employment, contracts, and permits may greatly increase the timeline for resumption of operations. If CenterPoint Energy were to begin disassembling the unit or other related facilities, the associated challenges would be greatly exacerbated. Thus, continuous operation is required so long as I determine a shortage exists. *See* Order No. 202-25-13 at 1.

¹⁴ *See* Midcontinent ISO on X, (Jan. 24, 2026), https://x.com/MISO_energy/status/2015072060876140805?s=20.

¹⁵ U.S. Dep't of Energy, *FACT SHEET: Energy Department Prevented Blackouts & Saved American Lives During Winter Storms*, (February 2026), <https://www.energy.gov/articles/fact-sheet-energy-department-prevented-blackouts-saved-american-lives-during-winter-storms>.

¹⁶ MISO, *Attributes Roadmap*, at 3 (Dec. 2023), <https://cdn.misoenergy.org/2023%20Attributes%20Roadmap631174.pdf>.

¹⁷ *Id.* at 11.

More recently, MISO affirmed the resource adequacy problems occurring outside of its summer season in its 2024 report entitled, “*MISO’s Response to the Reliability Imperative*.”¹⁸ In a section of that report entitled, “Risks in Non-Summer Seasons,” MISO again stressed that it has resource reliability concerns outside of the summer season.

Widespread retirements of dispatchable resources, lower reserve margins, more frequent and severe weather events and increased reliance on weather-dependent renewables and emergency-only resources have altered the region’s historic risk profile, creating risks in non-summer months that rarely posed challenges in the past.¹⁹ These MISO studies indicate that the emergency conditions caused by the loss of generation capacity in MISO extend past the summer season.

In January 2026, NERC released its 2025 Long-Term Reliability Assessment.²⁰ NERC assessed that the MISO region is at high risk of energy shortfalls over the next five years,²¹ stating that it faces significant reliability challenges as “projected resource additions do not keep pace with escalating demand forecasts and announced generator retirements.”²² This determination is based on the combination of accelerating demand growth from new data centers and the retirement of existing thermal generators.²³ The 2025 NERC Long-Term Reliability Assessment notes that “MISO’s accredited thermal capacity has decreased by 8.8 GW, driven primarily by reductions in accredited capacity of existing facilities and retirements.”²⁴ The report observes that winter peak periods are a particular concern, with projections showing “shortfalls in planned resources for winter peak periods.”²⁵ However, NERC also concluded that “risks could expand into spring and fall generator maintenance periods when the available dispatchable generation is not enough to counter wind and solar variability when demand is high.”²⁶

While the 2025–2026 NERC Winter Reliability Assessment found the MISO region to be at normal risk in 2026 and elevated risk in 2027, two earlier winter studies were more critical. The 2023–2024 NERC Winter Reliability Assessment characterized MISO as a region at elevated risk with the “[p]otential for insufficient operating reserves

¹⁸ MISO, *MISO’s Response to the Reliability Imperative* (Updated February 2024), <https://cdn.misoenergy.org/2024+Reliability+Imperative+report+Feb.+21+Final+504018.pdf>.

¹⁹ *Id.* at 12.

²⁰ NERC, *2025 Long-Term Reliability Assessment* (Jan. 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

²¹ *Id.* at 7.

²² *Id.* at 8.

²³ *Id.* at 43.

²⁴ *Id.* at 15.

²⁵ *Id.*

²⁶ *Id.*

in above-normal conditions.”²⁷ These findings were echoed in NERC’s 2024–2025 Winter Reliability Assessment, which noted that “[g]enerating capacity is 10 GW lower (-6.8%) compared to that of the prior winter as generators have retired, withdrawn from MISO’s capacity market, or received lower winter accredited capacity.”²⁸

The evidence indicates that there is also a potential longer-term resource adequacy emergency in MISO. When MISO reported the results of its PRA for the 2025-26 Planning Year, it noted that “new capacity additions were insufficient to offset the negative impacts of decreased accreditation, suspensions/retirements and external resources” in the northern and central zones, which include Indiana.²⁹

On June 6, 2025, the Organization of MISO States (OMS) and MISO issued the results of their annual survey, which reports the degree to which expected capacity resources satisfy planning reserve margin requirements.³⁰ The 2025 Survey presented projections of resource adequacy for the summer of 2026 and subsequent years. Although the survey projected a potential capacity surplus for the summer of 2026, it also projected that at least 3.1 GW of additional generation capacity beyond currently committed generation capacity must be added to meet the projected planning reserve margin.³¹ The survey also projected that there would be insufficient capacity to meet the peak demand for electricity in each of the following four summers, increasing from a deficit of 1.4 GW in 2027 to 8.2 GW in 2030.³² Similar results were projected for MISO’s winter seasons, with a small surplus of generation capacity in 2026, followed by increasing deficits the following four years.³³

The primary reasons for these projected deficits also are shown on the OMS-MISO survey. Large amounts of existing generation capacity are projected to be retired each year, while, at the same time, the demand for electricity is projected to increase at an accelerating pace.³⁴

Although the OMS-MISO survey projects generation capacity to continue to increase in the coming years with the addition of new potential generation assets, the

²⁷ NERC, *2023 – 2024 Winter Reliability Assessment*, at 5 (Nov. 2023), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_WRA_2023.pdf.

²⁸ NERC, *2024–2025 Winter Reliability Assessment*, at 15 (Nov. 2024), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_WRA_2024.pdf.

²⁹ MISO, *Planning Resource Auction: Results for Planning Year 2025–26*, at 13 (April 2025), https://cdn.misoenergy.org/2025%20PRA%20Results%20Posting%20250529_Corrections694160.pdf.

³⁰ OMS and MISO, *OMS-MISO Survey Results* (Updated June 6, 2025) <https://cdn.misoenergy.org/20250606%20OMS%20MISO%20Survey%20Results%20Workshop%20Presentation702311.pdf>.

³¹ *Id.* at 2.

³² *Id.* at 7.

³³ *Id.* at 9.

³⁴ *Id.* at 7, 9.

increase in capacity is largely offset by the projected retirements and does not keep up with the growth in demand.³⁵

According to the U.S. Energy Information Administration, coal-fired electricity generation in Indiana has declined from 85% of total generation in 2014 to 42% in 2024. Since 2014, approximately 5,000 MW of coal-fired capacity in Indiana have retired, with almost another 3,900 MW of coal-fired capacity scheduled for retirement by the end of 2028, including Culley.³⁶

MISO has been taking steps to address these projected deficits, but the solution is years away. For example, on June 6, 2025, MISO submitted a proposal to FERC to establish an Expedited Resource Addition Study (ERAS) process to provide a framework for the expedited study of interconnection requests to address urgent resource adequacy and reliability needs in the near term. This proposal was approved by FERC on July 21, 2025.³⁷ The ERAS process should help expedite the construction of needed new capacity. However, resources studied under the ERAS will have commercial operation dates that are at least three years away and are provided an additional three-year grace period to commence commercial operations.³⁸ In addition, supply chain constraints impeding the acquisition of critical grid components, including large natural gas turbines and transformers, are likely to further hinder rapid construction and exacerbate reliability concerns.³⁹ Consequently, the new ERAS process is unlikely to result in the addition of any new generation capacity in the next few years.

Order No. 202-25-13 was preceded by executive orders on January 20, 2025, and April 8, 2025, in which President Donald J. Trump underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order 14156, *Declaring a National Energy Emergency*, in which he determined that the “United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and

³⁵ *Id.*

³⁶ See *Electricity*, Energy Information Administration, Indiana Analysis, <https://www.eia.gov/states/in/analysis>.

³⁷ *Midcontinent Independent System Operator, Inc.*, 192 FERC ¶ 61,064 (2025).

³⁸ *Id.* P 84.

³⁹ See generally, S&P Global, *US Gas-Fired Turbine Wait Times as Much as Seven Years; Costs Up Sharply* (May 2025) (“With demand for natural gas-fired turbines in the US rapidly accelerating amid power demand growth forecasts driven by AI, manufacturing, and electrification, wait times for turbines are anywhere between one and seven years depending on the model, and costs have increased considerably, experts told Platts.”), <https://www.spglobal.com/commodity-insights/en/news-research/latest-news/electric-power/052025-us-gas-fired-turbine-wait-times-as-much-as-seven-years-costs-up-sharply>.

extraordinary threat to our Nation’s economy, national security, and foreign policy.”⁴⁰ The Executive Order adds, “hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets.”⁴¹ In a subsequent Executive Order 14262, *Strengthening the Reliability and Security of the United States Electric Grid*, President Trump emphasized that “the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.”⁴²

Further, the Department detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” issued pursuant to the President’s directive in Executive Order 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”⁴³ The prolific growth of data centers for the development of AI, as well as their immense energy needs, presents a new and unexpected source of load growth.

Grid operators — including MISO itself — have also acknowledged the Nation’s current energy crisis. For instance, during a March 25, 2025, hearing before the House Committee on Energy and Commerce, Jennifer Curran, Senior Vice President, Planning and Operations, MISO, testified that “the MISO region faces resource adequacy and reliability challenges due to the changing characteristics of the electric generating fleet, inadequate transmission system infrastructure, growing pressures from extreme weather, and rapid load growth.”⁴⁴

⁴⁰ Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025) (*Declaring a National Energy Emergency*), <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-energy-emergency/>.

⁴¹ *Id.*

⁴² Exec. Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025) (*Strengthening the Reliability and Security of the United States Electric Grid*), <https://www.whitehouse.gov/presidential-actions/2025/04/strengthening-the-reliability-and-security-of-the-united-states-electric-grid/>.

⁴³ U.S. Dep’t of Energy, *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid*, at 1 (July 2025), <https://www.energy.gov/sites/default/files/2025-11/DOE%20Final%20EO%20Report%20%28REVISED%20Oct%2027%29.pdf>.

⁴⁴ *Keeping the Lights On: Examining the State of Regional Grid Reliability Before the House Committee on Energy and Commerce*, Subcomm. on Energy, 119th Cong., at 5 (Mar. 25, 2025) (statement of Ms. Jennifer Curran, Senior Vice President for Planning and Operations, Midcontinent Independent System Operator), <https://democrats-energycommerce.house.gov/sites/evo-subsites/democrats-energycommerce.house.gov/>

Ms. Curran also described “much stronger growth [in demand for electricity] from continued electrification efforts, a resurgence in manufacturing, and an unexpected demand for energy-hungry data centers to support artificial intelligence.”⁴⁵ She added, “[a] growing reliability risk is that the rapid retirement of existing coal and gas power plants threatens to outpace the ability of new resources with the necessary operational characteristics to replace them.”⁴⁶

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy,” then the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in [his] judgment will best meet the emergency and serve the public interest.”⁴⁷ This statutory language constitutes a specific grant of authority to the Secretary to require the continued operation of Culley Unit 2 when the Secretary has determined that such continued operation will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity.

Such is the case here. As described above, the emergency conditions resulting from increasing demand and shortage from accelerated retirement of generation facilities will continue in the near term and are also likely to continue in subsequent years. This could lead to the loss of power to homes and businesses in the areas that may be affected by curtailments or power outages, presenting a risk to public health and safety.

I have also made the determination that, to best meet the emergency arising from increased demand, determined shortage, and other causes, and serve the public interest under FPA section 202(c), Culley Unit 2 shall be made available for operation through June 21, 2026.

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

- A. From March 24, 2026, MISO and CenterPoint Energy shall take all measures necessary to ensure that Culley Unit 2 is available to operate. For the duration of this Order, MISO is directed to take every step to employ economic dispatch of Culley Unit 2 to minimize cost to ratepayers. Following the conclusion of this

files/evo-media-document/witness-testimony_asthana_eng_grid-operators_03.25.2025.pdf.

⁴⁵ *Id.* at 6.

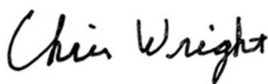
⁴⁶ *Id.* at 7.

⁴⁷ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. *See* 42 U.S.C. § 7151(b).

Order, sufficient time for orderly ramp down is permitted, consistent with industry practices. CenterPoint Energy is directed to comply with all orders from MISO related to the availability and dispatch of Culley Unit 2.

- B. To minimize adverse environmental impacts, this Order limits operation of dispatched units to the times and within the parameters as determined by MISO, pursuant to paragraph A. MISO shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether Culley Unit 2 has operated in compliance with the allowances contained in this Order.
- C. All operations of Culley Unit 2 must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions.
- D. By April 8, 2026, MISO is directed to provide the Department of Energy (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of Culley Unit 2 consistent with this Order. MISO shall also provide such additional information regarding the environmental impacts of this Order and its compliance with the conditions of this Order, in each case as requested by the Department of Energy from time to time.
- E. CenterPoint Energy is directed to file with the Federal Energy Regulatory Commission Tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
- F. This Order shall not preclude the need for Culley Unit 2 to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
- G. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, Culley Unit 2 shall not be considered a capacity resource.
- H. This Order shall be effective from March 24, 2026 through June 21, 2026, with the exception of applicable compliance obligations in paragraph D.

Issued in Washington, D.C. on this 23rd day of March 2026.



Chris Wright
Secretary of Energy

cc: **FERC Commissioners**

Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

Indiana Utility Regulatory Commissioners

Chairman Andy Zay
Commissioner Bob Deig
Commissioner Anthony Swinger
Commissioner David Veleta
Commissioner David Ziegner

EXHIBIT 127



Department of Energy
Washington, DC 20585

Midcontinent Independent System Operator, Inc.
Center Point Energy
Regarding F.B. Culley Generating Station

Order No. 202-26-30

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy (DOE or the Department) Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists in portions of the Midwest region of the United States (U.S.) due to a shortage of electric energy, a shortage of facilities for the generation of electric energy, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

The F.B. Culley Generating Station (“Culley”) is an electric generating facility in Warrick County, Indiana. Culley is owned and operated by CenterPoint Energy and consists of two coal-fired generation units, Unit 2 (103.7 MW) and Unit 3 (265.2 MW), with a combined name plate capacity of 368.9 MW.³ Unit 2 and Unit 3 began operations in 1966 and 1973, respectively. Unit 2 was slated to cease operations in December 2025.⁴

Order No. 202-25-13, issued pursuant to FPA section 202(c), required that Culley Unit 2 remain in operation for 90 days, through March 23, 2026. Subsequently, Order No. 202-26-20, issued pursuant to FPA section 202(c), required the Culley Unit to remain in operation for 90 days, until June 21, 2026. These orders were based on my determination that emergency conditions existed in the region served by the Midcontinent Independent System Operator, Inc. (MISO).

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ U.S. Energy Info. Admin., *Form EIA-860, Schedule 3: Generator Data* (2024), <https://www.eia.gov/electricity/data/eia860/>.

⁴ It likely would be difficult for the coal-fired units to resume operations once retired. Specifically, practical issues, such as employment, contracts, and permits, may greatly increase the timeline for resumption of operations during the period they are needed. Moreover, if CenterPoint Energy were to begin disassembling the units or other related facilities, the associated challenges would be greatly exacerbated. The costs and time of decommissioning a coal plant are extensive, and restarting such decommissioned plants would presumably cost the same as decommissioning in dollars and time, if not more. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist. See Jennifer Lessick, et al., *Bus. Models for Coal Plant Decommissioning*, at 9-12 (Aug. 2021), https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-31348.pdf.

Specifically, I determined that MISO faced tight reserve margins due to well-documented year-round resource adequacy concerns, particularly during periods of high demand or low generation resource output.⁵ I determined that the continued operation of Culley Unit 2 would provide additional generation capacity during these periods, which would help prevent the loss of power to homes and businesses that would otherwise pose a risk to public health and safety.⁶ I determined that the continued operation of Culley Unit 2 was necessary to alleviate immediate and anticipated threats to reliability.⁷

My determination was based on several facts. First, in its 2024 Long-Term Reliability Assessment (LTRA), the North American Electric Reliability Corporation (NERC) notes that the MISO assessment area, which covers portions of Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, North Dakota, South Dakota, Texas, and Wisconsin, is at an elevated risk, “because probabilistic assessments indicate above-normal generator outages during extreme weather can result in unserved energy or load loss. With uncertainty around new resource additions and existing generator retirements, MISO is also at risk of falling below [Reference Margin Levels] within the next five years.”⁸ Additionally, the LTRA notes that “[t]he departure of MISO’s coal fleet has continued with a reduction in capacity of around 6 GW in the past year, and a projected reduction of a further 12 GW over the next five years.”⁹

Second, MISO’s year-round resource adequacy concerns are well-documented. In 2022, MISO requested Federal Energy Regulatory Commission (FERC) approval of its filing to revise its resource adequacy construct (including the Planning Resource Auction or PRA) to establish capacity requirements for each of the four seasons of the year rather than on an annual basis determined by peak summer demand.¹⁰ MISO justified this revision by explaining that “Reliability risks associated with [r]esource [a]dequacy have shifted from ‘Summer only’ to a year-round concern.”¹¹ MISO noted that over 60% of all “MaxGen” events (events when MISO initiates

⁵ See, e.g., *Midcontinent Indep. Sys. Operator, Inc.*, Order No. 202-25-12, at 1–4 (Dec. 23, 2025).

⁶ See, e.g., *id.*

⁷ See, e.g., *id.* at 5.

⁸ N. Am. Elec Reliability Corp., *2024 Long-Term Reliability Assessment*, at 13 (Dec. 2024, corrected July 11, 2025), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

⁹ *Id.* at 44.

¹⁰ *Midcontinent Indep. Sys. Operator, Inc.*, Transmittal Letter, FERC Dkt. No. ER22-495-000 (filed Nov. 30, 2021). FERC accepted MISO’s proposed tariff revisions on August 31, 2022. See also *Midcontinent Indep. Sys. Operator, Inc.*, 180 FERC ¶ 61,141 (2022), *order on reh’g & compliance*, 182 FERC ¶ 61,096 (2023).

¹¹ *MISO*, Transmittal Letter, FERC Dkt. No. ER22-495-000, at 3.

emergency procedures because of concerns over the adequacy of available generation) occurred outside of the summer season.¹²

CONTINUING EMERGENCY CONDITIONS

The emergency conditions that necessitated the issuance of Order Nos. 202-25-13 and 202-26-20 continue, both in the near and long term. The production of electricity from Culley continues to be critical to maintain reliability in MISO. MISO's resource adequacy concerns were most recently demonstrated during Winter Storm Fern, when Culley operated under a cold weather alert and declared conservative operations from January 23–February 1, 2026. On January 24, MISO declared an Energy Emergency Alert (EEA) 1, as well as an EEA 2 “MaxGen” event for MISO's North and Central Regions due to generation outages, high demand, and transfer capability limits.¹³ From January 21–February 1, 2026, Culley operated at roughly 30 MW almost every day.¹⁴

In December of 2023, MISO released an “Attributes Roadmap,” in which it presented “an in-depth look at the challenges of operating a reliable bulk electric system in a rapidly transforming energy landscape.”¹⁵ Among other things, this report described changes in the time of year during which the risk of the loss of load was greatest. For the 2023/2024 Planning Year the greatest risk of loss of load was in the summer, but it is expected that by the summer of 2027, there will be an equal loss of load risk in both the summer and fall seasons. MISO also projected risk of loss of load in the winter and spring seasons; which although not as high as in the summer or fall, will nevertheless increase over time.¹⁶

More recently, MISO affirmed the resource adequacy problems occurring outside of its summer season in its 2024 report entitled, “*MISO's Response to the Reliability Imperative*.”¹⁷ In a section of that report entitled, “*Risks in Non-Summer Seasons*,” MISO again stressed that it has resource reliability concerns outside of the summer season.

Widespread retirements of dispatchable resources, lower reserve margins, more frequent and severe weather events and increased reliance on weather-dependent renewables and emergency-only resources have altered the region's historic risk profile,

¹² *Id.* at 3–4.

¹³ See MISO (@MISO_energy), X, (Jan. 24, 2026), https://x.com/MISO_energy/status/2015072060876140805?s=20.

¹⁴ DOE, *FACT SHEET: Energy Dep't Prevented Blackouts & Saved Am. Lives During Winter Storms*, (Feb. 2026), <https://www.energy.gov/articles/fact-sheet-energy-department-prevented-blackouts-saved-american-lives-during-winter-storms>.

¹⁵ MISO, *Attributes Roadmap*, *supra* note 14, at 3.

¹⁶ *Id.* at 11.

¹⁷ MISO, *MISO's Response to the Reliability Imperative* (Updated Feb. 2024), <https://cdn.misoenergy.org/2024+Reliability+Imperative+report+Feb.+21+Final504018.pdf>.

creating risks in non-summer months that rarely posed challenges in the past.¹⁸ These MISO studies indicate that the emergency conditions caused by the loss of generation capacity in MISO extend past the summer season.

In January 2026, NERC released its 2025 Long-Term Reliability Assessment, NERC assessed that the MISO region is at high risk of energy shortfalls over the next five years, stating that it faces significant reliability challenges as “projected resource additions do not keep pace with escalating demand forecasts and announced generator retirements.”¹⁹ This determination is based on the combination of accelerating demand growth from new data centers and the retirement of existing thermal generators.²⁰ The 2025 Long-Term Reliability Assessment notes that “MISO’s accredited thermal capacity has decreased by 8.8 GW, driven primarily by reductions in accredited capacity of existing facilities and retirements.”²¹ The report observes that winter peak periods are a particular concern, with projections showing “shortfalls in planned resources for winter peak periods.”²² However, NERC also concluded that “risks could expand into spring and fall generator maintenance periods when the available dispatchable generation is not enough to counter wind and solar variability when demand is high.”²³

According to NERC’s 2026 Summer Reliability Assessment, load growth in the MISO region, led by data centers, “is expected to accelerate in 2027 and beyond, which may lead to increased reliability risk in the future if resource additions cannot keep pace with rising load forecasts.”²⁴ It further notes that “[a]bove-normal summer peak load combined with low resource conditions could result in the need to employ operating mitigations (e.g., load-modifying resources) and EEAs [Energy Emergency Alerts].”²⁵ Since the region benefits from transmission connections with neighbors to meet extreme conditions, MISO’s reliance on electricity imports will increase when extreme conditions arise.²⁶

The evidence indicates that there is also a potential longer-term resource adequacy emergency in MISO. When MISO reported the results of its PRA for the 2025–26 Planning Year, it noted that “new capacity additions were insufficient to offset

¹⁸ *Id.* at 12.

¹⁹ NERC, *2025 Long-Term Reliability Assessment*, at 7–8 (Jan. 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

²⁰ *Id.* at 43.

²¹ *Id.* at 15.

²² *Id.*

²³ *Id.*

²⁴ NERC, *2026 Summer Reliability Assessment*, at 16 (May 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_sra_2026.pdf.

²⁵ *Id.* at 16.

²⁶ *Id.* at 16.

the negative impacts of decreased accreditation, suspensions/retirements and external resources” in the northern and central zones, which include Indiana.²⁷

On June 6, 2025, the Organization of MISO States (OMS) and MISO issued the results of their annual survey (OMS-MISO Survey), which reported the degree to which expected capacity resources satisfy planning reserve margin requirements.²⁸ The OMS-MISO Survey presented projections of resource adequacy for the summer of 2026 and subsequent years. Although the OMS-MISO Survey projected a potential capacity surplus for the summer of 2026, it also projected that at least 3.1 GW of additional generation capacity beyond currently committed generation capacity must be added to meet the projected planning reserve margin. The OMS-MISO Survey also projected that there would be insufficient capacity to meet the peak demand for electricity in each of the following four summers, increasing from a deficit of 1.4 GW in 2027 to 8.2 GW in 2030.²⁹ It also projected similar results for MISO’s winter seasons, with a small surplus of generation capacity in 2026, followed by increasing deficits the following four years.³⁰

The primary reasons for these projected deficits also are shown on the OMS-MISO Survey. Large amounts of existing generation capacity are projected to be retired each year, while, at the same time, the demand for electricity is projected to increase at an accelerating pace.³¹ Although the OMS-MISO survey projects generation capacity to continue to increase in the coming years with the addition of new potential generation assets, the increase in capacity is largely offset by the projected retirements and does not keep up with the growth in demand.³²

According to the U.S. Energy Information Administration, coal-fired electricity generation in Indiana has declined from 85% of total generation in 2014 to 42% in 2024. Since 2014, approximately 5,000 MW of coal-fired capacity in Indiana have retired, with nearly another 3,900 MW of coal-fired capacity scheduled for retirement by the end of 2028, which includes Culley’s capacity.³³

MISO has been taking steps to address these projected deficits, but the solution is years away. For example, on June 6, 2025, MISO submitted a proposal to FERC to

²⁷ MISO, *Planning Res. Auction: Results for Planning Year 2025–26*, at 13 (Apr. 2025), https://cdn.misoenergy.org/2025%20PRA%20Results%20Posting%2020250529_Corrections694160.pdf.

²⁸ OMS and MISO, *OMS-MISO Survey Results* (updated June 6, 2025), <https://cdn.misoenergy.org/20250606%20OMS%20MISO%20Survey%20Results%20Workshop%20Presentation702311.pdf>.

²⁹ *Id.* at 7.

³⁰ *Id.* at 9.

³¹ *Id.* at 7, 9.

³² *Id.*

³³ See U.S. Energy Info. Admin., *Indiana Analysis* (Nov. 19, 2025), <https://www.eia.gov/states/in/analysis>.

establish an Expedited Resource Addition Study (ERAS) process to provide a framework for the expedited study of interconnection requests to address urgent resource adequacy and reliability needs in the near term. This proposal was approved by FERC on July 21, 2025.³⁴ The ERAS process should help expedite the construction of needed new capacity. However, resources studied under the ERAS will have commercial operation dates that are at least three years after the process begins and are provided an additional three-year grace period to commence commercial operations.³⁵ In addition, supply chain constraints impeding the acquisition of critical grid components, including large natural gas turbines and transformers, are likely to further hinder rapid construction and exacerbate reliability concerns.³⁶ Consequently, the new ERAS process is unlikely to result in the addition of any new generation capacity in the next few years.

Order Nos. 202-25-13 and 202-26-20 were preceded by executive orders on January 20, 2025, and April 8, 2025, in which President Donald J. Trump underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order No. 14156, “Declaring a National Energy Emergency,” in which he determined that the “United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.”³⁷ The Executive Order adds, “hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets.”³⁸ In the subsequent Executive Order No. 14262, “Strengthening the Reliability and Security of the United States Electric Grid,” President Trump emphasized that “the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.”³⁹

³⁴ *Midcontinent Indep. Sys. Operator, Inc.*, 192 FERC ¶ 61,064 (2025).

³⁵ *See id.* P 84.

³⁶ *See generally* S&P Global, *US Gas-Fired Turbine Wait Times as Much as Seven Years; Costs Up Sharply* (May 2025) (“With demand for natural gas-fired turbines in the US rapidly accelerating amid power demand growth forecasts driven by AI, manufacturing, and electrification, wait times for turbines are anywhere between one and seven years depending on the model, and costs have increased considerably, experts told Platts.”), <https://www.spglobal.com/energy/en/news-research/latest-news/electric-power/052025-us-gas-fired-turbine-wait-times-as-much-as-seven-years-costs-up-sharply>.

³⁷ Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025) (*Declaring a National Energy Emergency*), <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>.

³⁸ *Id.*

³⁹ Exec. Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025), <https://www.federalregister.gov/documents/2025/04/14/2025-06381/strengthening-the-reliability-and-security-of-the-united-states-electric-grid>.

In addition, President Trump issued a White House Memo for the Secretary of Energy that emphasized the findings of Executive Order No. 14156, stating that “ensuring reliable coal supply chains and baseload power generation capacity is essential to the United States national defense Without sufficient coal-fired baseload power, the United States will lack the stable electricity required to support defense installations, industrial expansion, and the high-energy demands of emerging technologies, such as artificial intelligence.”⁴⁰ The President “further determine[d] that action to expand coal supply chain capacity and baseload generation availability is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.”⁴¹

Further, the Department of Energy detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” which was issued pursuant to the President’s directive in Executive Order No. 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”⁴²

Grid operators—including MISO itself—have also acknowledged the Nation’s current energy crisis. For instance, during a March 25, 2025 hearing before the House Committee on Energy and Commerce, Jennifer Curran, Senior Vice President, Planning and Operations, MISO, testified that “the MISO region faces resource adequacy and reliability challenges due to the changing characteristics of the electric generating fleet, inadequate transmission system infrastructure, growing pressures from extreme weather, and rapid load growth.”⁴³

Ms. Curran also described “much stronger growth [in demand for electricity] from continued electrification efforts, a resurgence in manufacturing, and an unexpected

⁴⁰ Memorandum from President Donald J. Trump to the Secretary of Energy (Apr. 20, 2026) (“*Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Coal Supply Chains and Baseload Power Generation Capacity*”, <https://www.whitehouse.gov/presidential-actions/2026/04/presidential-determination-pursuant-to-section-303-of-the-defense-production-act-of-1950-as-amended-on-coal-supply-chains-and-baseload-power-generation-capacity/>).

⁴¹ *Id.*

⁴² DOE, *Res. Adequacy Rep.: Evaluating the Reliability & Sec. of the U.S. Elec. Grid*, at 1 (July 2025), <https://www.energy.gov/sites/default/files/2025-07/DOE%20Final%20EO%20Report%20%28FINAL%20JULY%207%29.pdf>.

⁴³ *Keeping the Lights On: Examining the State of Reg’l Grid Reliability Before the House Comm. on Energy & Commerce*, Subcomm. on Energy, 119th Cong., at 5 (Mar. 25, 2025) (statement of Ms. Jennifer Curran, Senior Vice President for Planning and Operations, Midcontinent Indep. Sys. Operator), <https://www.congress.gov/119/meeting/house/118040/witnesses/HHRG-119-IF03-Wstate-CurranJ-20250325.pdf>.

demand for energy-hungry data centers to support artificial intelligence.”⁴⁴ She added, “[a] growing reliability risk is that the rapid retirement of existing coal and gas power plants threatens to outpace the ability of new resources with the necessary operational characteristics to replace them.”⁴⁵

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy,” the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in [his] judgment will best meet the emergency and serve the public interest.”⁴⁶ This statutory language constitutes a specific grant of authority to the Secretary to require the continued operation of Culley Unit 2 when the Secretary has determined that such continued operation will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity, or a shortage of electric energy or facilities for generation or transmission of electric energy.

As described above, the emergency conditions resulting from increasing demand and shortage from accelerated retirement of generation facilities will continue in the near term and are also likely to continue in subsequent years. This could lead to the loss of power to homes and businesses in the areas that may be affected by curtailments or power outages, presenting a risk to public health and safety.

I have determined that, to best meet the emergency arising from increased demand, determined shortage and other causes, and serve the public interest under FPA section 202(c), Culley Unit 2 shall be made available for operation through September 19, 2026.

⁴⁴ *Id.* at 6.

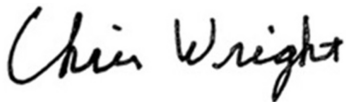
⁴⁵ *Id.* at 7.

⁴⁶ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. *See* 42 U.S.C. § 7151(b).

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

- A. From June 22, 2026, MISO and CenterPoint Energy shall take all measures necessary to ensure that Culley Unit 2 is available to operate. For the duration of this Order, MISO is directed to take every step to employ economic dispatch of Culley Unit 2 to minimize cost to ratepayers. Following the conclusion of this Order, sufficient time for orderly ramp down is permitted, consistent with industry practices. CenterPoint Energy is directed to comply with all orders from MISO related to the availability and dispatch of Culley Unit 2.
- B. To minimize adverse environmental impacts, this Order limits operation of Culley Unit 2 to the times and within the parameters as determined by MISO, pursuant to paragraph A. MISO shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether Culley Unit 2 has operated in compliance with the allowances contained in this Order.
- C. All operations of Culley Unit 2 must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions. This Order does not provide relief from any obligation to pay fees or purchase offsets or allowances for emissions that occur during the emergency conditions or to use other geographic or temporal flexibilities available to generators.
- D. By July 7, 2026, MISO is directed to provide the Department (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of Culley Unit 2 consistent with this Order. MISO shall also provide such additional information regarding the environmental impacts of this Order and its compliance with the conditions of this Order, as requested by the Department of Energy from time to time.
- E. CenterPoint Energy is directed to file with the Federal Energy Regulatory Commission any tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
- F. This Order shall not preclude the need for Culley Unit 2 to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
- G. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, Culley Unit 2 shall not be considered a capacity resource.
- H. This Order shall be effective from June 22, 2026, through September 19, 2026, with the exception of applicable compliance obligations in paragraph D.

Issued in Washington, D.C. on this 18th Day of June, 2026.

A handwritten signature in black ink that reads "Chris Wright". The signature is written in a cursive, flowing style.

Chris Wright
Secretary of Energy

cc: **FERC Commissioners**
Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

Indiana Utility Regulatory Commissioners
Chairman Andy Zay
Commissioner Bob Deig
Commissioner Anthony Swinger
Commissioner David Veleta
Commissioner David Ziegner

EXHIBIT 128



Department of Energy
Washington, DC 20585

Order No. 202-25-12

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists in portions of the Midwest region of the United States due to a shortage of electric energy, a shortage of facilities for the generation of electricity, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

The R.M. Schahfer Generating Station (Schahfer) is an electric generating facility in Wheatfield, Indiana. Schahfer is owned and operated by Northern Indiana Public Service Company (NIPSCO), a division of NiSource Inc. Schahfer consists of two 129 MW natural-gas fired units and two coal-fired units, Unit 17 (423.5 MW) and Unit 18 (423.5 MW).³ Unit 17 and Unit 18 began operations in 1983 and 1986 respectively. Unit 17 and Unit 18 are both slated to cease operations in December 2025.⁴

EMERGENCY SITUATION

Midcontinent Independent System Operator, Inc.'s (MISO) year-round resource adequacy concerns are well documented. In 2022, MISO requested Federal Energy Regulatory Commission (FERC) approval of its filing to revise its resource adequacy construct (including the Planning Resource Auction or PRA) to establish capacity requirements for each of the four seasons of the year rather than on an annual basis determined by peak summer demand.⁵ MISO justified this revision by explaining that "Reliability risks associated with Resource Adequacy have shifted from 'Summer only' to a year-round concern."⁶ MISO noted that over 60% of all

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ U.S. Energy Information Administration, Form EIA-860, Schedule 3: Generator Data (2024), <https://www.eia.gov/electricity/data/eia860/>.

⁴ As coal-fired facilities, it would be difficult for the Schahfer Units 17 and 18 to resume operations once they have been retired. Specifically, any stop and start of operation creates heating and cooling cycles that could cause an immediate failure that could take 30-60 days to repair if a unit comes offline. In addition, other practical issues, such as employment, contracts, and permits may greatly increase the timeline for resumption of operations. Further, if Schahfer were to begin disassembling the plant or other related facilities, the associated challenges would be greatly exacerbated. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist.

⁵ *Midcontinent Independent System Operator, Inc.*, FERC Docket No. ER22-495-000 (Nov. 30, 2021). This request was approved by FERC on August 31, 2022. See *Midcontinent Independent System Operator, Inc.*, 180 FERC ¶ 61,141 (2022).

⁶ MISO Transmittal Letter at 3, FERC Docket No. ER22-495-000 (Nov. 30, 2021).

“MaxGen” events (events when MISO initiates emergency procedures because of concerns over the adequacy of available generation) occurred outside of the summer season.⁷

In December of 2023, MISO released an “Attributes Roadmap,” in which it presented “an in-depth look at the challenges of operating a reliable bulk electric system in a rapidly transforming energy landscape.”⁸ Among other things, this report described changes in the time of year during which the risk of the loss of load was greatest. For the 2023/24 Planning Year, the greatest risk of loss of load was in the summer, but it is expected that by the summer of 2027, there will be an equal loss of load risk in both the summer and fall seasons. MISO also projected that the risk of loss of load in the winter and spring seasons, although not as high as in the summer or fall, will nevertheless increase over time.⁹

More recently, MISO affirmed the resource adequacy problems occurring outside of its summer season in its 2024 report entitled, “*MISO’s Response to the Reliability Imperative*.”¹⁰ In a section of that report entitled “Risks in Non-Summer Seasons,” MISO again stressed that it has resource reliability concerns outside of the summer season:

Widespread retirements of dispatchable resources, lower reserve margins, more frequent and severe weather events and increased reliance on weather-dependent renewables and emergency-only resources have altered the region’s historic risk profile, creating risks in non-summer months that rarely posed challenges in the past.¹¹

These MISO studies indicate that the emergency conditions caused by the loss of generation capacity in MISO extend past the summer season. The evidence indicates that there is also a potential longer term resource adequacy emergency in MISO.

In its 2024 Long-Term Reliability Assessment (LTRA), the North American Electric Reliability Corporation (NERC) notes that the MISO assessment area is at an elevated risk “because probabilistic assessments indicate above-normal generator outages during extreme weather can result in unserved energy or load loss. With uncertainty around new resource additions and existing generator retirements, MISO is also at risk of falling below [Reference Margin Levels] within the next five years.”¹²

When MISO reported the results of its PRA for the 2025-26 Planning Year, it noted that “new capacity additions were insufficient to offset the negative impacts of decreased accreditation, suspensions/retirements and external resources” in the northern and central zones, which include Indiana.¹³

⁷ *Id.* at 3-4.

⁸ MISO, *Attributes Roadmap*, at 3 (Dec. 2023), <https://cdn.misoenergy.org/2023%20Attributes%20Roadmap631174.pdf>.

⁹ *Id.* at 11.

¹⁰ MISO, *MISO’s Response to the Reliability Imperative* (Updated February 2024), <https://cdn.misoenergy.org/2024+Reliability+Imperative+report+Feb.+21+Final504018.pdf>.

¹¹ *Id.* at 12.

¹² NERC 2024 Long-Term Reliability Assessment, at 13 (December 2024, corrected July 11, 2025), https://www.nerc.com/globalassets/our-work/assessments/2024-ltra_corrected_july_2025.pdf.

¹³ MISO, *Planning Resource Auction: Results for Planning Year 2025-26*, at 13 (April 2025), https://cdn.misoenergy.org/2025%20PRA%20Results%20Posting%2020250529_Corrections694160.pdf.

On June 6, 2025, the Organization of MISO States (OMS) and MISO issued the results of their survey, which has been conducted annually for many years to determine the degree to which expected capacity resources satisfy planning reserve margin requirements.¹⁴ The 2025 Survey presented projections of resource adequacy for the summer of 2026 and subsequent years. Although the survey projected a potential capacity surplus for the summer of 2026, it also projected that at least 3.1 GW of additional generation capacity beyond currently committed generation capacity must be added to meet the projected planning reserve margin.¹⁵ The survey also projected that there would be insufficient capacity to meet the peak demand for electricity in each of the following four summers, increasing from a deficit of 1.4 GW in 2027 to 8.2 GW in 2030.¹⁶ Similar results were projected for MISO's winter seasons, with a small surplus of generation capacity in 2026, followed by increasing deficits the following four years.¹⁷

The primary reasons for these projected deficits also are shown on the OMS-MISO survey. Large quantities of existing generation capacity are projected to be retired each year while, at the same time, the demand for electricity is projected to increase at an accelerating pace.¹⁸ Although the OMS-MISO survey projects generation capacity to continue to increase in the coming years with the addition of new potential generation assets, the increase in capacity is largely offset by the projected retirements, and does not keep up with the growth in demand.¹⁹

MISO has been taking steps to address these projected deficits, but the solution is years away. For example, on June 6, 2025, MISO submitted a proposal to FERC to establish an Expedited Resource Addition Study (ERAS) process to provide a framework for the expedited study of interconnection requests to address urgent resource adequacy and reliability needs in the near term. This proposal was approved by FERC on July 21, 2025.²⁰ The ERAS process should help expedite the construction of needed new capacity. However, resources studied under the ERAS will have commercial operation dates that are at least three years away, and are provided an additional three-year grace period to commence commercial operations.²¹ In addition, supply chain constraints impeding the acquisition of critical grid components, including large natural gas turbines and transformers, are likely to further hinder rapid construction and exacerbate reliability concerns.²² Consequently, it is not at all clear that the new ERAS process will result in the addition of new capacity in the next few years.

More broadly, executive orders issued by President Donald J. Trump on January 20, 2025 and April 8, 2025, underscored the dire energy challenges facing the Nation due to growing

¹⁴ OMS and MISO, *OMS-MISO Survey Results* (Updated June 6, 2025), <https://cdn.misoenergy.org/20250606%20OMS%20MISO%20Survey%20Results%20Workshop%20Presentation702311.pdf>.

¹⁵ *Id.* at 2.

¹⁶ *Id.* at 7.

¹⁷ *Id.* at 9.

¹⁸ *Id.* at 7, 9.

¹⁹ *Id.*

²⁰ *Midcontinent Independent System Operator, Inc.*, 192 FERC ¶ 61,064 (2025).

²¹ *Id.* P 84.

²² See generally, S&P Global, *US Gas-Fired Turbine Wait Times as Much as Seven Years; Costs Up Sharply* (May 2025), ("With demand for natural gas-fired turbines in the US rapidly accelerating amid power demand growth forecasts driven by AI, manufacturing, and electrification, wait times for turbines are anywhere between one and seven years depending on the model, and costs have increased considerably, experts told Platts."), <https://www.spglobal.com/commodity-insights/en/news-research/latest-news/electric-power/052025-us-gas-fired-turbine-wait-times-as-much-as-seven-years-costs-up-sharply>.

resource adequacy concerns. President Trump declared a national energy emergency in Executive Order 14156, “Declaring a National Energy Emergency,” in which he determined that the “United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.”²³ The Executive Order adds: “Hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets.”²⁴ In a subsequent Executive Order 14262, “Strengthening the Reliability and Security of the United States Electric Grid,” President Trump emphasized that “the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.”²⁵

Further, the Department detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” issued pursuant to the President’s directive in Executive Order 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”²⁶

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy,” then the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest.”²⁷ This statutory language constitutes a specific grant of authority to the Secretary to require the continued operation of Schahfer Units 17 and 18 when the Secretary has determined that such continued operation will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity.

Such is the case here. As described above, the emergency conditions resulting from increasing demand and shortage from accelerated retirement of generation facilities will continue in the near term and are also likely to continue in subsequent years. This could lead to the loss of power to homes and businesses in the areas that may be affected by curtailments or power outages, presenting a risk to public health and safety. Given the responsibility of MISO to

²³ Executive Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025) (*Declaring a National Energy Emergency*), <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>.

²⁴ *Id.*

²⁵ Executive Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025) (*Strengthening the Reliability and Security of the United States Electric Grid*), <https://www.federalregister.gov/documents/2025/04/14/2025-06381/strengthening-the-reliability-and-security-of-the-united-states-electric-grid>.

²⁶ U.S. Department of Energy, *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid*, at 1 (July 2025), https://www.energy.gov/sites/default/files/2025_07/DOE%20Final%20EO%20Report%20%28FINAL%20JULY%207%29.pdf.

²⁷ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of Energy. *See* 42 U.S.C. § 7151(b).

identify and dispatch generation necessary to meet load requirements, I have determined that, under the conditions specified below, continued additional dispatch of Schahfer Units 17 and 18 is necessary to best meet the emergency arising from increased demand, determined shortage, and other causes, and serve the public interest under FPA section 202(c).

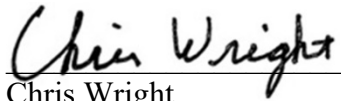
To ensure Schahfer Units 17 and 18 will be available if needed to address emergency conditions, Schahfer Units 17 and 18 shall remain in operation until March 23, 2026.

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

- A. From December 23, 2025, MISO and NIPSCO, shall take all measures necessary to ensure that Schahfer Units 17 and 18 are available to operate. For the duration of this Order, MISO is directed to take every step to employ economic dispatch of Schahfer Units 17 and 18 to minimize cost to ratepayers. Following the conclusion of this Order, sufficient time for orderly ramp down is permitted, consistent with industry practices. NIPSCO is directed to comply with all orders from MISO related to the availability and dispatch of the Schahfer Units 17 and 18.
- B. To minimize adverse environmental impacts, this Order limits operation of dispatched units to the times and within the parameters as determined by MISO, pursuant to paragraph A. MISO shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether Schahfer Units 17 and 18 has operated in compliance with the allowances contained in this Order.
- C. All operation of Schahfer Units 17 and 18 must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions. This Order does not provide relief from any obligation to pay fees or purchase offsets or allowances for emissions that occur during the emergency condition or to use other geographic or temporal flexibilities available to generators.
- D. By January 13, 2026, MISO is directed to provide the Department of Energy (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of Schahfer Units 17 and 18 consistent with this Order. MISO and NIPSCO shall also provide such additional information regarding the environmental impacts of this Order and its compliance with the conditions of this Order, in each case as requested by the Department of Energy from time to time.
- E. NIPSCO is directed to file with the Federal Energy Regulatory Commission Tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
- F. This Order shall not preclude the need for Schahfer Units 17 and 18 to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
- G. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, Schahfer Units 17 and 18 shall not be considered capacity resources.

H. This Order shall be effective from 11:59 PM Eastern Standard Time (EST) on December 23, 2025, and shall expire at 11:59 PM Eastern Daylight Time (EDT) on March 23, 2026, with the exception of applicable compliance obligations in paragraph D.

Issued in Denver, Colorado at 6:39 PM EST on this 23rd day of December 2025.

A handwritten signature in black ink that reads "Chris Wright". The signature is written in a cursive, slightly slanted style. Below the signature is a horizontal line.

Chris Wright
Secretary of Energy

cc: **FERC Commissioners**

Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

Indiana Utility Regulatory Commission

Chairman Jim Huston
Commissioner David Veleta
Commissioner David Ziegner

EXHIBIT 129



Department of Energy
Washington, DC 20585

Order No. 202-26-19

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists in portions of the Midwest region of the United States (U.S.) due to a shortage of electric energy, a shortage of facilities for the generation of electricity, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

The R.M. Schahfer Generating Station (“Schahfer”) is an electric generating facility in Wheatfield, Indiana. Schahfer is owned and operated by Northern Indiana Public Service Company (NIPSCO), a division of NiSource Inc. Schahfer consists of two 129 MW natural-gas fired units and two coal-fired units, Unit 17 (423.5 MW) and Unit 18 (423.5 MW).³ Unit 17 and Unit 18 began operations in 1983 and 1986, respectively. Unit 17 and Unit 18 were both slated to cease operations in December 2025.⁴

Order No. 202-25-12, issued pursuant to FPA section 202(c), required that Schahfer remain in operation for 90 days, through March 23, 2026. This order was based on my determination that emergency conditions existed in the region served by the Midcontinent Independent System Operator, Inc. (MISO).

Specifically, I determined that MISO faced tight reserve margins due to well documented year-round resource adequacy concerns, particularly during periods of high

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ U.S. Energy Information Administration, *Form EIA-860, Schedule 3: Generator Data* (2024), <https://www.eia.gov/electricity/data/eia860/>.

⁴ As coal-fired facilities, it would be difficult for Schahfer Units 17 and 18 to resume operations once they have been retired. Specifically, any stop and start of operation creates heating and cooling cycles that could cause an immediate failure that could take 30–60 days to repair if a unit comes offline. In addition, other practical issues, such as employment, contracts, and permits may greatly increase the timeline for resumption of operations. Further, if Schahfer were to begin disassembling the plant or other related facilities, the associated challenges would be greatly exacerbated. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist.

demand or low generation resource output.⁵ I determined that the continued operation of Schahfer would provide additional generation capacity during these periods, which would help prevent the loss of power to homes and businesses that would otherwise pose a risk to public health and safety.⁶ I determined that the continued operation of Schahfer was necessary to alleviate immediate and anticipated threats to reliability.⁷

My determination was based on several facts.

First, in its 2024 Long-Term Reliability Assessment (LTRA), the North American Electric Reliability Corporation (NERC) notes that the MISO assessment area, which covers portions of Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, North Dakota, South Dakota, Texas, and Wisconsin, is at an elevated risk “because probabilistic assessments indicate above-normal generator outages during extreme weather can result in unserved energy or load loss. With uncertainty around new resource additions and existing generator retirements, MISO is also at risk of falling below [Reference Margin Levels] within the next five years.”⁸ Additionally, the LTRA notes that “[t]he departure of MISO’s coal fleet has continued with a reduction in capacity of around 6 GW in the past year, and a projected reduction of a further 12 GW over the next five years.”⁹

Second, MISO’s year-round resource adequacy concerns are well-documented. In 2022, MISO requested Federal Energy Regulatory Commission (FERC) approval of its filing to revise its resource adequacy construct (including the Planning Resource Auction (PRA)) to establish capacity requirements for each of the four seasons of the year rather than on an annual basis determined by peak summer demand.¹⁰ MISO justified this revision by explaining that “Reliability risks associated with [r]esource [a]dequacy have shifted from ‘Summer only’ to a year-round concern.”¹¹ MISO noted that over 60% of all “MaxGen” events (events when MISO initiates emergency procedures because of concerns over the adequacy of available generation) occurred outside of the summer season.¹²

⁵ See, e.g., *Midcontinent Indep. Sys. Operator, Inc., and Northern Indiana Public Service Company*, Order No. 202-25-12, at 1–4 (Dec. 23, 2025).

⁶ See, e.g., *id.* at 1–4.

⁷ See, e.g., *id.* at 5.

⁸ NERC, *2024 Long-Term Reliability Assessment*, at 13 (December 2024, corrected July 11, 2025), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

⁹ *Id.* at 44.

¹⁰ *Midcontinent Independent System Operator, Inc.*, FERC Docket No. ER22-495-000 (Nov. 30, 2021). This request was approved by FERC on August 31, 2022. See *Midcontinent Independent System Operator, Inc.*, 180 FERC ¶ 61,141 (2022).

¹¹ *MISO Transmittal Letter*, FERC Docket No. ER22-495-000, at 3 (Nov. 30, 2021).

¹² *Id.* at 3–4.

CONTINUING EMERGENCY CONDITIONS

The emergency conditions that necessitated the issuance of Order No. 202-25-12 continue, both in the near and long term.¹³ The production of electricity from Schahfer will continue to be critical to maintain reliability in MISO. MISO's resource adequacy concerns were most recently demonstrated during Winter Storm Fern, when Schahfer operated under a cold weather alert and declared conservative operations from January 23–February 1, 2026. On January 24, MISO declared an Energy Emergency Alert (EEA) 1, as well as an EEA 2 “MaxGen” event for MISO's North and Central Regions due to generation outages, high demand, and transfer capability limits.¹⁴ From January 21–February 1, 2026, Schahfer operated at over 285 MW every day.¹⁵

In December of 2023, MISO released an “Attributes Roadmap,” in which it presented “an in-depth look at the challenges of operating a reliable bulk electric system in a rapidly transforming energy landscape.”¹⁶ Among other things, this report described changes in the time of year during which the risk of the loss of load was greatest. For the 2023/2024 Planning Year, the greatest risk of loss of load was in the summer, but it is expected that by the summer of 2027, there will be an equal loss of load risk in both the summer and fall seasons. MISO also projected risk of loss of load in the winter and spring seasons, which, although not as high as in the summer or fall, will nevertheless increase over time.¹⁷

¹³ Further, as noted in Order No. 202-25-12, as a coal-fired facility, it would be difficult for Schahfer to resume operations once it has been retired. Specifically, any stop and start of operation creates heating and cooling cycles that could cause an immediate failure that could take 30–60 days to repair. In addition, other practical issues, such as employment, contracts, and permits may greatly increase the timeline for resumption of operations. If NIPSCO were to begin disassembling the plant or other related facilities, the associated challenges would be greatly exacerbated. Thus, continuous operation is required so long as I determine a shortage exists. *See* Order No. 202-25-12 at 1.

¹⁴ *See* Midcontinent ISO on X, (Jan. 24, 2026), https://x.com/MISO_energy/status/2015072060876140805?s=20.

¹⁵ U.S. Dep't of Energy, *FACT SHEET: Energy Department Prevented Blackouts & Saved American Lives During Winter Storms*, (February 2026), <https://www.energy.gov/articles/fact-sheet-energy-department-prevented-blackouts-saved-american-lives-during-winter-storms>.

¹⁶ MISO, *Attributes Roadmap*, at 3 (Dec. 2023), <https://cdn.misoenergy.org/2023%20Attributes%20Roadmap631174.pdf>.

¹⁷ *Id.* at 11.

More recently, MISO affirmed the resource adequacy problems occurring outside of its summer season in its 2024 report entitled, “*MISO’s Response to the Reliability Imperative*.”¹⁸ In a section of that report entitled, “Risks in Non-Summer Seasons,” MISO again stressed that it has resource reliability concerns outside of the summer season.

Widespread retirements of dispatchable resources, lower reserve margins, more frequent and severe weather events and increased reliance on weather-dependent renewables and emergency-only resources have altered the region’s historic risk profile, creating risks in non-summer months that rarely posed challenges in the past.¹⁹ These MISO studies indicate that the emergency conditions caused by the loss of generation capacity in MISO extend past the summer season.

In January 2026, NERC released its 2025 Long-Term Reliability Assessment.²⁰ NERC assessed that the MISO region is at high risk of energy shortfalls over the next five years,²¹ stating that it faces significant reliability challenges as “projected resource additions do not keep pace with escalating demand forecasts and announced generator retirements.”²² This determination is based on the combination of accelerating demand growth from new data centers and the retirement of existing thermal generators.²³ The 2025 NERC Long-Term Reliability Assessment notes that “MISO’s accredited thermal capacity has decreased by 8.8 GW, driven primarily by reductions in accredited capacity of existing facilities and retirements.”²⁴ The report observes that winter peak periods are a particular concern, with projections showing “shortfalls in planned resources for winter peak periods.”²⁵ However, NERC also concluded that “risks could expand into spring and fall generator maintenance periods when the available dispatchable generation is not enough to counter wind and solar variability when demand is high.”²⁶

While the 2025–2026 NERC Winter Reliability Assessment found the MISO region to be at normal risk in 2026 and elevated risk in 2027, two earlier winter studies were more critical. The 2023–2024 NERC Winter Reliability Assessment characterized MISO as a region at elevated risk with the “[p]otential for insufficient operating reserves

¹⁸ MISO, *MISO’s Response to the Reliability Imperative* (Updated February 2024), <https://cdn.misoenergy.org/2024+Reliability+Imperative+report+Feb.+21+Final504018.pdf>.

¹⁹ *Id.* at 12.

²⁰ NERC, *2025 Long-Term Reliability Assessment* (Jan. 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

²¹ *Id.* at 7.

²² *Id.* at 8.

²³ *Id.* at 43.

²⁴ *Id.* at 15.

²⁵ *Id.*

²⁶ *Id.*

in above-normal conditions.”²⁷ These findings were echoed in NERC’s 2024–2025 Winter Reliability Assessment, which noted that “[g]enerating capacity is 10 GW lower (-6.8%) compared to the prior winter as generators have retired, withdrawn from MISO’s capacity market, or received lower winter accredited capacity.”²⁸

The evidence indicates that there is also a potential longer-term resource adequacy emergency in MISO. When MISO reported the results of its PRA for the 2025–26 Planning Year, it noted that “new capacity additions were insufficient to offset the negative impacts of decreased accreditation, suspensions/retirements and external resources” in the northern and central zones, which include Indiana.²⁹

On June 6, 2025, the Organization of MISO States (OMS) and MISO issued the results of their annual survey, which reported the degree to which expected capacity resources satisfy planning reserve margin requirements.³⁰ The 2025 Survey presented projections of resource adequacy for the summer of 2026 and subsequent years. Although the survey projected a potential capacity surplus for the summer of 2026, it also projected that at least 3.1 GW of additional generation capacity beyond currently committed generation capacity must be added to meet the projected planning reserve margin.³¹ The survey also projected that there would be insufficient capacity to meet the peak demand for electricity in each of the following four summers, increasing from a deficit of 1.4 GW in 2027 to 8.2 GW in 2030.³² It also projected similar results for MISO’s winter seasons, with a small surplus of generation capacity in 2026, followed by increasing deficits the following four years.³³

The primary reasons for these projected deficits also are shown on the OMS-MISO survey. Large amounts of existing generation capacity are projected to be retired each year, while, at the same time, the demand for electricity is projected to increase at an accelerating pace.³⁴

Although the OMS-MISO survey projects generation capacity to continue to increase in the coming years with the addition of new potential generation assets, the

²⁷ NERC, *2023–2024 Winter Reliability Assessment*, at 5 (Nov. 2023), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_WRA_2023.pdf.

²⁸ NERC, *2024–2025 Winter Reliability Assessment*, at 15 (Nov. 2024), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_WRA_2024.pdf.

²⁹ MISO, *Planning Resource Auction: Results for Planning Year 2025–26*, at 13 (April 2025), https://cdn.misoenergy.org/2025%20PRA%20Results%20Posting%2020250529_Corrections694160.pdf.

³⁰ OMS and MISO, *OMS-MISO Survey Results* (Updated June 6, 2025) <https://cdn.misoenergy.org/20250606%20OMS%20MISO%20Survey%20Results%20Workshop%20Presentation702311.pdf>.

³¹ *Id.* at 2.

³² *Id.* at 7.

³³ *Id.* at 9.

³⁴ *Id.* at 7, 9.

increase in capacity is largely offset by the projected retirements and does not keep up with the growth in demand.³⁵

According to the U.S. Energy Information Administration, coal-fired electricity generation in Indiana has declined from 85% of total generation in 2014 to 42% in 2024. Since 2014, approximately 5,000 MW of coal-fired capacity in Indiana have retired, with almost another 3,900 MW of coal-fired capacity scheduled for retirement by the end of 2028, including Schahfer.³⁶

MISO has been taking steps to address these projected deficits, but the solution is years away. For example, on June 6, 2025, MISO submitted a proposal to FERC to establish an Expedited Resource Addition Study (ERAS) process to provide a framework for the expedited study of interconnection requests to address urgent resource adequacy and reliability needs in the near term. This proposal was approved by FERC on July 21, 2025.³⁷ The ERAS process should help expedite the construction of needed new capacity. However, resources studied under the ERAS will have commercial operation dates that are at least three years away and are provided an additional three-year grace period to commence commercial operations.³⁸ In addition, supply chain constraints impeding the acquisition of critical grid components, including large natural gas turbines and transformers, are likely to further hinder rapid construction and exacerbate reliability concerns.³⁹ Consequently, the new ERAS process is unlikely to result in the addition of any new generation capacity in the next few years.

Order No. 202-25-12 was preceded by executive orders on January 20, 2025, and April 8, 2025, in which President Donald J. Trump underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order 14156, *Declaring a National Energy Emergency*, in which he determined that the “United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and

³⁵ *Id.*

³⁶ See *Electricity*, Energy Information Administration, Indiana Analysis, <https://www.eia.gov/states/in/analysis>.

³⁷ *Midcontinent Independent System Operator, Inc.*, 192 FERC ¶ 61,064 (2025).

³⁸ *Id.* P 84.

³⁹ See generally, S&P Global, *US Gas-Fired Turbine Wait Times as Much as Seven Years; Costs Up Sharply* (May 2025) (“With demand for natural gas-fired turbines in the US rapidly accelerating amid power demand growth forecasts driven by AI, manufacturing, and electrification, wait times for turbines are anywhere between one and seven years depending on the model, and costs have increased considerably, experts told Platts.”), <https://www.spglobal.com/commodity-insights/en/news-research/latest-news/electric-power/052025-us-gas-fired-turbine-wait-times-as-much-as-seven-years-costs-up-sharply>.

extraordinary threat to our Nation’s economy, national security, and foreign policy.”⁴⁰ The Executive Order adds, “hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets.”⁴¹ In a subsequent Executive Order 14262, *Strengthening the Reliability and Security of the United States Electric Grid*, President Trump emphasized that “the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.”⁴²

Further, the Department detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” issued pursuant to the President’s directive in Executive Order 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”⁴³ The prolific growth of data centers for the development of AI, as well as their immense energy needs, presents a new and unexpected source of load growth.

Grid operators—including MISO itself—have also acknowledged the Nation’s current energy crisis. For instance, during a March 25, 2025, hearing before the House Committee on Energy and Commerce, Jennifer Curran, Senior Vice President, Planning and Operations, MISO, testified that “the MISO region faces resource adequacy and reliability challenges due to the changing characteristics of the electric generating fleet, inadequate transmission system infrastructure, growing pressures from extreme weather, and rapid load growth.”⁴⁴

⁴⁰ Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025) (*Declaring a National Energy Emergency*), <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-energy-emergency/>.

⁴¹ *Id.*

⁴² Exec. Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025) (*Strengthening the Reliability and Security of the United States Electric Grid*), <https://www.whitehouse.gov/presidential-actions/2025/04/strengthening-the-reliability-and-security-of-the-united-states-electric-grid/>.

⁴³ U.S. Dep’t of Energy, *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid*, at 1 (July 2025), <https://www.energy.gov/sites/default/files/2025-11/DOE%20Final%20EO%20Report%20%28REVISED%20Oct%2027%29.pdf>.

⁴⁴ *Keeping the Lights On: Examining the State of Regional Grid Reliability Before the House Committee on Energy and Commerce*, Subcomm. on Energy, 119th Cong., at 5 (Mar. 25, 2025) (statement of Ms. Jennifer Curran, Senior Vice President for Planning and Operations, Midcontinent Independent System Operator), <https://democrats-energycommerce.house.gov/sites/evo-subsites/democrats-energycommerce.house.gov/>

Ms. Curran also described “much stronger growth [in demand for electricity] from continued electrification efforts, a resurgence in manufacturing, and an unexpected demand for energy-hungry data centers to support artificial intelligence.”⁴⁵ She added, “[a] growing reliability risk is that the rapid retirement of existing coal and gas power plants threatens to outpace the ability of new resources with the necessary operational characteristics to replace them.”⁴⁶

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy,” then the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in [his] judgment will best meet the emergency and serve the public interest.”⁴⁷ This statutory language constitutes a specific grant of authority to the Secretary to require the continued operation of Schahfer Units 17 and 18 when the Secretary has determined that such continued operation will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity.

Such is the case here. As described above, the emergency conditions resulting from increasing demand and shortage from accelerated retirement of generation facilities will continue in the near term and are also likely to continue in subsequent years. This could lead to the loss of power to homes and businesses in the areas that may be affected by curtailments or power outages, presenting a risk to public health and safety.

I have also made the determination that, to best meet the emergency arising from increased demand, determined shortage, and other causes, and serve the public interest under FPA section 202(c), Schahfer Units 17 and 18 shall be made available for operation through June 21, 2026.

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

- A. From March 24, 2026, MISO and NIPSCO, shall take all measures necessary to ensure that Schahfer Units 17 and 18 are available to operate. For the duration of this Order, MISO is directed to take every step to employ economic dispatch of Schahfer Units 17 and 18 to minimize cost to ratepayers. Following the

files/evo-media-document/witness-testimony_asthana_eng_grid-operators_03.25.2025.pdf.

⁴⁵ *Id.* at 6.

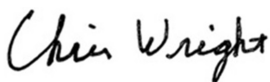
⁴⁶ *Id.* at 7.

⁴⁷ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. *See* 42 U.S.C. § 7151(b).

conclusion of this Order, sufficient time for orderly ramp down is permitted, consistent with industry practices. NIPSCO is directed to comply with all orders from MISO related to the availability and dispatch of Schahfer Units 17 and 18.

- B. To minimize adverse environmental impacts, this Order limits operation of dispatched units to the times and within the parameters as determined by MISO, pursuant to paragraph A. MISO shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether Schahfer Units 17 and 18 have operated in compliance with the allowances contained in this Order.
- C. All operation of Schahfer must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions.
- D. By April 8, 2026, MISO is directed to provide the Department of Energy (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of Schahfer Units 17 and 18 consistent with this Order. MISO shall also provide such additional information regarding the environmental impacts of this Order and its compliance with the conditions of this Order, in each case as requested by the Department of Energy from time to time.
- E. NIPSCO is directed to file with the Federal Energy Regulatory Commission Tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
- F. This Order shall not preclude the need for Schahfer Units 17 and 18 to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
- G. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, Schahfer Units 17 and 18 shall not be considered capacity resources.
- H. This Order shall be effective from March 24, 2026 through June 21, 2026, with the exception of applicable compliance obligations in paragraph D.

Issued in Washington, D.C. on this 23rd day of March 2026.



Chris Wright
Secretary of Energy

cc: **FERC Commissioners**
Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

Indiana Utility Regulatory Commissioners
Chairman Andy Zay
Commissioner Bob Deig
Commissioner Anthony Swinger
Commissioner David Veleta
Commissioner David Ziegner

EXHIBIT 130



Department of Energy
Washington, DC 20585

Midcontinent Independent System Operator, Inc.
Northern Indiana Public Service Company LLC
Regarding R.M. Schahfer Generating Station

Order No. 202-26-29

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA),¹ and section 301(b) of the Department of Energy (DOE or the Department) Organization Act,² and for the reasons set forth below, I hereby determine that an emergency exists in portions of the Midwest region of the United States (U.S.) due to a shortage of electric energy, a shortage of facilities for the generation of electric energy, and other causes. Issuance of this Order will meet the emergency and serve the public interest.

BACKGROUND

The R.M. Schahfer Generating Station (Schahfer) is an electric generating facility in Wheatfield, Indiana. Schahfer is owned and operated by Northern Indiana Public Service Company (NIPSCO), a division of NiSource Inc. Schahfer consists of two 129 MW natural-gas fired generation units and two coal-fired generation units, Unit 17 (423.5 MW) and Unit 18 (423.5 MW).³ Unit 17 and Unit 18 began operations in 1983 and 1986, respectively. Unit 17 and Unit 18 were both slated to cease operations in December 2025.⁴

Order No. 202-25-12, issued pursuant to FPA section 202(c), required that Schahfer Unit 17 and Unit 18 remain in operation for 90 days, through March 23, 2026. Subsequently, Order No. 202-26-19, issued pursuant to FPA section 202(c), required the Schahfer Units to remain in operation for 90 days, until June 21, 2026. These orders

¹ 16 U.S.C. § 824a(c).

² 42 U.S.C. § 7151(b).

³ U.S. Energy Info. Admin., *Form EIA-860, Schedule 3: Generator Data* (2024), <https://www.eia.gov/electricity/data/eia860/>.

⁴ It likely would be difficult for the coal-fired units to resume operations once retired. Specifically, practical issues, such as employment, contracts, and permits, may greatly increase the timeline for resumption of operations during the period they are needed. Moreover, if NIPSCO were to begin disassembling the units or other related facilities, the associated challenges would be greatly exacerbated. The costs and time of decommissioning a coal plant are extensive, and restarting such decommissioned plants would presumably cost the same as decommissioning in dollars and time, if not more. Thus, continuous operation is required in such cases so long as the Secretary determines a shortage exists and is likely to persist. See Jennifer Lessick et al., *Bus. Models for Coal Plant Decommissioning*, at 9-12 (Aug. 2021), https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-31348.pdf.

were based on my determination that emergency conditions existed in the region served by the Midcontinent Independent System Operator, Inc. (MISO).

Specifically, I determined that MISO faced tight reserve margins due to well-documented year-round resource adequacy concerns, particularly during periods of high demand or low generation resource output.⁵ I determined that the continued operation of Schahfer would provide additional generation capacity during these periods, which would help prevent the loss of power to homes and businesses that would otherwise pose a risk to public health and safety.⁶ I determined that the continued operation of Schahfer was necessary to alleviate immediate and anticipated threats to reliability.⁷

My determination was based on several facts. First, in its 2024 Long-Term Reliability Assessment (LTRA), the North American Electric Reliability Corporation (NERC) notes that the MISO assessment area, which covers portions of Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, North Dakota, South Dakota, Texas, and Wisconsin, is at an elevated risk, “because probabilistic assessments indicate above-normal generator outages during extreme weather can result in unserved energy or load loss. With uncertainty around new resource additions and existing generator retirements, MISO is also at risk of falling below [Reference Margin Levels] within the next five years.”⁸ Additionally, the LTRA notes that “[t]he departure of MISO’s coal fleet has continued with a reduction in capacity of around 6 GW in the past year, and a projected reduction of a further 12 GW over the next five years.”⁹

Second, MISO’s year-round resource adequacy concerns are well-documented. In 2022, MISO requested Federal Energy Regulatory Commission (FERC) approval of its filing to revise its resource adequacy construct (including the Planning Resource Auction or PRA) to establish capacity requirements for each of the four seasons of the year rather than on an annual basis determined by peak summer demand.¹⁰ MISO justified this revision by explaining that “Reliability risks associated with [r]esource [a]dequacy have shifted from ‘Summer only’ to a year-round concern.”¹¹

⁵ See, e.g., *Midcontinent Indep. Sys. Operator, Inc.*, DOE Order No. 202-25-12, at 1–4 (Dec. 23, 2025).

⁶ See, e.g., *id.*

⁷ See, e.g., *id.* at 5.

⁸ N. Am. Elec. Reliability Corp., *2024 Long-Term Reliability Assessment*, at 13 (Dec. 2024, corrected July 11, 2025), https://www.nerc.com/globalassets/our-work/assessments/2024-ltra_corrected_july_2025.pdf.

⁹ *Id.* at 44.

¹⁰ *Midcontinent Indep. Sys. Operator, Inc.*, Transmittal Letter, FERC Dkt. No. ER22-495-000 (filed Nov. 30, 2021). FERC accepted MISO’s proposed tariff revisions on August 31, 2022. See also *Midcontinent Indep. Sys. Operator, Inc.*, 180 FERC ¶ 61,141 (2022), *order on reh’g*, 182 FERC ¶ 61,096 (2023).

¹¹ *MISO*, Transmittal Letter, FERC Dkt. No. ER22-495-000, at 3.

MISO noted that over 60% of all “MaxGen” events (events when MISO initiates emergency procedures because of concerns over the adequacy of available generation) occurred outside of the summer season.¹²

CONTINUING EMERGENCY CONDITIONS

The emergency conditions that necessitated the issuance of Order Nos. 202-25-12 and 202-26-19 continue, both in the near and long term. The production of electricity from Schahfer continues to be critical to maintain reliability in MISO. MISO’s resource adequacy concerns were most recently demonstrated during Winter Storm Fern, when Schahfer operated under a cold weather alert and declared conservative operations from January 23–February 1, 2026. On January 24, MISO declared an Energy Emergency Alert (EEA) 1, as well as an EEA 2 “MaxGen” event for MISO’s North and Central Regions due to generation outages, high demand, and transfer capability limits.¹³ From January 21–February 1, 2026, Schahfer operated at over 285 MW every day.¹⁴

In December 2023, MISO released an “Attributes Roadmap,” in which it presented an in-depth look at the challenges of operating a reliable bulk electric system in a rapidly transforming energy landscape.¹⁵ Among other things, this report described changes in the time of year during which the risk of the loss of load was greatest. For the 2023/2024 Planning Year the greatest risk of loss of load was in the summer, but it is expected that by the summer of 2027 there will be an equal loss of load risk in both the summer and fall seasons. MISO also projected risk of loss of load in the winter and spring seasons, which, although not as high as in the summer or fall, will nevertheless increase over time.¹⁶

More recently, MISO affirmed the resource adequacy problems occurring outside of its summer season in its 2024 report entitled, *MISO’s Response to the Reliability Imperative*.¹⁷ In a section of that report entitled, *Risks in Non-Summer Seasons*, MISO again stressed that it has resource reliability concerns outside of the summer season.

Widespread retirements of dispatchable resources, lower reserve margins, more frequent and severe weather events and increased reliance on weather-dependent renewables and emergency-only resources have altered the region’s historic risk profile,

¹² *Id.* at 3–4.

¹³ See MISO (@MISO_energy), X (Jan. 24, 2026), https://x.com/MISO_energy/status/2015072060876140805?s=20.

¹⁴ DOE, *FACT SHEET: Energy Dep’t Prevented Blackouts & Saved Am. Lives During Winter Storms* (Feb. 2026), <https://www.energy.gov/articles/fact-sheet-energy-department-prevented-blackouts-saved-american-lives-during-winter-storms>.

¹⁵ MISO, *Attributes Roadmap*, at 3 (Dec. 2023), <https://cdn.misoenergy.org/2023%20Attributes%20Roadmap631174.pdf>.

¹⁶ *Id.* at 11.

¹⁷ MISO, *MISO’s Response to the Reliability Imperative* (updated Feb. 2024), <https://cdn.misoenergy.org/2024+Reliability+Imperative+report+Feb.+21+Final504018.pdf>.

creating risks in non-summer months that rarely posed challenges in the past.¹⁸ These MISO studies indicate that the emergency conditions caused by the loss of generation capacity in MISO extend past the summer season.

In January 2026, NERC released its 2025 Long-Term Reliability Assessment, NERC assessed that the MISO region is at high risk of energy shortfalls over the next five years, stating that it faces significant reliability challenges as “projected resource additions do not keep pace with escalating demand forecasts and announced generator retirements.”¹⁹ This determination is based on the combination of accelerating demand growth from new data centers and the retirement of existing thermal generators.²⁰ The 2025 Long-Term Reliability Assessment notes that “MISO’s accredited thermal capacity has decreased by 8.8 GW, driven primarily by reductions in accredited capacity of existing facilities and retirements.”²¹ The report observes that winter peak periods are a particular concern, with projections showing “shortfalls in planned resources for winter peak periods.”²² However, NERC also concluded that “risks could expand into spring and fall generator maintenance periods when the available dispatchable generation is not enough to counter wind and solar variability when demand is high.”²³

According to NERC’s 2026 Summer Reliability Assessment, load growth in the MISO region, led by data centers, “is expected to accelerate in 2027 and beyond, which may lead to increased reliability risk in the future if resource additions cannot keep pace with rising load forecasts.”²⁴ It further notes that “[a]bove-normal summer peak load combined with low resource conditions could result in the need to employ operating mitigations (e.g., load-modifying resources) and EEAs [Energy Emergency Alerts].”²⁵ Since the region benefits from transmission connections with neighbors to meet extreme conditions, MISO’s reliance on electricity imports will increase when extreme conditions arise.²⁶

The evidence indicates that there is also a potential longer-term resource adequacy emergency in MISO. When MISO reported the results of its PRA for the 2025–26 Planning Year, it noted that “new capacity additions were insufficient to offset

¹⁸ *Id.* at 12.

¹⁹ NERC, *2025 Long-Term Reliability Assessment*, at 7–8 (Jan. 2026), https://prod.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

²⁰ *Id.* at 43.

²¹ *Id.* at 15.

²² *Id.*

²³ *Id.*

²⁴ NERC, *2026 Summer Reliability Assessment*, at 16 (May 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_sra_2026.pdf.

²⁵ *Id.* at 16.

²⁶ *Id.* at 16.

the negative impacts of decreased accreditation, suspensions/retirements and external resources” in the northern and central zones, which include Indiana.²⁷

On June 6, 2025, the Organization of MISO States (OMS) and MISO issued the results of their annual survey (OMS-MISO Survey), which reported the degree to which expected capacity resources satisfy planning reserve margin requirements.²⁸ The OMS-MISO Survey presented projections of resource adequacy for the summer of 2026 and subsequent years. Although the OMS-MISO Survey projected a potential capacity surplus for the summer of 2026, it also projected that at least 3.1 GW of additional generation capacity beyond currently committed generation capacity must be added to meet the projected planning reserve margin. The OMS-MISO Survey also projected that there would be insufficient capacity to meet the peak demand for electricity in each of the following four summers, increasing from a deficit of 1.4 GW in 2027 to 8.2 GW in 2030.²⁹ It also projected similar results for MISO’s winter seasons, with a small surplus of generation capacity in 2026, followed by increasing deficits the following four years.³⁰

The primary reasons for these projected deficits also are shown on the OMS-MISO Survey. Large amounts of existing generation capacity are projected to be retired each year, while, at the same time, the demand for electricity is projected to increase at an accelerating pace.³¹ Although the OMS-MISO survey projects generation capacity to continue to increase in the coming years with the addition of new potential generation assets, the increase in capacity is largely offset by the projected retirements and does not keep up with the growth in demand.³²

According to the U.S. Energy Information Administration, coal-fired electricity generation in Indiana has declined from 85% of total generation in 2014 to 42% in 2024. Since 2014, approximately 5,000 MW of coal-fired capacity in Indiana have retired, with nearly another 3,900 MW of coal-fired capacity scheduled for retirement by the end of 2028, which includes Schahfer’s capacity.³³

²⁷ MISO, *Planning Res. Auction: Results for Planning Year 2025–26*, at 13 (Apr. 2025), https://cdn.misoenergy.org/2025%20PRA%20Results%20Posting%2020250529_Corrections694160.pdf.

²⁸ OMS and MISO, *OMS-MISO Survey Results* (updated June 6, 2025), <https://cdn.misoenergy.org/20250606%20OMS%20MISO%20Survey%20Results%20Workshop%20Presentation702311.pdf>.

²⁹ *Id.* at 7.

³⁰ *Id.* at 9.

³¹ *Id.* at 7, 9.

³² *Id.*

³³ See U.S. Energy Info. Admin. , *Indiana Analysis* (Nov. 19, 2025), <https://www.eia.gov/states/in/analysis>.

MISO has been taking steps to address these projected deficits, but the solution is years away. For example, on June 6, 2025, MISO submitted a proposal to FERC to establish an Expedited Resource Addition Study (ERAS) process to provide a framework for the expedited study of interconnection requests to address urgent resource adequacy and reliability needs in the near term. This proposal was approved by FERC on July 21, 2025.³⁴ The ERAS process should help expedite the construction of needed new capacity. However, resources studied under the ERAS will have commercial operation dates that are at least three years after the process begins and are provided an additional three-year grace period to commence commercial operations.³⁵ In addition, supply chain constraints impeding the acquisition of critical grid components, including large natural gas turbines and transformers, are likely to further hinder rapid construction and exacerbate reliability concerns.³⁶ Consequently, the new ERAS process is unlikely to result in the addition of any new generation capacity in the next few years.

Order Nos. 202-25-12 and 202-26-19 were preceded by executive orders on January 20, 2025, and April 8, 2025, in which President Donald J. Trump underscored the dire energy challenges facing the Nation due to growing resource adequacy concerns. President Trump declared a national energy emergency in Executive Order No. 14156, “Declaring a National Energy Emergency,” in which he determined that the “United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.”³⁷ The Executive Order adds, “hostile state and non-state foreign actors have targeted our domestic energy infrastructure, weaponized our reliance on foreign energy, and abused their ability to cause dramatic swings within international commodity markets.”³⁸ In the subsequent Executive Order No. 14262, “Strengthening the Reliability and Security of the United States Electric Grid,” President Trump emphasized that “the United States is experiencing an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.”³⁹

³⁴ *Midcontinent Indep. Sys. Operator, Inc.*, 192 FERC ¶ 61,064 (2025).

³⁵ *See id.* P 84.

³⁶ *See generally* S&P Global, *US Gas-Fired Turbine Wait Times as Much as Seven Years; Costs Up Sharply* (May 2025) (“With demand for natural gas-fired turbines in the US rapidly accelerating amid power demand growth forecasts driven by AI, manufacturing, and electrification, wait times for turbines are anywhere between one and seven years depending on the model, and costs have increased considerably, experts told Platts.”), <https://www.spglobal.com/energy/en/news-research/latest-news/electric-power/052025-us-gas-fired-turbine-wait-times-as-much-as-seven-years-costs-up-sharply>.

³⁷ Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>.

³⁸ *Id.*

³⁹ Exec. Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025), <https://www.federalregister.gov/documents/2025/04/14/2025-06381/strengthening-the-reliability-and-security-of-the-united-states-electric-grid>.

In addition, President Trump issued a White House Memo for the Secretary of Energy that emphasized the findings of Executive Order No. 14156, stating that “ensuring reliable coal supply chains and baseload power generation capacity is essential to the United States national defense . . . Without sufficient coal-fired baseload power, the United States will lack the stable electricity required to support defense installations, industrial expansion, and the high-energy demands of emerging technologies, such as artificial intelligence.”⁴⁰ The President “further determine[d] that action to expand coal supply chain capacity and baseload generation availability is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.”⁴¹

Further, the Department of Energy detailed the myriad challenges affecting the Nation’s energy systems in its July 2025 “Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid,” which was issued pursuant to the President’s directive in Executive Order No. 14262. The Department concluded that “[a]bsent decisive intervention, the Nation’s power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving artificial intelligence (AI) innovation.”⁴²

Grid operators—including MISO itself—have also acknowledged the Nation’s current energy crisis. For instance, during a March 25, 2025, hearing before the House Committee on Energy and Commerce, Jennifer Curran, Senior Vice President, Planning and Operations, MISO, testified that “the MISO region faces resource adequacy and reliability challenges due to the changing characteristics of the electric generating fleet, inadequate transmission system infrastructure, growing pressures from extreme weather, and rapid load growth.”⁴³

Ms. Curran also described “much stronger growth [in demand for electricity] from continued electrification efforts, a resurgence in manufacturing, and an unexpected

⁴⁰ Memorandum from President Donald J. Trump to the Secretary of Energy (Apr. 20, 2026) (*Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Coal Supply Chains and Baseload Power Generation Capacity*), <https://www.whitehouse.gov/presidential-actions/2026/04/presidential-determination-pursuant-to-section-303-of-the-defense-production-act-of-1950-as-amended-on-coal-supply-chains-and-baseload-power-generation-capacity/>.

⁴¹ *Id.*

⁴² DOE, *Res. Adequacy Rep.: Evaluating the Reliability & Sec. of the U.S. Elec. Grid*, at 1 (July 2025), <https://www.energy.gov/sites/default/files/2025-11/DOE%20Final%20EO%20Report%20%28REVISED%20OCT%2027%29.pdf>.

⁴³ *Keeping the Lights On: Examining the State of Reg’ Grid Reliability; Hearing Before the House Comm. on Energy & Com., Subcomm. on Energy*, 119th Cong. 5 (2025) (statement of Ms. Jennifer Curran, Senior Vice President for Planning and Operations, Midcontinent Indep. Sys. Operator), <https://www.congress.gov/119/meeting/house/118040/witnesses/HHRG-119-IF03-Wstate-CurranJ-20250325.pdf>.

demand for energy-hungry data centers to support artificial intelligence.”⁴⁴ She added, “[a] growing reliability risk is that the rapid retirement of existing coal and gas power plants threatens to outpace the ability of new resources with the necessary operational characteristics to replace them.”⁴⁵

ORDER

FPA section 202(c)(1) provides that whenever the Secretary of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy,” the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in [his] judgment will best meet the emergency and serve the public interest.”⁴⁶ This statutory language constitutes a specific grant of authority to the Secretary to require the continued operation of Schahfer Units 17 and 18 when the Secretary has determined that such continued operation will best meet an emergency caused by a sudden increase in the demand for electric energy or a shortage of generation capacity, or a shortage of electric energy or facilities for generation or transmission of electric energy.

As described above, the emergency conditions resulting from increasing demand and shortage from accelerated retirement of generation facilities will continue in the near term and are also likely to continue in subsequent years. This could lead to the loss of power to homes and businesses in the areas that may be affected by curtailments or power outages, presenting a risk to public health and safety.

I have determined that, to best meet the emergency arising from increased demand, determined shortage, and other causes, and serve the public interest under FPA section 202(c), Schahfer Units 17 and 18 shall be made available for operation through September 19, 2026.

⁴⁴ *Id.* at 6.

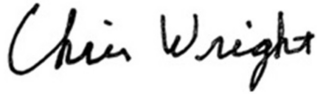
⁴⁵ *Id.* at 7.

⁴⁶ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. *See* 42 U.S.C. § 7151(b).

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

- A. From June 22, 2026, MISO and NIPSCO shall take all measures necessary to ensure that Schahfer Units 17 and 18 are available to operate. For the duration of this Order, MISO is directed to take every step to employ economic dispatch of Schahfer Units 17 and 18 to minimize cost to ratepayers. Following the conclusion of this Order, sufficient time for orderly ramp down is permitted, consistent with industry practices. NIPSCO is directed to comply with all orders from MISO related to the availability and dispatch of Schahfer Units 17 and 18.
- B. To minimize adverse environmental impacts, this Order limits operation of Schahfer Units 17 and 18 to the times and within the parameters as determined by MISO, pursuant to paragraph A. MISO shall provide a daily notification to the Department (via AskCR@hq.doe.gov) reporting whether Schahfer Units 17 and 18 have operated in compliance with the allowances contained in this Order.
- C. All operations of Schahfer Units 17 and 18 must comply with applicable environmental requirements, including but not limited to monitoring, reporting, and recordkeeping requirements, to the maximum extent feasible while operating consistent with the emergency conditions. This Order does not provide relief from any obligation to pay fees or purchase offsets or allowances for emissions that occur during the emergency conditions or to use other geographic or temporal flexibilities available to generators.
- D. By July 7, 2026, MISO is directed to provide the Department (via AskCR@hq.doe.gov) with information concerning the measures it has taken and is planning to take to ensure the operational availability of Schahfer Units 17 and 18 consistent with this Order. MISO shall also provide such additional information regarding the environmental impacts of this Order and its compliance with the conditions of this Order, as requested by the Department of Energy from time to time.
- E. NIPSCO is directed to file with the Federal Energy Regulatory Commission any tariff revisions or waivers to effectuate this Order, as needed. Rate recovery is available pursuant to 16 U.S.C. § 824a(c).
- F. This Order shall not preclude the need for Schahfer Units 17 and 18 to comply with applicable state, local, or Federal law or regulations following the expiration of this Order.
- G. Because this Order is predicated on the shortage of facilities for generation of electric energy and other causes, Schahfer Units 17 and 18 shall not be considered capacity resources.
- H. This Order shall be effective from June 22, 2026, through September 19, 2026, with the exception of applicable compliance obligations in paragraph D.

Issued in Washington, D.C. on this 18th Day of June 2026.



Chris Wright
Secretary of Energy

cc: **FERC Commissioners**
Chairman Laura V. Swett
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang
Commissioner David A. LaCerte

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