



Department of Energy
Washington, DC 20585

Order No. 202-17-5

On July 14, 2017, Sierra Club submitted to the Department of Energy (DOE) a “Motion to Intervene and Petition for Rehearing” of DOE Order No. 202-17-2, issued on June 16, 2017. DOE treated Sierra Club’s Petition as a request for rehearing under section 313(a) of the Federal Power Act (FPA), 16 U.S.C. § 825l(a). On August 11, 2017, Order No. 202-17-3 was issued. To afford additional time for consideration of the matters raised and any additional relevant facts, Order No. 202-17-3 granted Sierra Club’s Petition for Rehearing for the limited purpose of further consideration. Order No. 202-17-3 did not operate as a stay of Order No. 202-17-2. 16 U.S.C. § 825l(c).

Order on Dismissal

Order No. 202-17-2 allowed operation of two coal-fired electric power generating units, under strict conditions, from June 16, 2017, to September 14, 2017. By its terms, and by statute,¹ Order No. 202-17-2 expired on September 14, 2017. Sierra Club’s Petition for Rehearing is therefore moot, and accordingly it is denied.

Issued in Washington, D.C. this 15th day of September, 2017.

Rick Perry

Rick Perry
Secretary of Energy

¹ FPA section 202(c)(4)(A) provides that “[a]n order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation shall expire not later than 90 days after it is issued.” 16 U.S.C. § 824a(c)(4)(A). Operation of the two coal-fired generating units at issue here may conflict with the Environmental Protection Agency’s Mercury and Air Toxics Standards at 40 C.F.R. part 63, subpart UUUUU.