

**Beyond the Emergency: The Expanding Use of Section 202(c) and Its Consequences for
Markets, Consumers, and the Environment**

by

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Introduction

Section 202(c) of the Federal Power Act, or 16 U.S.C. § 824a(c) of U.S. Code, has existed in law since 1935; it enables the Department and Secretary of Energy to extend the lifespan of plants beyond normal retirement limits under circumstances deemed “emergencies” (at the discretion of the Secretary and Department of Energy or DOE). We have reviewed the literature surrounding uses of this Section, as well as its effects on ratepayers’ costs, the environment, American citizens’ health, and plants’ financial viability. In this paper, we discuss our findings from this research as well as our projections for the short- and long-term future if restrictions are not placed to curb DOE’s wide-reaching authority granted by Section 202(c). We posit that the recent uses of this power have been implemented without conscious consideration of the American public, their health or economic prosperity.

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1. Background and Context

Department of Energy

The Department of Energy was formed under the Department of Energy Organization Act of 1977; its creation united defense responsibilities – specifically nuclear weapons (dating back to the first atomic bomb) – and brought together energy-related programs across the federal government. Emphasis on the design, construction and testing of nuclear weapons and technology began in 1942, when the Army Corps of Engineers established the Manhattan Engineer District; this new organization launched the Manhattan Project, which combined science and military initiatives around nuclear technology. After the second World War, the Project was taken over by the Atomic Energy Commission (AEC) due to debate over civilian versus military control over emerging scientific nuclear development. The AEC had authority regulating this entire industry, developing peaceful uses of atomic energy in the 1950s and overseeing 75 new nuclear power plants by the 1960s. In the 1970s, the U.S. relied on private sectors to establish production and distribution over the Federal government, which had relatively no role in forming national energy policy. But when an energy crisis developed in the 1970s, the need for the separation of licensing and regulation from the development of production of nuclear power became clear. As such, AEC was dissolved and DOE was created, forming a balanced energy plan in which “the Department of Energy undertook responsibility for long-term, high-risk research and development of energy technology, Federal power marketing, energy conservation, the nuclear weapons program, energy regulatory programs, and a central energy data collection and analysis program.”¹

Today, DOE has taken a scientific approach to ensure national security and combat energy challenges, which include nuclear and environmental concerns.¹ Economically, the U.S. relies heavily on DOE energy technologies and research from the Department’s 17 national laboratories, with the Sandia National Laboratories generating \$95 billion and 21,000 jobs per year from 2000 to 2020.² To enhance national security and safety, DOE is responsible for cleaning up the environmental effects of nuclear weapons and research, safeguarding the nation’s nuclear weapon stockpile, ensuring readiness for emergencies, and protecting energy from cyberattacks and physical threats.³ The Department is also working to aid consumers in the efficient use of energy and, as the effects of climate change become more strenuous on energy

¹ “A Brief History of the Department of Energy.” n.d. Department of Energy.
<https://www.energy.gov/lm/brief-history-department-energy>.

² Larson, Aaron. 2026. “From the Manhattan Project to Fusion: The History of DOE’s National Labs.” POWER.
<https://www.powermag.com/from-the-manhattan-project-to-fusion-the-history-of-does-national-labs/>.

³ Office of the Federal Register, National Archives and Records Administration, and U.S. Government Publishing Office. 2021.

“Department of Energy.” The United States Government Manual.
<https://usgovernmentmanual.gov/Agency?EntityId=VhQd5NF2+Kg=&ParentEId=+klubNxgV0o=&EType=jY3M4CTKVHY=>.

demands, prioritize renewable energy sources.

Federal Energy Regulatory Commission & North American Electric Reliability Corporation

Also created by the Department of Energy Organization Act, the Federal Energy Regulatory Commission (or FERC) is responsible for regulating the electric power and natural gas industries, setting rates for the sale and transportation of energy, and granting licenses to projects. While electricity sales are regulated by state public utility commissions, FERC is responsible for ensuring that the wholesale transaction of interstate transmission of energy and interstate transportation of natural gas are “just and reasonable,” under the Federal Power Act and Natural Gas Act. Although FERC is a separate, independent commission within DOE, the working relationship between the two entities is undefined, with the question of authority left unresolved.⁴ When DOE has actions that require formal hearings, FERC makes the final decision and reviews DOE proposals. FERC has the power to decide whether a non-federal hydropower plant or gas terminal gets to be built, but it is DOE that has the authority to decide if gas is exported and if it will be through a FERC-approved terminal.⁵ As FERC reviews applications for terminals and plants, they must ensure they are consistent with public interest, per the Natural Gas Act and the National Environmental Policy Act⁶ – This means that the project must support environmental justice and climate efforts, respect consumers, and protect national security. The process for which FERC reviews applications has been largely criticized for its lack of thoroughness, but with Order No. 871 in 2021, FERC was required to regulate this process, halting the authorization of methane pipelines and liquid natural gas facilities (yet, by October 2025, most of this order has permanently been rescinded, which has been seen as FERC stepping away from its environmental commitments).

Serving the United States, Canada, and the northern part of Baja Mexico, the North American Electric Reliability Corporation (NERC) is an independent, nonprofit organization working to improve and develop reliability standards in bulk power distribution and delivery, ensuring compliance and preventing widespread outages.⁷ In the United States, NERC also serves as the Electric Reliability Organization (ERO) following the enactment of the Energy Policy Act of 2005, and has a membership of over 1,900 operators and owners, providing for 334 million customers. NERC is composed of four areas of interconnection and seven Regional Entities, whose responsibility is to monitor, register, and certify members. The organization follows four pillars of success: reliability of the bulk power system, assurance of reliability,

⁴ Bloom, Amy. 2023. “U.S. Congress Creates the Federal Energy Regulatory Commission.” EBSCO. <https://www.ebsco.com/research-starters/law/us-congress-creates-federal-energy-regulatory-commission>.

⁵ Turrentine, Jeff. 2025. “Meet the Federal Energy Regulatory Commission.” NRDC. <https://www.nrdc.org/stories/meet-federal-energy-regulatory-commission#fallout>.

⁶ Turrentine, “Meet the Federal Energy Regulatory Commission.”

⁷ Marker, Andy. 2018. “ERC: The Key to North America’s Electrical Infrastructure.” Smartsheet. https://www.smartsheet.com/nerc-cip-standards-compliance?srsltid=AfmBOoqTlWKJbmVf2GscgyAJdlly60TWUScGEbI2KNvcOqNQ10kJ3_40.

learning how to improve, and risk-based approach for the issues most important to the bulk power system. These pillars are enforced by its seven Regional Entities. NERC also has approximately 100 standards that work to prevent risks in emergency readiness, operation planning, and interconnectivity, with elements of communication, cybersecurity, and training. Any organization associated with the generation, transmission, and interconnection of the bulk power system is required to comply with NERC standards, which is authorized by FERC and must register with its specific Regional Entity. Regional Entities also assess penalties of organizations that violate such standards. Connecting three countries and 211,000 miles of transmission lines, NERC works to regulate and protect the necessary electricity that powers North America.⁸

While both organizations work to ensure grid stability and maintain system safety, they differ in authority: generally, FERC is a federal agency that enforces electricity laws and rates and has authority over interstate transactions, directly impacting finances, while NERC is a nonprofit that operates under FERC's jurisdiction.⁹ However, NERC reaches beyond the borders of the United States, and into Mexico and Canada, focusing on reliability standards and stability of the bulk power grid. FERC only operates within the U.S, responsible for the entire energy market, ensuring fair markets and prices, and authorizing licenses. There is close collaboration between the two entities despite the difference in objective: for example, NERC develops official standards that FERC reviews and approves. Consequently, NERC is also responsible for monitoring that operations are in compliance with reliability standards, with the additional layer of enforcement from FERC. When FERC creates its policies, it takes into account NERC's analyses, which help ensure reliability stays consistent with market needs. Both play a crucial role in adapting the energy industry to the clean energy transition.

Recent Changes

Under the Trump administration, there has been a shift in DOE's governance, one towards ensuring domestic energy production and emergency authority. Notably, DOE has begun to make decisions typically made by state regulators; on April 8 of 2025, President Donald Trump issued a series of orders in relation to revitalizing the United States' power generation. One of these orders, "Strengthening the Reliability and Security of the United States Electric Grid," required the development of a national methodology for analyzing reserve margins across all regional power systems regulated by FERC. Under this measure, regions with adequate generation capacity would have to be identified, as well as whether such resources are critical or below "unacceptable thresholds." (If identified as critical, for example, a plant could be requested to continue generation beyond retirement – see more under **Section 202(c)** for types of

⁸ Marker, "ERC: The Key to North America's Electrical Infrastructure."

⁹ Patel, Sonny. 2024. "What Is the Difference Between FERC and NERC?" Keentel Engineering. <https://keentelengineering.com/what-is-the-difference-between-ferc-and-nerc>.

requests like this).¹⁰ Additionally, following the release of a new organizational chart, the Office of Energy Efficiency and Renewable Energy, the Office of Clean Energy Demonstrations, the Office of Fossil Energy and Carbon Management and the Grid Deployment Office are no longer listed as part of DOE and have instead become consolidated into the Office of Critical Minerals and Energy Innovation, as a way to further enhance the mission of affordable and secure energy.¹¹ DOE traditionally acted as a policy and research agency, but now it holds the power to directly intervene in electricity generation decisions.

FERC has also been subject to change under the Trump administration. During a federal workforce downsizing, FERC staff were offered eight months paid leave to resign, putting the organization at risk of major delays in processing energy project applications.¹² However, reflecting the current administration's urgency in pursuing AI, DOE has also directed FERC to accelerate the interconnection processes for large energy companies – specifically, for data centers.¹³ These changes to FERC reflect a shift in focus from climate interests to AI energy demands and reliability.

Historically, NERC – also affected by recent trends – has issued reliability standards and recommendations, but rarely played a role in federal policy, as it is an independent nonprofit; however, as DOE shifts to focusing on reliability management, use of NERC's assessments will become more crucial, and may require greater updates.

Independent System Operators

ISOs were initially created by FERC through Orders No. 888 and 889 in 1996.¹⁴ Increased undue discrimination in access to energy and energy transmission services necessitated the creation of ISOs: independent, nonprofit entities that cannot own or operate transmission infrastructure. Their creation eliminated some financial incentives that were prevalent drivers of undue discrimination¹⁵ as was part of a broader effort in the 1970s to

¹⁰ Murphy, Ted J., and Frederick R. Eames. 2025. "President Trump Issues Executive Order on "Strengthening the Reliability and Security of the United States Electric Grid."" Hunton. <https://www.hunton.com/the-nickel-report/president-trump-issues-executive-order-on-strengthening-the-reliability-and-security-of-the-united-states-electric-grid>.

¹¹ Kennedy, Ryan. 2025. "US energy offices folded into new structure at Department of Energy." PV Magazine. <https://www.pv-magazine.com/2025/11/25/us-energy-offices-folded-into-new-structure-at-department-of-energy/>.

¹² Weber, Maya, and George Weykamp. 2025. "Trump administration offers FERC staff eight months paid leave to resign." S&P Global. <https://www.spglobal.com/energy/en/news-research/latest-news/natural-gas/012925-trump-administration-offers-ferc-staff-eight-months-paid-leave-to-resign>.

¹³ Wagler, Tony. 2025. "Beyond the headlines: What DOE's FERC directive really means for your project." Paces. <https://www.paces.com/post/beyond-the-headlines-what-does-ferc-directive-really-means-for-your-project>.

¹⁴ FERC. 2024. "RTOs and ISOs." Federal Energy Regulatory Commission. <https://www.ferc.gov/power-sales-and-markets/rto-and-isos>.

¹⁵ FERC. 2005. "Preventing Undue Discrimination and Preference in Transmission Services, Issued September 16, 2005." Federal Energy Regulatory Commission. <https://www.ferc.gov/sites/default/files/2020-05/E-1noi.pdf>.

deregulate the energy market and encourage competition.¹⁶ Prior to orders No. 888 and 889, vertically integrated monopolies controlled energy transmission, making the energy system extremely vulnerable and undue price discrimination likely; there was far too much power in the hands of individual companies. Orders No. 888 and 889 authorized the creation of ISOs to help comply with government orders, making transmission lines available to all generation owners. ISOs manage a variety of tasks related to energy transmission including restoring service during outages and interruptions, preventing power outages, and overseeing markets for electricity and energy services.¹⁷ A general goal shared by ISOs is ensuring cost effective energy pricing, so that consumers cannot get priced out of the market. There are ten ISOs in the United States that manage different regions (the Boston area is run by ISO-NE, or ISO-New England).

ISO responsibilities are dependent on the energy market in the United States. Generally, ISOs have had to manage high demand, which includes monitoring new mechanisms such as day-ahead energy markets, operating on forecasts of supply and demand;¹⁸ ISOs have also been under increased pressure as more alternative power sources, including gas, wind, solar, and battery storage, come online.¹⁹ In recent years, the administration has taken a more interventionist approach to ISOs – for example, in December of 2025, the Trump administration called for the halting of five offshore wind farms, which were set to drastically increase the supply of energy and avert future shocks.²⁰ When the administration intervenes more heavily in energy, its prices and its use, ISOs are forced to adapt quickly in addition to adjusting forecasts based on supply and demand in the energy market.

Energy is dispatched in the ISO control room via electronic or verbal instructions. These instructions are sent to generators, transmission facilities, and other market participants in the region. Dispatch starts with the power plant that submitted the lowest priced supply offer, in an effort to keep energy prices initially low. Simultaneously, the delivery of electricity via high voltage transmission lines is scheduled.²¹ As demand increases throughout the day, the ISO will continue dispatching energy in the order of lowest to highest cost supply order. As demand falls, they will lower output. ISO-NE in particular is assisted in these efforts by local control centers, or LCCs, who function as local versions of the ISO.

¹⁶ Flores, Gaby. 2020. “Independent System Operators (ISOs) — Yes Energy Power 101.” Yes Energy. <https://www.yesenergy.com/blog/2020/introduction-of-isos-yes-energy-101>.

¹⁷ Arnold, Tom. 2024. “Independent System Operators (ISOs) | Engineering | Research Starters.” EBSCO. <https://www.ebsco.com/research-starters/engineering/independent-system-operators-isos>.

¹⁸ SYSO. 2026. “Independent System Operators | The Role of ISOs in the U.S. Power Markets.” SYSO Technologies. <https://www.sysotechnologies.com/independent-system-operators/>.

¹⁹ Environmental Protection Agency. 2025. “Power Sector Evolution | US EPA.” EPA. <https://www.epa.gov/power-sector/power-sector-evolution>.

²⁰ Center for American Progress. 2026. “The Trump Administration's Attack on Offshore Wind Threatens To Raise Electricity Prices for Millions of Americans.” Center for American Progress. <https://www.americanprogress.org/article/the-trump-administrations-attack-on-offshore-wind-threatens-to-raise-electricity-prices-for-millions-of-americans/>.

²¹ ISO-New England. 2026. “Operate the Power System.” ISO New England. <https://www.iso-ne.com/about/what-we-do/operate-the-grid>.

ISOs are currently facing issues as renewable energy has become more prominent: higher renewable output has led to transmission congestion and has limited the flow of energy. Going forward, transmission planning may need to change to account for new sources of renewable energy, as well as be more predictive about energy surpluses and deficits with intermittent renewables like wind and solar.²²

2. Section 202(c) of the Federal Power Act

Section 202(c) of the Federal Power Act grants the Secretary of Energy emergency control over electricity generation nationwide. Because partisan Presidents and Senate majorities appoint the Secretary every four years, this authority is subject to direct political influence — rather than residing with a neutral body.²³ Currently, this role is filled by Chris Wright, who has been responsible for every 202(c) order since February 2025.²⁴

In addition to granting the Secretary of Energy emergency control of electricity generation in the country,²⁵ Section 202(c) establishes that during the use of emergency orders, any utilities violating Federal, State, or local environmental laws in order to comply with the energy request cannot be held liable under such laws or regulations. To prevent abuses of this release from liability, 202(c) requires that emergency “generation, delivery, interchange or transmission of electric energy” only occurs during “hours necessary to meet the emergency and serve public interest,” be in accordance with any applicable environmental laws “to the maximum extent practicable,” and “[minimize] any adverse environmental impacts.”²⁶ This addition of liability avoidance was not made until 2015, when an amendment by Congress made the change to allow emergency energy production to be prioritized above environmental laws.²⁷ While the amendment also established limits to the leniency in the form of the requirements listed above, this was a marked shift towards a more powerful 202(c). In short, Section 202(c) under the FPA creates special legal conditions for emergency power needs that have the potential to allow the circumvention of environmental law governing energy production in the United

²² SYSO. 2026. “Independent System Operators | The Role of ISOs in the U.S. Power Markets.” SYSO Technologies. <https://www.sysotechnologies.com/independent-system-operators/>.

²³ Although passed in 1935, the primary language of the Federal Power Act (FPA) has not changed. # While federal oversight of electrical processes remains outside DOE’s jurisdiction to this day, emergency powers under 202(c) were granted to the Department during its creation in 1977. # (At that time, the Federal Powers Commission became what we now know as the Federal Energy Regulatory Commission.) This change proved important: rather than place emergency authority in the hands of a neutral power, DOE’s control of Section 202(c) is subject to political influence, as partisan Presidents and Senate majorities appoint the Secretary of Energy every four years (who directs the DOE).

²⁴ U.S. Department of Energy, “Chris Wright,” <https://www.energy.gov/person/chris-wright>.

²⁵ U.S. Department of Energy, “DOE’s Use of Federal Power Act Emergency Authority,” Office of Cybersecurity, Energy Security, and Emergency Response, <https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority>.

²⁶ Federal Power Act § 202(c), 16 U.S.C. § 824a(c).

²⁷ Congressional Research Service, Federal Power Act: The Department of Energy’s Emergency Authority, R48568 (Washington, DC: Congressional Research Service, 2025), <https://www.congress.gov/crs-product/R48568>.

States.

There are two key considerations to an order within Section 202(c): the addressed emergency and the method of addressing it. In U.S. code, “emergencies” must fall under one of the following categories: “[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 of fuel or water for generating facilities, or other causes.”²⁸ Since 1977, these orders have been at the discretion of the Secretary of Energy,²⁹ a role filled differently in each administration; it is ultimately their responsibility to decide what constitutes an “emergency.” The second element, what an order entails, has the potential to cause significant economic, health and environmental harm. When a 202(c) order is issued, it is utilities and grid operators that are responsible for increasing power generation in one way or another. Depending on the need, orders often instruct utilities to increase generation of already functioning units, start generation in backup units, or use previously unused units. In recent years, these instructions are accompanied by the wording “notwithstanding air quality or other permit limitations arising under federal, state, or local law or regulation”, which reinforces the release from liability present in the law codifying 202(c).³⁰

The original purpose of the emergency power stipulation was to ensure that unforeseen increases in demand for electrical energy, sudden shortages of electrical energy, deficits of fuel and water for generation, wartime disruptions, and other potential *major* reasons for a lack of energy supply for American citizens did not result in widespread outages.³¹ Indeed, the prevention of outages is, and always has been, an issue of vital importance: Americans rely on electrical energy for creating and storing food, cleaning and transporting water, urgent medical care, communication, and temperature regulation.³² Without electricity, the systems that sustain life are halted, making the need for successful emergency energy production imperative. In the past, specifically between 2000 and 2024, Section 202(c) has typically been invoked in response to extreme weather events³³ – for instance, the California Energy Crisis between 2000 and 2001, Hurricanes Katrina, Rita, Ike, Laura, and Milton, Winter Storms Uri and Eliot, and heat waves in 2020, 2021, 2022, and 2023. Notably, only four official explanations by the Department of Energy for emergency power use between 2000 and 2024 use the word “shortage”, which will become important when analyzing 202(c) use in the past two years under the second Trump administration. Under the second Trump administration, the frequency of orders under 202(c) has vastly increased. In contrast to most of the 2000-2024 orders being a response to a natural disaster or extreme weather event, a minority of the orders issued in the past year fell under this

²⁸ Federal Power Act § 202(c), 16 U.S.C. § 824a(c).

²⁹ U.S. Department of Energy, “DOE’s Use of Federal Power Act Emergency Authority,” Office of Cybersecurity, Energy Security, and Emergency Response, <https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority>.

³⁰ U.S. Department of Energy, Office of Cybersecurity, Energy Security, and Emergency Response, “2026 DOE 202(c) Orders,” <https://www.energy.gov/ceser/2026-doe-202c-orders>.

³¹ Federal Power Act § 202(c), 16 U.S.C. § 824a(c).

³² Massachusetts Emergency Management Agency, “Power Outage Safety Tips,” Commonwealth of Massachusetts, <https://www.mass.gov/info-details/power-outage-safety-tips>.

³³ Congressional Research Service, Federal Power Act: The Department of Energy’s Emergency Authority, R48568 (Washington, DC: Congressional Research Service, 2025), <https://www.congress.gov/crs-product/R48568>.

category. Instead, the majority use “shortage” – not a natural disaster – as the primary explanation.³⁴ In January 2026, ISO-NE was the subject of 202(c) orders in preparation for Winter Storm Fern, making this order one of the two orders in the past year whose purpose was an extreme weather event.³⁵

3. 202(c): “Emergencies,” Market and ISO Responses

“Emergencies”

Within Section 202(c) and U.S. Code, an emergency is defined in the context of energy demand. As mentioned in the section above, the specific language details that an “emergency exists by reason of a sudden increase in the demand ... or a shortage of electric energy.”³⁶ This definition is very broad, encompassing increasingly inevitable emergencies such as extreme incumbent weather events and emergencies related to foreign policy and current events, like war and supply chain shocks. In contrast, DOE defines an energy emergency as “an emergency resulting from an energy supply crisis, economic impacts, widespread energy distribution interruption, or energy infrastructure damage. [An appropriate response] includes all actions taken to ensure the balance generation and load to ensure reliability of the electric interconnection.”³⁷ (While FERC does not have an official definition for an energy emergency, an emergency is defined by the Electronic Code of Federal Regulations as “an unexpected inadequate supply of electric energy which may result from the unexpected outage or breakdown of facilities for the generation, transmission or distribution of electric power.”³⁸)

Across the organizations, emergencies are typically framed around a sudden and unforeseen increase in customer demand; qualitatively, all of the above definitions are broad, which allows for misapplication of Section 202(c). In the language of the Section itself (cited above), requirements implicitly include insufficient reserves, causing high demand, and fuel shortages. In the language of DOE, requirements additionally include an imminent reliability threat. As such, DOE has the authority to order the temporary connection of facilities, or the generation or delivery of electricity during times of *potential* or *predicted* faltering in reliability.

ISO Emergency Response

³⁴ Congressional Research Service, Federal Power Act: The Department of Energy’s Emergency Authority, R48568 (Washington, DC: Congressional Research Service, 2025), <https://www.congress.gov/crs-product/R48568>.

³⁵ U.S. Department of Energy, Office of Cybersecurity, Energy Security, and Emergency Response, “2026 DOE 202(c) Orders,” <https://www.energy.gov/ceser/2026-doe-202c-orders>.

³⁶ “Legislative Search Results.” Legislation. <https://www.congress.gov/search>.

³⁷ “Energy Emergency.” https://www.directives.doe.gov/terms_definitions/energy-emergency.

³⁸ LII / Legal Information Institute. “10 CFR § 205.371 - Definition of Emergency.” <https://www.law.cornell.edu/cfr/text/10/205.371>.

ISO New England employs highly trained, around-the-clock systems operators.³⁹ They operate through the master control center, or MCC, located in Holyoke, Massachusetts. In order to properly direct energy to high-demand, usually densely populated areas of New England, ISO-NE generates demand forecasts – comprehensive reports that are based on the time of day, season, weather conditions, pre-existing power system failures, and the availability of power resources. All of these conditions are used in short term demand forecasts, which are consistently monitored and updated in the case of extreme weather events or outages. ISO-NE also constructs long term demand forecasts that are used in regional system planning.

When ISO-NE experiences high energy demand, they carry out OP-4 (Operating Procedure No. 4)⁴⁰ actions in order to increase supply or reduce demand to maintain operating reserves. These actions include implementing power caution and allowing depletion of 30 minute reserves, declaring an emergency energy alert (EEA), and scheduling emergency energy transactions, among other things.⁴¹ ISO-NE typically projects demand at least two seasons in advance, so demand-related emergencies are somewhat pre-empted. In the event of extreme weather, however, an M/LCC 2 abnormal conditions alert is triggered,⁴² which alerts power system personnel and market participants of abnormal system conditions. This alert is then used to justify the cancellation of ongoing maintenance projects, which hedges against additional grid vulnerability during extreme weather events, and it delineates what kinds of outages are and are not allowed. It is important to note that M/LCC 2 still allows for inevitable outages, but aims to mitigate the severity of said outages.

Qualitatively, ISO-PJM's protocol for emergency response is more unified and clearly delineated. In a demand related emergency, PJM recalls energy that would originally serve outside of the control area and redirects it to areas within the control area, purchases capacity or energy from resources outside of the control area, and possibly implements Minimum Generation Emergency procedures.⁴³ In a weather related emergency, PJM alerts governmental agencies within two days in order to receive assistance. PJM coordinates and communicates with natural gas transmission pipelines in conjunction with nearby RTOs and ISOs.

CAISO's emergency protocols are also more streamlined, with a specific operating protocol rather than a simple presentation (the approach that ISO-NE has taken). CAISO projects demand seven days in advance; if they predict that there will be an inadequacy, CAISO

³⁹ ISO-New England. 2026. "Operate the Power System." ISO New England. <https://www.iso-ne.com/about/what-we-do/operate-the-grid>.

⁴⁰ ISO-New England. 2024. "ISO-NE Public Communications During Operating Procedure No. 4: Action During a Capacity Deficiency (OP 4)." ISO New England. <https://www.iso-ne.com/static-assets/documents/2022/11/op-4-steps-printable-handout.pdf>.

⁴¹ ISO New England. 2025. "ISO New England Overview of Emergency Procedures and Communications Processes." ISO New England. https://www.iso-ne.com/static-assets/documents/100024/webex_2025_presummer_briefing_final.pdf.

⁴² ISO New England. 2025. "ISO New England Overview of Emergency Procedures and Communications Processes." ISO New England. https://www.iso-ne.com/static-assets/documents/100024/webex_2025_presummer_briefing_final.pdf.

⁴³ PJM. 2025. "PJM Manual 13:." PJM.com. <https://www.pjm.com/-/media/DotCom/documents/manuals/m13.pdf>.

initiates coordination and communications consistent with the Extreme Weather Event Process and Communications. They take into account start up time requirements for Long Start Strategic Reserve Resources and coordinate with California Water Agencies to adjust pump load schedules.⁴⁴ For weather related emergencies, CAISO projects demand a week in advance, reviews and validates current information on demand 1-4 days in advance, and validates day-ahead markets one day in advance. On operating day, if incumbent conditions still persist, CAISO will issue EEA notices based on system conditions and de-escalate and remove unnecessary notices.⁴⁵

4. Uses of 202(c), Past and Present

Cataloguing 202(c) Orders Before 2025

Prior to 2010, 202(c) orders had been rare, and only employed in large-scale emergencies in broader regions like the California Energy Crisis. In the 2010s, orders became more localized and focused on reliability issues in transmission constraints. They were comparably longer in duration than the ones in the 2000s. These lasted from months to years, focusing on infrastructural constraints that produced reliability concerns. Since 2020, orders have become more short-term and primarily address weather concerns like heat waves and winter storms.

In order for a plant to request a 202(c) order in today's interpretation, there must be a clear, imminent risk of load shedding or grid instability, not just general reliability concerns. For example, during Winter Storm Uri (Order No. 202-21-1)⁴⁶, the Electric Reliability Council of Texas or ERCOT explicitly warned of EEA Level 3 conditions and rotating outages (EEA 3 is the most critical level for Electrical Emergency Alerts in the ERCOT system).⁴⁷ These conditions are usually imminent or already occurring when a 202(c) request is made; for Order No. 202-21-1, Governor Greg Abbott declared a state of emergency with an "imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide."⁴⁸ Not only must threats not be speculative, a clear emergency must be proven when there is no remaining market-based or

⁴⁴ CAISO. 2025. "California ISO Operating Procedure." CAISO. <https://www.caiso.com/documents/4420.pdf>.

⁴⁵ CAISO. 2025. "EXTREME WEATHER EVENT — PROCESS AND COMMUNICATIONS." CAISO. <https://www.caiso.com/documents/extreme-weather-event-process-and-communications.pdf>.

⁴⁶ U.S. Department of Energy, Office of Electricity. *DOE Order 202-21-1 Resource List*. Washington, DC: U.S. Department of Energy, 2021.

<https://www.energy.gov/documents/doe-202c-emergency-order-resource-list-ercot-02142021pdf>

⁴⁷ "Energy Emergency Alert 3," ERCOT, <https://www.ercot.com/energyemergthree>.

⁴⁸ U.S. Department of Energy, Office of Electricity. *ERCOT March 1 Compliance Report in DOE Order 202-21-1*. Washington, DC: U.S. Department of Energy, 2021.

<https://www.energy.gov/documents/ercot-compliance-report-filed-march-31-2021>

operational fix to such threats. In the Mirant Corporation (Order No. 202-05-3)⁴⁹ and PJM/Dominion Yorktown (initial Order No. 202-17-2)⁵⁰ cases, the trigger was localized transmission constraints, where operators showed that specific load pockets would experience uncontrolled outages without running the plants that were scheduled to be shutdown, due to noncompliance to EPA MATS (Mercury and Air Toxics Standards). Typically, official demonstration of a serious threat, an energy shortage, or exhaustion of all resources is necessary to fulfill a 202(c) request.

Nearly every order prior to 2025 aligns with a major weather event. In the case of extreme heat waves Order No. 202-20-2,⁵¹ Order No. 202-21-2,⁵² Order No. 202-22-1,⁵³ Order No. 202-22-2,⁵⁴ and Order No. 202-23-1⁵⁵ were created. Some 202(c) orders also are requested during winter storms, Order No. 202-21-1,⁵⁶ Order No. 202-22-3,⁵⁷ and Order No. 202-22-4,⁵⁸ or

⁴⁹ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-05-3: December 20, 2005*. Washington, DC: U.S. Department of Energy, 2005. 202(c) order 202-05-3 December 20, 2005 - Mirant Corporation.pdf

⁵⁰ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-17-2: June 16, 2017*. Washington, DC: U.S. Department of Energy, 2017.
https://www.energy.gov/sites/prod/files/2017/08/f35/Order%20Number%20202-17-2_0_0.pdf

⁵¹ California Independent System Operator. *Request for Emergency Order Pursuant to Section 202(c) of the Federal Power Act: September 6, 2020*. Washington, DC: U.S. Department of Energy, 2020.
<https://www.energy.gov/documents/caiso-202c-request-letterpdf>

⁵² California Independent System Operator. *Request for Emergency Order Pursuant to Section 202(c) of the Federal Power Act: September 7, 2021*. Washington, DC: U.S. Department of Energy, 2021.
<https://www.energy.gov/documents/caiso-202c-request>

⁵³ California Independent System Operator. *Request for Emergency Order Pursuant to Section 202(c) of the Federal Power Act: September 1, 2022*. Washington, DC: U.S. Department of Energy, 2022.
https://www.energy.gov/sites/default/files/2022-09/CAISO_202c_Request.pdf

⁵⁴ Balancing Authority of Northern California. *Request for Extension and Limited Amendment of Emergency Order Pursuant to Section 202(c) of the Federal Power Act: September 7, 2022*. Washington, DC: U.S. Department of Energy, 2022. https://www.energy.gov/sites/default/files/2022-09/BANC_Ext_Final_Combined.pdf

⁵⁵ Electric Reliability Council of Texas. *Exhibit A: Generating Units Subject to Federal Emissions Restrictions*. Washington, DC: U.S. Department of Energy, 2023.
<https://www.energy.gov/sites/default/files/2022-12/ERCOT%20202%28c%29%20Specified%20Resources%20%28Updated%2012-25-22%209AM%20CST%29.pdf>

⁵⁶ U.S. Department of Energy, Office of Electricity. *DOE Order 202-21-1 Resource List*. Washington, DC: U.S. Department of Energy, 2021.
<https://www.energy.gov/documents/doe-202c-emergency-order-resource-list-ercot-02142021pdf>

⁵⁷ Electric Reliability Council of Texas. *Generators Identified to ERCOT as "Specified Resources" Under DOE Order No. 202-22-3*. Washington, DC: U.S. Department of Energy, 2022.
<https://www.energy.gov/sites/default/files/2022-12/ERCOT%20202%28c%29%20Specified%20Resources%20%28Updated%2012-25-22%209AM%20CST%29.pdf>

⁵⁸ PJM Interconnection, L.L.C. *Department of Energy Order No. 202-22-4, Additional Generation Units: Exhibit A*. Washington, DC: U.S. Department of Energy, 2022.
<https://www.energy.gov/sites/default/files/2022-12/PJM%20202%28c%29%20Specified%20Resources%20%28Updated%2012-28-22%29.pdf>

when a hurricane poses a threat to the energy reliability, Order 202-05-1,⁵⁹ Order 202-05-2,⁶⁰ Order 202-08-1,⁶¹ Order No. 202-20-1,⁶² and Order No. 202-24-1,⁶³ creating a clear correlation between inclement weather conditions and 202(c) deployment. Typically, orders are short-term, only lasting until the emergency is resolved and expiring after a few days or weeks; but the few long-term orders – due to structural reliability issues, such as transmission constraints or plant retirement – cannot be resolved quickly. In these cases, DOE uses 202(c) as a temporary bridge, allowing generators to continue operating until permanent infrastructure solutions, such as new transmission lines, are completed. Over time, 202(c) orders have become more targeted and time-limited, often tied to specific units, hours of operation, and emergency alert conditions, showing how 202(c) has evolved to ensure reliability since its first use in 2000.

Cataloguing 202(c) Orders After 2025

Winter Storm Fern – an extreme, wide-ranging winter storm – accounts for *half* of recent 202(c) orders. Its presence, predicted to increase energy consumption and put a strain on energy production, threatened to create blackouts; states across the US requested immediate allowance to institute backup generation, generate current units to maximum capacity, and implement more units as needed in order to meet the need and prevent such blackouts. This response resulted in twenty 202(c) orders across 28 states made in preparation of the storm. As a substantial weather event, Winter Storm Fern is an example of textbook necessary 202(c) orders: clearly necessary, as brief as possible to comply with environmental law, and responsive to public interest. (See *Impacts: Consumers and Markets* for more information on the Fern orders.)

However, there have been other orders not requested by a plant, but enforced by DOE; one is Craig Station, a coal plant in Colorado that had been scheduled for retirement but was forced to continue running. Similarly, TransAlta Centralia Generating Station in Washington, J.H. Campbell Power Plant in Michigan, and Indiana’s R.M Schahfer Generating Station and F.B Culley Generating Station are coal plants with delayed retirement due to 202(c). In Pennsylvania, Eddystone Generating Station had been an oil and gas plant scheduled to retire. Each of these six

⁵⁹ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-05-1: September 28, 2005*. Washington, DC: U.S. Department of Energy, 2005.

<https://www.energy.gov/documents/202c-order-202-05-1-september-28-2005-centerpoint-energy.pdf>
⁶⁰ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-05-2: September 30, 2005*. Washington, DC: U.S. Department of Energy, 2005.

<https://www.energy.gov/documents/202c-order-202-05-2-september-30-2005-txu-electric.pdf>
⁶¹ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-08-1: September 14, 2008*. Washington, DC: U.S. Department of Energy, 2008.
<https://www.energy.gov/sites/prod/files/202%28c%29%20order%20202-08-1%20September%2014%2C%202008%20-%20CenterPoint%20Energy.pdf>

⁶² U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-20-1: August 27, 2020*. Washington, DC: U.S. Department of Energy, 2020.
<https://www.energy.gov/sites/prod/files/2020/08/f77/EXEC-2020-003381%20-%20Order%20202-20-1%20Signed%20by%20Secretary%20Brouillette%20dtd%2082....pdf>

⁶³ Duke Energy Florida. *Order 202-24-1 Resource List*. Washington, DC: U.S. Department of Energy, 2024.
https://www.energy.gov/sites/default/files/2024-10/Order%20202-24-1%20Resource%20List_0.pdf

non-requested orders had been extended by consequential orders after the initial time period came to a close.^{64 65}

Traditionally, in order for 202(c) Order to be issued by DOE, there must be a clearly outlined, quantified, proven, imminent risk to an ISO/RSO or energy provider's ability to supply energy to those in the region. For nearly every order issued, there had previously been a request made by the subject of the order for emergency authorizations. With the exception of six orders, this was the case. For six orders, however, no previous request had been made by the subjects of the order. In each case, the direction was to delay the retirement of power plants (usually coal-powered). Some notable patterns include increased 202(c) Orders during extreme heat or extreme cold and frequent extension beyond the specified 90-day period.

5. Impacts: Consumers and Markets

Overview

The use of Section 202(c) has uniquely expanded in recent years. It is difficult to assess its direct economic impacts without first considering the different approaches taken by individual ISOs: PJM, for example, has adopted tariff provisions to mitigate effects of increased Section 202(c) usage. To do so, PJM uses Deactivation Cost Credits, in which cost categories are defined in advance and market revenues earned during the emergency period are netted against eligible costs.⁶⁶ ISO-NE does not have recovery embedded in advance in the same way that PJM does – however, existing constructs may not treat federal compulsion as a distinct economic trigger.⁶⁷ As such, the lack of a similar program does not necessarily harm ISO-NE and its consumers.

The main impact of increased 202(c) use is the cost often passed to consumers due to a limitation in market response. For example, the extension of J.H. Campbell caused increased costs of 29 million dollars, which were disproportionately absorbed by consumers.⁶⁸ The 90-day orders are often unpredictable, and as DOE can easily issue extensions, it is difficult to determine an end date. This creates limited time for market response and often spikes prices for consumers in the short term, as a false sense of supply shortage is created. The Sierra Club, in a comprehensive analysis, found that net costs to consumers increased by 180 million dollars

⁶⁴ “2026 DOE 202(c) Orders | Department of Energy,” <https://www.energy.gov/ceser/2026-doe-202c-orders>.

⁶⁵ “2025 DOE 202(c) Orders | Department of Energy,” <https://www.energy.gov/ceser/2025-doe-202c-orders>.

⁶⁶ Kirby, Christopher. 2026. “Federal Power Act § 202(c): Shaping Grid Response | Balch & Bingham LLP.” Balch & Bingham LLP. <https://www.balch.com/insights/publications/2026/03/federal-power-act-202-shaping-grid>.

⁶⁷ Kirby, Christopher. 2026. “Federal Power Act § 202(c): Shaping Grid Response | Balch & Bingham LLP.” Balch & Bingham LLP. <https://www.balch.com/insights/publications/2026/03/federal-power-act-202-shaping-grid>.

⁶⁸ Howland, Ethan. 2025. “FERC approves cost allocation paths for power plants DOE ordered to run past shutdown dates.” Utility Dive. <https://www.utilitydive.com/news/ferc-doe-cost-allocation-consumers-constellation-power-plants/757877/>.

following emergency orders on 6 different plants.⁶⁹ (There are caveats to this data: most information about costs and price distortion is not publicly available, and some generators can sell their energy into a regional market. This decreases their costs of complying with the 202(c) order, changing estimates. In the regional market, other generators are displaced, but overall costs to consumers remain relatively unchanged.⁷⁰)

Costs are taken on by three major groups: ratepayers, the plants themselves, and FERC. First, FERC compensates plants complying with a 202(c) order through an appeals process, after which they determine an appropriate level of compensation.⁷¹ However, this compensation often does not cover the costs of operating and maintaining the plant. Typically, plants cover day-to-day operations and maintenance costs; then, ratepayers bear a significant portion of the cost burden.

While the Section 202(c) orders have the potential to distort markets, DOE believes that it is the responsibility of individual ISOs to adopt new pricing rules to hedge against market distortion. Following a series of winter storms in PJM in 2014, DOE urged ISOs to adopt a pricing rule requiring ISO tariffs to provide a rate for the purchase of electric energy from an eligible reliability and resilience resource. Theoretically, this measure would ensure that each resource is fully compensated for the reliability and resiliency provided to grid operations during times of emergency and allow for complete cost recovery and return on equity.⁷² Since 2014, some ISOs, such as PJM, have adopted such a system, but ISO-NE still does not have a similar tariff structure in place, making the area vulnerable to market distortion following 202(c) orders.

Previous commissioners at FERC have warned that DOE orders would lead to market distortion; they viewed the use of Section 202(c) to keep plants open despite their upcoming retirement to be a subsidy. Under this framework, the subsidized energy resources would outcompete the unsubsidized energy resources, then indirectly driving up costs for consumers.⁷³ There would also be a sharp decrease in faith in markets and their reliability, hindering future stability.

Coal plants disproportionately benefit from these interventions. All but one of the recent DOE Section 202(c) orders have been leveraged to keep a coal plant originally set for retirement open. The only non-coal plant to receive this order is Eddystone, a natural gas and oil plant. A vast majority of the recent DOE orders have relied on language of reliability rather than subsidizing a specific resource. DOE is concerned that with increased demand for

⁶⁹ Wannier, Greg. 2026. "Unpacking the Cost of 202(c) Orders: Facility-Specific Cost Estimates and Methodological Approach." Sierra Club.

<https://www.sierraclub.org/sites/default/files/2026-03/facility-specific-202c-cost-methodology.pdf>.

⁷⁰ Wannier, Greg. 2026. "Unpacking the Cost of 202(c) Orders: Facility-Specific Cost Estimates and Methodological Approach." Sierra Club.

<https://www.sierraclub.org/sites/default/files/2026-03/facility-specific-202c-cost-methodology.pdf>.

⁷¹ Kirby, Christopher. 2026. "Federal Power Act § 202(c): Shaping Grid Response | Balch & Bingham LLP." Balch & Bingham LLP. <https://www.balch.com/insights/publications/2026/03/federal-power-act-202-shaping-grid>.

⁷² A&O Shearman. n.d. "Initial Comments on DOE's Proposed Grid Resiliency Rule Raise Issues and Draw Battle Lines Before FERC - Lexology." Lexology.

<https://www.lexology.com/library/detail.aspx?g=b31e32f3-b7a4-4264-ab20-6c3fc372782c>.

⁷³ A&O Shearman. n.d. "Initial Comments on DOE's Proposed Grid Resiliency Rule Raise Issues and Draw Battle Lines Before FERC - Lexology." Lexology.

<https://www.lexology.com/library/detail.aspx?g=b31e32f3-b7a4-4264-ab20-6c3fc372782c>.

electricity from data centers, supply will not be able to keep up, thus older coal plants should remain open.⁷⁴ For example, the J.H. Campbell plant has been extended numerous times to compensate for potential power outages in the region and ensure future reliability.

While it is difficult to definitively determine whether or not market distortion has occurred, especially because much data has been withheld from the public, it is clear that unpredictable 202(c) orders often pass costs to consumers and increase the price of energy in their immediate aftermath. DOE orders are legitimate when they address a timely emergency, namely a weather emergency that affects demand in an unpredictable manner, and when they are not indefinitely extended to meet a future projection of demand. Long-term solutions require more intensive action, such as building new infrastructure or better plants, and 202(c) orders are inefficient at addressing such underlying issues as they only extend current plants – typically coal- or natural gas-based – and do not set up the market reliably for years to come. Additionally, short term weather emergencies also have a clear end date, whereas the use of future reliability or demand to justify Section 202(c) authority can continue indefinitely.

Market Responses

Requests are initiated by an “entity” defined under Section 202(c), State Public Utility Commission, State Energy Agency, or State Governor – these entities include a private or public corporation (utility), a governmental agency, a municipality, a cooperative or a lawful association that owns or operates electric power generation, transmission or distribution facilities. DOE approves requests if they determine that an emergency exists because of a strain on demand or continuance of a war in which the United States is engaged.⁷⁵ Recent directives authorized via Section 202(c) include: requiring facilities to operate differently and beyond pre-existing environmental restrictions, and raising practical and financial thresholds for operations for system operators.⁷⁶ Active orders have called on plants to extend operations and remain online years past scheduled closure dates, particularly with coal-powered plants.⁷⁷ This directly goes against regulatory directives that call for the shutdown or closure of coal-powered plants. As the government compensates plants that are kept open longer than expected, not only do these situations pose environmental and health risks, there is also potential for a moral hazard wherein plants threaten closure in order to receive compensation.⁷⁸

Increased use of Section 202(c) interferes with day-ahead, real-time, and capacity markets; specifically, for day-ahead markets, the supply that Section 202(c) creates through keeping coal powered plants open often is not accounted for in analysis of demand, which

⁷⁴ US Department of Energy. 2026. “DOE’s Use of Federal Power Act Emergency Authority.” Department of Energy. <https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority>.

⁷⁵ Energy.Gov. “DOE’s Use of Federal Power Act Emergency Authority.” April 30, 2026. <https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority>.

⁷⁶ “Federal Power Act § 202(c): Shaping Grid Response | Balch & Bingham LLP.” <https://www.balch.com/insights/publications/2026/03/federal-power-act-202-shaping-grid>.

⁷⁷ <https://www.powermag.com/doe-has-issued-more-than-40-section-202c-emergency-orders-since-may-2025-heres-an-updated-log/>

⁷⁸ “DOE’s Emergency Orders Create a Moral Hazard | Utility Dive.” <https://www.utilitydive.com/news/doe-emergency-order-campbell-eddystone-miso-pjm/759305/>.

examines weather and ongoing current events. Prices in the day-ahead market are projected to be higher than anticipated because of government-compensated plants remaining open. For real-time markets, sudden increases in supply from coal-powered plants has a similar effect: these increases are not accounted for in analysis of demand, so projected prices can be artificial. Meanwhile, plants that are compensated by the government do not meaningfully produce electricity in the *long term*, further impacting the reliability of market predictions. 202(c) use most directly hurts capacity markets: while coal powered plants remain open, capacity is higher but unaccounted for, as the continuance of an “emergency” plant is indefinite. This forces electricity suppliers to overcommit to meet future energy needs, straining resources, especially as the extra energy produced by extended plants is often inefficient.⁷⁹

Net costs accumulated as a result of government overreach are often passed to consumers. Electricity suppliers believe that these costs are marginal, and that suppliers are not responsible for them – and the government only directly compensates firms. Thus costs are passed onto the consumer in the form of higher energy prices.

Many have written not only about the misuse of an “emergency” under Section 202(c), but strategic misallocation of funds and legislative authority. DOE has ordered that many plants stay open because of a shortage in energy, but the plants that they are compensating and extending produce less than 1% of the energy in their given region.⁸⁰ DOE has also ordered that plants stay open in areas whose energy capacity will be met until 2030. While short term demand crises may constitute an emergency, it seems that DOE is ignoring long term indicators of robust and high supply.⁸¹ However, other experts state that DOE is simply predicting future energy demand increases. DOE themselves have cited the surge in AI use and the necessity of American-based data centers as a key concern and factor in future energy emergencies.⁸²

Non-traditional 202(c) Orders and Impacts

We define non-traditional orders as situations where a coal-fired unit or plant which is “slated to cease operations” is requested to remain operational.⁸³ This means that the long process of retirement is delayed, in some cases for 360 days.⁸⁴ Because power plants have the

⁷⁹ “An Introductory Guide to Electricity Markets Regulated by the Federal Energy Regulatory Commission | Federal Energy Regulatory Commission.”

<https://www.ferc.gov/introductory-guide-electricity-markets-regulated-federal-energy-regulatory-commission>.

⁸⁰ “Challenges to DOE 202(c) Orders.” *State Power Project*, July 30, 2025.

<https://statepowerproject.org/challenges-to-doe-202c-orders/>.

⁸¹ “Why a False ‘Energy Emergency’ Forcing Coal Plants to Keep Running Hurts Us All - Western Resource Advocates.” <https://westernresourceadvocates.org/blog/a-false-energy-emergency-is-forcing-coal-plants-open/>.

⁸² U.S. Department of Energy, Federal Power Act Section 202(c): Craig Order No. 202-25-14 (Washington, DC: Department of Energy, December 30, 2025),

<https://www.energy.gov/documents/federal-power-act-section-202c-craig-order-no-202-25-14>.

⁸³ U.S. Department of Energy, “DOE Order No. 202-26-20 (Culley Generating Station Unit 2),” March 23, 2026,

<https://www.energy.gov/documents/doe-order-no-202-26-20-culley>.

⁸⁴ U.S. Department of Energy, “Emergency Order to Midcontinent Independent System Operator (MISO), DOE Order No. 202-25-7,” August 20, 2025,

essential function of providing energy to households, businesses and hospitals, ensuring the smooth transition out of operation is vital. Moreover, the decision to retire is one that takes into consideration numerous factors, all of which require careful scrutiny.⁸⁵ Power plants, as with any other profitable business, retire under the circumstance that *costs are greater than revenue*. “Costs,” however, are diverse and variable, including circumstances such as maintenance costs becoming too expensive; the use of an inefficient power source such as coal; the potential for more profit by building a new plant; or environmental laws not allowing for enough profitability. If these costs and potentials for profit seem to be enough and other options such as making upgrades, selling to another company, or transitioning to a different power source are not opportune,⁸⁶ the plant will move in phases to retirement.⁸⁷ **Phase 1**, Project Setup, “defines the scope, timing, roles/accountabilities, and milestones” for retirement and considers “the human element, the market element, and the operational element.” Before continuing in the process, the decisionmaking body must ensure that stakeholders (employees, board, state and local governments, federal government offices, regulators, bargaining units, media, interest groups and associations, retail ratepayers, ISOs, community groups, potential industrial customers, business partners, the investment community) are satisfied. Once this has been determined, **Phase 2** – Design and Detailed Planning – can commence, creating a detailed plan for functional processes and focusing on specific, important stakeholders. The **final phase** is implementation, which puts the plan into action while ensuring a smooth, safe, informed transition into decommissioning. Choosing to build a new plant has a similar rationale: if the benefits can reasonably be believed to eventually outweigh the immediate costs based on current information—and the energy need in the region is high—new plants will be built.⁸⁸

As we have mentioned, however, retirements are being halted. It is important to recognize that power plants differ in many ways from each other, and generalizations cannot be interpreted as the truth for all scenarios; but reasonable conclusions can be drawn from economic principles and data elucidating effects of 202(c) orders. For example, according to recent data, “99 percent of coal plants were more expensive to continue operating compared to replacement with local wind or solar”, making their continued use uneconomical for plant owners and their employees.⁸⁹ In the short term, the unexpected surplus of energy will decrease equilibrium

https://www.energy.gov/sites/default/files/2025-05/Midcontinent%20Independent%20System%20Operator%20%28MISO%29%20202%28c%29%20Order_1.pdf.

⁸⁵ Tri-Media Environmental & Engineering, “When Is a Power Plant Past Its Prime?,” May 10, 2017, <https://trimediaee.com/blog/environmental/power-plant-past-prime/>.

⁸⁶ Tri-Media Environmental & Engineering, “When Is a Power Plant Past Its Prime?,” May 10, 2017, <https://trimediaee.com/blog/environmental/power-plant-past-prime/>.

⁸⁷ ScottMadden, Inc., “Management’s Guide to Coal Plant Decommissioning,” <https://www.scottmadden.com/insight/managements-guide-coal-plant-decommissioning/>.

⁸⁸ Tri-Media Environmental & Engineering, “When Is a Power Plant Past Its Prime?,” May 10, 2017, <https://trimediaee.com/blog/environmental/power-plant-past-prime/>.

⁸⁹ Energy Innovation, *Coal Cost Update: Coal Power 28 Percent More Expensive in 2024 Than in 2021*, June 5, 2025, <https://energyinnovation.org/wp-content/uploads/Coal-Cost-Update.pdf>.

prices, benefitting consumers;⁹⁰ in the long term, forcing the continued operation of plants that are not profitable risks an increase in prices as providers are forced to either raise prices to meet the costs of maintenance or find funding elsewhere.⁹¹ As for new investment, it is unlikely that there will be an increase in investment in coal due to the sporadic and fleeting protections that 202(c) provides to coal power plants. There is potential, however, for a decrease in investment in new generation sources since the addition of more energy in the grid is delayed or permanently halted.

At J.H. Campbell, the subject of a nearly *year-long* Section 202(c) order that halted its long-planned retirement, real market and investment effects can already be seen. According to its operator, Consumer Energy, the plant incurred \$80 million losses by October 2025. To smooth out their profitability, the company plans to “seek repayment from ratepayers across the country” – as such, J.H. is seeing a loss for both the company and its consumers in the long-run, as could be predicted.

Example Orders and Results (Traditional vs. Non.)

Order No. 202-26-03, issued during Winter Storm Fern. From January 23, 2026, to January 27, 2026, the storm left 1-2 feet of snow across large swaths of the United States and Canada.⁹² It was the largest storm since Winter Storm Uri in 2021, which resulted in massive power outages, a result ISO-NE (along with other energy providers across the country) desired to avoid.⁹³ Thus, on January 25, 2026, ISO-NE issued a request asking that DOE allow them to operate all generating units in their region to function at maximum capacity, citing that the “prolonged severe cold weather event is expected to result in a sustained high level of demand for electricity.”⁹⁴ The same day, DOE granted that request, allowing full generation capacity in order to meet the expected need.⁹⁵ In this case, there is clear alignment with the original intent of Section 202(c): not only was the order brief, lasting 21 days, but the emergency order was clearly necessary and formally requested, aspects characteristic of “traditional” use.⁹⁶

⁹⁰ Money (magazine), “What Is the Law of Supply and Demand?,” February 10, 2023, <https://money.com/what-is-the-law-of-supply-and-demand/>.

⁹¹ Preetha Jenarthan and Gautam Jain, “U.S. Coal Gets a Reprieve, but It Won’t Last,” Reuters, April 16, 2026, <https://www.reuters.com/markets/commodities/us-coal-gets-reprieve-it-wont-last-2026-04-16/>.

⁹² “January 23–27, 2026 North American Winter Storm,” *Wikipedia*, last modified 2026, https://en.wikipedia.org/wiki/January_23%E2%80%9327,_2026_North_American_winter_storm.

⁹³ “January 23–27, 2026 North American Winter Storm,” *Wikipedia*, last modified 2026, https://en.wikipedia.org/wiki/January_23%E2%80%9327,_2026_North_American_winter_storm.

⁹⁴ SO New England Inc., *Request for Emergency Order Under Section 202(c) of the Federal Power Act*, submitted to the U.S. Department of Energy, January 25, 2026, <https://www.energy.gov/documents/iso-ne-202c-application-2026-01-25>.

⁹⁵ ISO New England Inc. *Request for Emergency Order Under Section 202(c) of the Federal Power Act*. Submitted to the U.S. Department of Energy. January 25, 2026. <https://www.energy.gov/documents/iso-ne-202c-application-2026-01-25>.

⁹⁶ U.S. Department of Energy, *2026 DOE 202(c) Orders*, Office of Cybersecurity, Energy Security, and Emergency Response (CESER), <https://www.energy.gov/ceser/2026-doe-202c-orders>.

In contrast, **Order No. 202-25-3**—issued to MISO to halt retirement of a coal-fired power plant—is unique for three reasons. Since Trump took office, 202-25-3 has been the longest-lasting order: issued on May 23, 2025, it has been renewed three times, making its current duration 360 days.⁹⁷ This is a marked change from the six-day duration of Order No. 202-26-03. In addition, unlike the Winter Storm Fern order, MISO made no request to DOE.⁹⁸ In fact, six separate groups made official requests for DOE to *reconsider* its decision⁹⁹ due to negative environmental impact. The requests were denied,¹⁰⁰ DOE rationale citing NERC’s recent Summer 2025 Reliability Assessment that brought attention to MISO’s “elevated risk of operating reserve shortfalls... [and] the retirement of thermal generation capacity creates the potential for electricity supply shortfalls.”¹⁰¹ With a greatly extended duration, lack of request, and slew of contestations, Order No. 202-25-3 to keep J.H Campbell Power Plant Open is a “non-traditional” Section 202(c) use.

Price Distortions

Under normal conditions, the energy market operated by ISOs is determined by marginal pricing, which is the foundation of merit order.¹⁰² It begins by generators bidding into an energy market; then a grid operator orders and dispatches the lowest-cost resources first and the highest-cost last, until supply fully meets demand. This type of ordering is considered “merit” ordering, such that the plant with the lowest marginal costs is deployed first, as “power plants with low marginal costs can therefore offer a lower price for their electricity, and they are in turn called upon more often than power plants with higher marginal costs.”¹⁰³ When the most expensive generator is dispatched, a clearing price is set and any generators below this price earn a margin above their costs. It is in this marginal reliability system that prices are set based on the actual demand. This process also ensures that not only the most expensive generators are rewarded, but also those that are most efficient. Yet not all electricity is distributed in centralized auctions, as a significant portion of electricity is also traded through bilateral contracts, where

⁹⁷ U.S. Department of Energy, *2025 DOE 202(c) Orders*, Office of Cybersecurity, Energy Security, and Emergency Response (CESER), <https://www.energy.gov/ceser/2025-doe-202c-orders>.

⁹⁸ U.S. Department of Energy, *Federal Power Act Section 202(c): Midcontinent Independent System Operator (MISO)*, Office of Cybersecurity, Energy Security, and Emergency Response (CESER), <https://www.energy.gov/ceser/federal-power-act-section-202c-midcontinent-independent-system-operator-miso>.

⁹⁹ U.S. Department of Energy, *Federal Power Act Section 202(c): Midcontinent Independent System Operator (MISO)*, Office of Cybersecurity, Energy Security, and Emergency Response (CESER), <https://www.energy.gov/ceser/federal-power-act-section-202c-midcontinent-independent-system-operator-miso>.

¹⁰⁰ U.S. Department of Energy, *Federal Power Act Section 202(c): Midcontinent Independent System Operator (MISO)*, Office of Cybersecurity, Energy Security, and Emergency Response (CESER), <https://www.energy.gov/ceser/federal-power-act-section-202c-midcontinent-independent-system-operator-miso>.

¹⁰¹ U.S. Department of Energy, *Order No. 202-25-3: Order Pursuant to Section 202(c) of the Federal Power Act (Midcontinent Independent System Operator)*, May 23, 2025, https://www.energy.gov/sites/default/files/2025-05/MidcontinentOrder_1.pdf.

¹⁰² Shively, “Understanding How Wholesale Electric Prices are Set.”

¹⁰³ “Merit Order: How ancillary services get their price.” n.d. Next Kraftwerke. <https://www.next-kraftwerke.com/knowledge/what-does-merit-order-mean>.

prices are negotiated privately and are less directly tied to real-time market conditions. Roughly one third of the United States operates in bilateral transactions, with legal monopolies over generation, transmission, and distribution systems.¹⁰⁴ In both of these markets, efficiency and price signalling is crucial for merit order dispatch and marginal pricing, yet 202(c) *bypasses* the dispatch process and distorts signals, creating out-of-market generation.

When a 202(c) order is in place, DOE requires generating units to operate that would have either retired or not been dispatched due to market signals. These units are treated as “must-run” resources, operating at minimum output as their operation is no longer determined by economic dispatch.¹⁰⁵ Even when cheaper options exist, and would be dispatched first due to merit ordering, 202(c) orders override this system, *forcing older, more expensive units* to stay online. Many of these plants have not been maintained, adding an extra cost to taxpayers. In the case of keeping J.H. Campbell running, “Consumers [had] been deferring maintenance in anticipation of its retirement [and] a significant step-up in operation caused by must-run commitment and economic dispatch will increase the likelihood that one or more units break, requiring costly maintenance to continue operating. Such repairs would likely further increase costs to ratepayers—costs that would be less likely to occur under an operational order better tailored to the emergency that DOE has identified.”¹⁰⁶ Not only is merit order distorted, but *expensive* plants like J.H. Campbell run first – regardless of their position in the merit order – and incur additional maintenance costs on the public. This outcome of 202(c) additionally impacts how prices are normally set by the marginal unit, as un-economical generators forced to run may not set the market price – causing local marginal prices to no longer reflect the true cost of meeting demand, instead potentially *seeming* lower (causing more price confusion and distortion).

Plants operating as a result of 202(c) are guaranteed cost recovery by receiving “a just and reasonable compensation and cost allocation.”¹⁰⁷ Compensation occurs *outside* of market pricing; any fuel, maintenance, or operational costs incurred by the plant are recovered through uplift costs, defined as “additional costs incurred in electricity markets to ensure that all market participants are compensated fairly and the system operates reliably.”¹⁰⁸ Such costs occur outside of the market, creating a disconnect between observed pricing and the actual cost of electricity. When affected plants are compensated for continuous operation under a 202(c) order, this removes any risk that inefficient generators would have in normal conditions, where expensive plants are dispatched last and risk losing money. Yet under 202(c), expensive plants are

¹⁰⁴ Caldwell, “Energy Markets 101: Market Structure in the U.S.”

¹⁰⁵ Michigan Attorney General Office. *Request For Rehearing By Michigan Attorney General Dana Nessel*. U.S. Department of Energy, June 2025. <https://www.energy.gov/sites/default/files/2025-07/Michigan%20AG%20Request%20for%20Rehearing%20of%20Order%20No.%20202-25-3.pdf>

¹⁰⁶ Michigan Attorney General Office. *Request For Rehearing By Michigan Attorney General Dana Nessel*.

¹⁰⁷ Kirby, Christopher, and Lyle Larson. 2026. “Federal Power Act 202(C): Shaping Grid Response.” Balch & Bingham. <https://www.balch.com/insights/publications/2026/03/federal-power-act-202-shaping-grid>

¹⁰⁸ “Understanding Uplift Charges in Organized Electricity Markets.” 2025. PCI Energy Solution. <https://www.pcienergysolutions.com/2025/07/31/understanding-uplift-charges-in-organized-electricity-markets/>.

dispatched no matter what and are fully compensated, potentially diminishing incentive to be efficient. Price signalling becomes weakened, preventing high-cost generation from fully influencing market prices, leading to artificially low prices and suppressed scarcity signals. In normal conditions, scarcity signals allow for prices to increase during tight supply or for additional generation to be deployed. Without this function, actual needs become hidden and thus proper measures are not taken. These out-of-market payments hide additional costs on consumers, where costs are actually higher than the observed market price. Even though such orders are typically short-term, they affect long-term decisions towards prioritizing new, effective generation to enter the market, as incentives become reduced. While 202(c) does not entirely destroy energy market pricing, it introduces distortions as inefficient generators are forced on line, out-of-market costs incur, and scarcity signals are weakened.

There is also a discrepancy between orders requested by DOE and orders requested by an ISO or state, specifically in cost allocations. When it comes to running a plant during emergency situations, determining which party bears maintenance and operation costs are top priority. In delayed plant retirement, as a result of DOE-initiated orders, it is unclear how costs will be distributed to consumers in the affected region, as reliability comes first and who pays comes later. The cost causation principle ensures that whichever party is responsible for incurring costs is the one who also bears them; yet in the continued operation of J.H. Campbell power plant, the many rehearing requests were made against the order based on the fact that many of the “costs would be improperly allocated to utilities which do not materially benefit from the plant’s continued operation,” thus violating the cost causation principle.¹⁰⁹ This common discrepancy in how costs will be allocated in DOE requested orders occurs only after the order is already issued. It is then that a regulatory body such as FERC steps in to establish cost allocation mechanisms through tariff revisions and formal proceedings. This was common for orders not requested by DOE as well, but they were often short-term and addressed on a case-by-case basis after the fact through regulatory proceedings.¹¹⁰ As DOE requests more long-term orders, cost allocations have come to the forefront, in ways that were not as necessary with region-requested orders.

Due to the unclear nature of allocations, formalized systems have been developed: for example, PJM Interconnection proposed revisions on October 6, 2025 to establish a standardized, regionwide cost allocation methodology for resources operating under 202(c) orders. Under this framework, costs are allocated to all load-serving entities in the PJM region in proportion to their capacity obligations, provided that the order is issued for regionwide reliability purposes.¹¹¹ FERC has approved this revision and has applied it as a general framework for other generating units in subsequent 202(c) orders, such as Eddystone Generation

¹⁰⁹ Neal, Sean, Andrea Sarmentero Garzon, and Paige Punzalan. 2026. “DOE Issues Emergency Orders to Keep Generation Units Operational Citing Electric Supply Shortages.” <https://dwgp.com/firm-announcements/doe-issues-emergency-orders-to-keep-generation-units-operational-citing-electric-supply-shortages>.

¹¹⁰ Kirby and Larson, “Federal Power Act 202(C): Shaping Grid Response.”

¹¹¹ Neal, Sarmentero Garzon and Punzalan, “DOE Issues Emergency Orders to Keep Generation Units Operational Citing Electric Supply Shortages.”

Station.¹¹² This standardization of cost allocations has not only provided more structure to 202(c) orders, but also highlights its transition from an emergency measure to a reliability tool. (See more on PJM responses to 202(c) below.)

Funding for Section 202(c) Orders

Section 202(c) gives somewhat detailed information on what incites orders, how they should be carried out and enforced. By contrast, its outline on the party responsible for plants' potential increased costs is merely a skeletal outline. There is one line addressing the issue in the entirety of the Section (as it appears in U.S. Code): "if the parties affected by such order fail to agree upon the terms of any arrangement between them in carrying out such order, the Commission, after hearing held either before or after such order takes effect, may prescribe by supplemental order such terms as it finds to be just and reasonable, including the compensation or reimbursement which should be paid to or by any such party."¹¹³ However, in practice, this looks different for each organization involved in energy generation. At the RTO or ISO level (e.g. PJM, MISO, ISO-NE, NYISO¹¹⁴), these organizations tend to implement uplift prices¹¹⁵ and sometimes tariff based allocation¹¹⁶ – ergo for the most part, it is consumers that are bearing the brunt of the increased prices. These results occur when (as elaborated above) retirement is delayed, which has led to massive costs for different generators already.¹¹⁷ These costs have indeed been transferred to ratepayers, who, according to the Sierra Club, have incurred over *\$235 million in costs* as a direct result of the orders.¹¹⁸ At the generator level, operators bear direct responsibility for supplying energy to ratepayers and must continue producing even when Section 202(c) orders push costs above revenue.¹¹⁹ J.H. Campbell illustrates this tension starkly: slated to retire nearly a year ago, it has been held open by four consecutive 202(c) orders over fears of future supply shortfalls.¹²⁰ By October of last year the plant had already lost \$80 million, yet CEO Garrick Rochow told investors, "We expect those to continue for the long-term. And we're prepared to continue to operate the plant and comply with those orders."¹²¹ Months later,

¹¹² Neal, Sarmentero Garzon and Punzalan, "DOE Issues Emergency Orders to Keep Generation Units Operational Citing Electric Supply Shortages."

¹¹³ "16 U.S. Code § 824a - Interconnection and Coordination of Facilities; Emergencies; Transmission to Foreign Countries," LII / Legal Information Institute, <https://www.law.cornell.edu/uscode/text/16/824a>.

¹¹⁴ "RTOs and ISOs | Federal Energy Regulatory Commission," <https://www.ferc.gov/power-sales-and-markets/rto-and-iso>.

¹¹⁵ "Data Miner 2," https://dataminer2.pjm.com/feed/uplift_charges_by_zone/definition.

¹¹⁶ Thomas DeVita et al., *Education on FPA Section 202(c) and DACC Cost Allocation CIP Day*, 2025.

¹¹⁷ U.S. Department of Energy, "Public Interest Organizations' Request for Rehearing of Order No. 202-25-9," <https://www.energy.gov/documents/public-interest-organizations-request-rehearing-order-202-25-9?>

¹¹⁸ "13 DOE Emergency Orders Have Cost Americans \$235M, Sierra Club Says | Utility Dive," 2026, <https://www.utilitydive.com/news/doe-202c-cost-235m-coal-sierra-club/815045/>.

¹¹⁹ "DOE's Use of Federal Power Act Emergency Authority," Energy.Gov, 2026, <https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority>.

¹²⁰ U.S. Department of Energy, 2025, *Midcontinent Independent System Operator (MISO) 202(c) Order*, https://www.energy.gov/sites/default/files/2025-05/Midcontinent%20Independent%20System%20Operator%20%28MISO%29%20202%28c%29%20Order_1.pdf.

¹²¹ <https://insideclimatenews.org/news/31102025/michigan-campbell-coal-plant-operation-has-cost-80-million/>

the plant is still complying despite measurable costs to them and their consumers. When plants are legally compelled to operate despite chronic unprofitability, PJM must fall back on mechanisms like Reliability Must Run (RMR) agreements or Deactivation Avoidable Cost Credits (DACC) to keep operations and workforces funded.¹²² These are instruments of last resort, but as losses accumulate and conventional uplift and pricing mechanisms fall short, they become necessary.

Case Study: PJM's Capacity Market Response

In order to maintain reasonable costs and to ensure that enough electricity is procured in the future, PJM operates an energy capacity market, also known as the Reliability Pricing Model or RPM. This market projects beyond the day-ahead and real-time markets to ensure that future capacity needs are met. In the first auction PJM holds, the Base Residual Auction, power is matched with demand three years before the energy is to be delivered.¹²³ Utilities commit to providing energy resources that will either decrease demand or increase supply: to decrease demand, utilities can undertake energy efficiency upgrades, or implement a demand response program; to increase supply, one can add additional generators online or upgrade existing generators. PJM also has a “pay-for-performance” model, in which utility companies are either rewarded for performing above their commitments or fined for not meeting them during emergencies.¹²⁴ This kind of penalty forms an incentive for companies to go above and beyond during emergencies, like 202(c). This proactive capacity market ensures that capacity and prices are set for the future, where energy is predictable and organized. Yet when a 202(c) order puts a retiring power plant online, these plants are forced to run outside the market, disrupting the preparatory planning of the RPM.

Although Eddystone Generating Station in Pennsylvania was not economical, DOE ordered it to stay online in May 2025; and due to DOE, rather than PJM, initiating the order for an imminent emergency, PJM could not consider Eddystone as a ‘capacity resource,’ making it all the more challenging in dealing with the costs of the plant.¹²⁵ In cases such as these, the cost recovery process is out of PJM’s jurisdiction and must be handled separately through FERC proceedings, adding an additional layer of complexity. The unanticipated power plant providing reliability – yet not reflected in any energy market – makes costs unpredictable as they are distributed across PJM’s load serving zone. Prior to the Eddystone order, PJM had no method for recovery costs on 202(c)-ordered plants. In August (a few months after the order), FERC approved a cost-allocation plan submitted by PJM for Eddystone, which was later amended to include future DOE 202(c) orders. In these plans, costs are distributed across the PJM region and

¹²² Ibid 4

¹²³ Hitchens, Kathy. 2024. “PJM Capacity Market Explained.” PCI Energy Solutions. <https://www.pcienergysolutions.com/2024/02/21/pjm-capacity-market-explained/>.

¹²⁴ Hitchens, “PJM Capacity Market Explained.”

¹²⁵ Foster, Brad. n.d. “What Are PJM Reliability Must-Run (RMR) Charges?” Foster. <https://www.fosterec.com/what-are-pjm-reliability-must-run-charges/>.

apply if two conditions are met: (1) the order directs a generating unit to operate for resource adequacy purposes not confined to a locality, and (2) a “deactivation avoidable cost credit”-based compensation rate is agreed upon by the power plant owner and PJM.¹²⁶ This rate compensates a generating unit that is operating beyond its intended retirement. Although this new plan consists of cost allocation, it illustrates the lack of consistent, predictable framework for how PJM deals with 202(c), making the process of integrating new resources unclear.

While Eddystone’s deferred retirement was initiated by DOE, a Reliability Must-Run or RMR unit operates under similar circumstances and is initiated by PJM. In order to maintain grid reliability, RMRs are typically scheduled to retire and then put online temporarily until necessary transmission infrastructure is completed.¹²⁷ Prior to recent RMR reforms by PJM in 2025, RMRs were not in the capacity market, resulting in consumers paying twice the amount for the same amount of generation, in both out-of-market arrangement costs and in the capacity market. In order to increase capacity supply and remove this double billing, RMRs are now included in the capacity market, as long as they meet four criterias: first, the resource must have adequate Capacity Interconnection Rights, CIRs, (meaning the transmission system can support this energy output). Second, the RMR agreement must be approved three months prior to the publishing of planning parameters by FERC, allowing PJM to properly plan incorporation. Third, it must be expected to operate throughout the entirety of its delivery year, and lastly, the RMR agreement must allow for PJM to dispatch the unit during an emergency. Both Brandon Shores and Wagner meet the criteria and are expected to supply the capacity market in the 2026/2027 and 2027/2028 delivery years, or until transmission systems are developed.¹²⁸ While Eddystone is not considered a RMR because the order was initiated by DOE and cost recovery is not under PJM’s jurisdiction, RMRs and 202(c)-affected generators share similar characteristics; both run beyond retirement for grid stability. So while models of allocating costs of 202(c) generators are either nonexistent or minimal, using the PJM’s RMR framework could provide key insight in how 202(c) generators should be integrated into an energy market.

6. Power Plant Maintenance Specifics

A crucial process in power plant management is maintenance: as power plants are composed of a variety of machinery and equipment, proper maintenance is key to the functioning of the plant.¹²⁹ Rather than waiting for a piece of equipment to malfunction or break, maintenance checks prevent costly repairs or potential outages. Such maintenance standards are

¹²⁶ Howland, Ethan. 2025. “Kentucky utility, AG challenge PJM’s regional cost allocation plan for DOE ‘emergency’ orders.” Utility Dive. <https://www.utilitydive.com/news/kentucky-pjm-doe-emergency-cost-allocation-ferc/803946/>.

¹²⁷ Foster, “What Are PJM Reliability Must-Run (RMR) Charges?”

¹²⁸ Synapse Energy Economics. *Drivers of PJM’s Capacity Market Price Surge and its Impacts on Electricity Consumers in the District of Columbia*. Office of the People’s Counsel for the District of Columbia, 2025. <https://opc-dc.gov/wp-content/uploads/2025/05/PJM-Capacity-Market-Report-FINAL-OPC-Synapse.pdf>

¹²⁹ AspenTech. n.d. “Power Plant Maintenance.” AspenTech. <https://www.aspentech.com/en/cp/power-plant-maintenance>.

run by Operation and Maintenance, or O&M, teams of a power company. These teams are crucial in ensuring the activity of a plant which can extend the lifespan by catching problems early on and by saving costs to consumers in keeping up with routine maintenance.¹³⁰ O&M also works to prevent any downtimes that repairs would incur on a plant. When a plant's production decreases due to temporary down-time, \$300,000 in costs can build up in just one hour, from lost revenue, emergency response costs, and regulatory and contractual fines.¹³¹ Such down-time costs have doubled since 2019, largely due to plants operating at higher capacity, making it harder to compensate for down-times.¹³² This is also due to the volatile nature of energy, where outages during peak times makes prices grow exponentially. Additionally, aging power plants, specifically those forced to run due to 202(c) orders, require specialized maintenance and hard-to-come by parts. Maintenance ensures that the drastic impacts of overlooked equipment are minimized, but when inefficient, aged power plants are forced online, maintenance costs accumulate and burden the consumer.

When DOE ordered multiple coal-fired power plants to remain open, utilities countered, stating that these power plants are expensive, in bad shape, and no longer meet the region's energy demand.¹³³ In May 2025, J.H. Campbell Power Plant was ordered to stay online; the 63-year-old coal power plant generated up to 1,450 megawatts of energy, but was set to retire in 2025 to end carbon emissions and promote renewable energy.¹³⁴ This retirement delay – due to 202(c) orders – has incurred \$135 million net costs by December 2025, and the utility is expected to charge ratepayers in 11 states. These net costs are due to the unexpected need to hire back employees, establish new delivery contracts, and catch up on maintenance delayed due to the anticipation of retirement. If such a trend continues, and the Department of Energy orders more aging plants to remain in operation, projected costs range from 3 to 6 billion dollars per year. Not only are costs incurred due to new repairs and maintenance in old, inefficient plants, they are also due to the costly nature of running coal power plants – many plants ordered to retire were intended for replacement with sustainable, renewable energy, which save consumers money in themselves. Electricity produced by a coal-fired power plant costs an average of \$122 per megawatt-hour, but that same amount of energy can be generated for \$78 from natural gas plants, \$61 from onshore wind, and \$58 from utility-scale solar.¹³⁵ Thus, not only will repairs and maintenance necessary to revive retiring plants affect consumers, continuous reliance on coal power will also impact their prices.

¹³⁰ “Power Plant Operations and Maintenance.” 2024. APS Solutions
<https://exploreaps.com/operations-and-maintenance/>.

¹³¹ Blake, Jordan. 2026. “Why Power Plant Downtime Is So Costly.” Omaint.
<https://oxmaint.com/industries/power-plant/why-power-plant-downtime-is-so-costly>.

¹³² Blake, “Why Power Plant Downtime Is So Costly.”

¹³³ Brown, Alex. 2026. “Trump is forcing coal plants to stay open. It could cost customers billions.” Stateline.org.
<https://stateline.org/2026/03/19/trump-is-forcing-coal-plants-to-stay-open-it-could-cost-customers-billions/>.

¹³⁴ Consumers Energy. n.d. “J.H. Campbell Complex Retirement.” Consumers Energy.
<https://www.consumersenergy.com/about-us/electric-generation/campbell-complex-retirement>.

¹³⁵ Brown, “Trump is forcing coal plants to stay open. It could cost customers billions.”

Many of the repairs and maintenance needed to bring these power plants online may not even be feasible in the 90-day period of the order. For two power plants ordered to stay online in December of 2025, Colorado's Craig Generating Station Unit 1 had been down since December 19th¹³⁶ and Indiana's R.M. Schahfer Unit 18 had sat idle since July,¹³⁷ both due to mechanical failure. Craig 1 is expected to cost ratepayers millions of dollars just to get it to be operational and R.M. Schahfer Unit 18 has repairs that are expected to take at least six months to fix.¹³⁸ Depending on how long the Department of Energy plans to keep Craig 1 online, \$150 million per year is expected to be placed on ratepayers, but these costs don't only come from the necessary repairs and maintenance needed to put them online; they come from purchasing coal.¹³⁹ Where Craig 1 was built, all the coal has been mined. Therefore it must be bought elsewhere, further driving up costs on consumers. The companies didn't invest in inefficient plants because they were not only unnecessary to the grid, but because they were scheduled to retire. Now, having to catch up on maintenance puts increased strain on consumer pricing.

7. Impacts: Environment

In 2015, an amendment to the section by Congress allowed for electric reliability to supersede environmental regulations on the federal, state, or local level. Orders that are in conflict with environmental laws can only be issued for 90-day periods, and only extended when DOE "deems these renewals necessary to meet the emergency."¹⁴⁰ They also must ensure that the order is in effect during limited hours to serve the emergency and the public, while also exhausting any efforts that "minimizes any adverse environmental impacts."¹⁴¹ Before the Trump Administration, it was the RTOs and ISOs who would request a 202(c) order take place in a certain region. However there has been a major shift in that now DOE is initiating such requests, without coordination with the affected RTO/ISO region. Current laws do not prevent DOE from making changes to the electricity system, but with the 202(c) orders requested by DOE increasingly extending fossil fuel plant operations, enabling higher-emitting fuel use, and weakening environmental safeguards, there will be a major impact on emissions which conflict with long-term climate goals.

Following a 202(c) order, plant operations change, often operating beyond environmental limits formed in regulations. When Winter Storm Uri hit Texas in 2021, a 202(c) order was necessary as a state of disaster was declared as there was an, "imminent threat of widespread and

¹³⁶ Nilsen, Ella. 2025. "The Trump administration just ordered another retiring coal plant to stay open. It could cost ratepayers millions." CNN. <https://www.cnn.com/2025/12/31/climate/coal-power-electricity-trump-colorado>.

¹³⁷ St. John, Jeff. 2026. "Trump admin's must-run orders put broken-down coal plants in a bind." Canary Media. <https://www.canarymedia.com/articles/fossil-fuels/trump-order-broken-coal-plant-run>.

¹³⁸ St. John, "Trump admin's must-run orders put broken-down coal plants in a bind."

¹³⁹ Nilsen, The Trump administration just ordered another retiring coal plant to stay open. It could cost ratepayers millions."

¹⁴⁰ Lawson, "Federal Power Act: The Department of Energy's Emergency Authority."

¹⁴¹ Lawson, "Federal Power Act: The Department of Energy's Emergency Authority."

severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide,” which resulted in a shortage of energy.¹⁴² This could only be mitigated if generators in the region operated at maximum capacity, but they were “unable to operate at full capacity without violating federal air quality or other permit limitations,” meaning a 202(c) order was necessary to override such restrictions.¹⁴³ As a result, Texas took measures to keep certain power plants online only for the hours necessary to maintain grid reliability, but also compile, as best they can, to environmental standards. These operations were expected to temporarily exceed emissions limits for sulfur dioxide, nitrogen oxide, carbon monoxide, and mercury, as well as wastewater standards. The dispatched units were restricted to the specific times and conditions required for reliability, in order to balance emergency power needs and minimize environmental impacts. While similar weather-related emergency orders, that work to mitigate emissions, have been issued during the Trump Administration, like Order No. 202-26-13¹⁴⁴, which the Florida Municipal Power Agency requested due to extreme cold weather conditions. Yet, orders such as DOE Order 202-26-17 illustrate a shift from temporary emergency response to sustained operational support, as PJM was required to keep oil and gas-fired units at the Eddystone Generating Station available despite scheduled retirement.¹⁴⁵ Rather than responding to an immediate crisis, these orders extend the runtime of fossil fuel plants over multiple months and through repeated renewals, effectively overriding market signals and delaying the transition away from higher-emitting generation. Such an increase in DOE orders requiring retired-bound plants to continue to run online, despite environmental concerns, specifically during the past year, is largely due to the current “National Energy Emergency,” President Trump declared at the start of his term.¹⁴⁶

When a plant exceeds environmental regulations, emissions are expected to increase. Typically, when this is the case, DOE must minimize as many adverse environmental impacts as possible. For short-term orders, even when a plant is running beyond environmental limits, or a retired plant continues to stay online, emissions are still measurable, despite being time-limited. For example, when a heat wave hit Texas in 2023, Order No. 202-23-1¹⁴⁷ was issued, resulting in multiple coal and gas plants operating at maximum capacity for one day. Several emissions – such as nitric oxide/nitrogen dioxide, carbon monoxide and ammonia – were reported but

¹⁴² U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-21-1: February 14, 2021*. Washington, DC: U.S. Department of Energy, 2021.
<https://www.energy.gov/documents/doe-202c-emergency-order-ercot-02142021pdf>

¹⁴³ U.S. Department of Energy, Order 202-21-1

¹⁴⁴ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-26-13: January 31, 2026*. Washington, DC: U.S. Department of Energy, 2026.
<https://www.energy.gov/documents/doe-202c-order-no-202-26-13-florida-municipal-power-agency-fmpa>

¹⁴⁵ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-26-17: February 23, 2026*. Washington, DC: U.S. Department of Energy, 2026.
<https://www.energy.gov/documents/eddystone-202c-order-no-202-26-17>

¹⁴⁶ U.S. Department of Energy, Order 202-26-17

¹⁴⁷ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-23-1: September 7, 2023*. Washington, DC: U.S. Department of Energy, 2023.
<https://www.energy.gov/sites/default/files/2023-09/ERCOT%20202%28c%29%20Order.pdf>

mitigated by limited run-time hours of the plants.¹⁴⁸ In a 2017 long-term order (initially Order No. 202-17-2¹⁴⁹), Dominion Energy Virginia’s Yorktown Power Station Units 1 and 2 were both scheduled to retire due to environmental regulations, but made operational to prevent power disruptions and shedding of loads under strict limitations until new generator installation (~two years). Electricity emissions included sulfur oxide, nitrogen oxide/dioxide, greenhouse gas emissions (which can make up roughly 25% of the US total greenhouse gas emissions¹⁵⁰), lead, hydrogen fluoride, carbon monoxide, and hydrogen chloride.¹⁵¹ Not only do these emissions cause serious health impacts, they contribute to climate change and affect ecosystems, reducing biodiversity.¹⁵² As DOE increasingly extends plant operation, and requests further extensions of those orders to exceed the 90-day period, there forms a cumulative, long-term emissions effect – much greater than emissions produced in small periods like the one-day 202-23-1 order – especially for plants scheduled to retire due to environmental laws.

In a recent 202(c) order created to deploy additional generation in Puerto Rico,¹⁵³ no environmental conditions were explicitly imposed: when DOE “consulted with the primary Federal agency with expertise in the environmental interests protected by laws or regulations that may conflict with [Order No. 202-23-1]...[the] agency did not submit conditions for inclusion” in the order. As such, environmental protections were optional, not required, depending on agency input. Prior, Section 202(c) orders often incorporated environmental limitations when requested by agencies such as the Environmental Protection Agency, although this inclusion has been dependent on agency consultation. Recently, orders have shifted toward fewer environmental conditions and more discretion afforded to DOE. Such a weakening of environmental oversight could be due to EPA’s rescission of the Endangerment Finding as of 2026, which eliminates the legal basis for greenhouse gas regulations – specifically for existing coal-powered plants, claiming these plants “do not contribute significantly to dangerous air pollution.”¹⁵⁴ The

¹⁴⁸ Electric Reliability Council of Texas. *Exhibit A: Generating Units Subject to Federal Emissions Restrictions*. Washington, DC: U.S. Department of Energy, 2023.

<https://www.energy.gov/sites/default/files/2022-12/ERCOT%20202%28c%29%20Specified%20Resources%20%28Updated%2012-25-22%209AM%20CST%29.pdf>

¹⁴⁹ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-17-2: June 16, 2017*. Washington, DC: U.S. Department of Energy, 2017.

https://www.energy.gov/sites/prod/files/2017/08/f35/Order%20Number%20202-17-2_0_0.pdf

¹⁵⁰ “Regulating Greenhouse Gases for New and Existing Fossil Fuel-Fired Power Plants – Environmental and Energy Law Program.” 2026. Environmental and Energy Law Program.

<https://eelp.law.harvard.edu/tracker/regulating-greenhouse-gases-for-new-and-existing-fossil-fuel-fired-power-plants/>.

¹⁵¹ U.S. Department of Energy, Office of Electricity. *Report on Yorktown Units 1 & 2 Operations Pursuant to Order No. 202-18-6*. Washington, DC: U.S. Department of Energy, 2019.

<https://www.energy.gov/documents/doe-report-feb-26-march-8-2019pdf-0>

¹⁵² “Human Health & Environmental Impacts of the Electric Power Sector | US EPA.” 2025. EPA.

<https://www.epa.gov/power-sector/human-health-environmental-impacts-electric-power-sector>.

¹⁵³ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-25-1C: February 10, 2026*. Washington, DC: U.S. Department of Energy, 2026.

<https://www.energy.gov/documents/puerto-rico-generation-202c-order-no-202-25-1c>

¹⁵⁴ Environmental and Energy Law Program, “Regulating Greenhouse Gases for New and Existing Fossil Fuel-Fired Power Plants – Environmental and Energy Law Program.”

proposed rollback of regulations weakens those that would otherwise constrain emissions from fossil fuel generation and reduces the likelihood that environmental limits will apply at all during emergency operations. As a result, newer Section 202(c) orders operate in a context of fewer environmental constraints, allowing extended fossil fuel runtime and higher emissions with less regulatory conflict.

Recent 202(c) orders that require high-emitting plants to remain online or delay retirement have generated significant legal and political opposition, as concerns over their environmental and statutory implications increase. In 2025, DOE justified issuing Order No. 202-25-3¹⁵⁵ based on the presence of an emergency, where “a shortage of electric energy [and] facilities for generation” required MISO and associated utilities to ensure that J.H. Campbell Power Plant remained “available to operate.” While framed as a reliability measure, the order was criticized as it extends beyond immediate emergency response. Public interest organizations contend that the order is based on the “potential capacity shortfall” rather than an actual crisis, stating, “the order exceeds the department’s authority because the department has not demonstrated, and cannot demonstrate, an emergency necessitating continued operation of the Campbell Plant.”¹⁵⁶ They also claim that DOE has not proven compliant to the environmental statutory obligations of Section 202(c), one of which is minimizing adverse environmental effects, as there are “severe consequences given the pollution produced by the Campbell Plant.” Following the PIO motion, the states of Minnesota and Illinois also challenged the order¹⁵⁷ on the grounds that it relies on “the mere potential that an emergency might occur,” rather than an imminent threat, as it is far beyond the scope of a short-term emergency. Similarly to the PIO, the states argue that the order “does not meaningfully take steps to minimize adverse environmental impacts,” claiming that the continued operation of high-emitting coal plants contributes to “ongoing, cumulative emissions and related impacts.” Despite challenges from multiple parties on the order’s legality and necessity, DOE allowed it to remain in effect and extended its duration. Recent 202(c) orders such as this are more and more widely used to prevent plant retirements and sustain fossil fuel generation.

Over the past year, DOE has used plants as less of a temporary reliability tool and more as a mechanism of long-term energy policy with significant environmental consequences. A recent trend starting in 2025 has seen DOE prevent retirement directly, overriding state planning and public interest, significantly contributing to harmful emissions and adverse environmental and health impacts. These policies also reinforce reliance on older, less efficient fossil fuel

¹⁵⁵ U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-25-3: May 23, 2025*. Washington, DC: U.S. Department of Energy, 2025.
https://www.energy.gov/sites/default/files/2025-05/Midcontinent%20Independent%20System%20Operator%20%28MISO%29%20202%28c%29%20Order_1.pdf

¹⁵⁶ U.S. Department of Energy. *PIO Request for Rehearing of Order No. 202-25-3*. July 2025.
<https://www.energy.gov/sites/default/files/2025-07/PIO%20Request%20for%20Rehearing%20of%20Order%20No.%20202-25-3.pdf>

¹⁵⁷ States of Minnesota and Illinois. *Motion to Intervene and Petition for Rehearing*. U.S. Department of Energy, July 2025.
<https://www.energy.gov/sites/default/files/2025-07/Motion%20to%20Intervene%20and%20Petition%20for%20Rehearing%20by%20the%20States%20of%20Minnesota%20and%20Illinois.pdf>

plants, delaying the transition to cleaner energy in addition to increasing emissions. By primarily applying stricter standards to new gas plants, the current framework incentivizes continuing higher-emitting existing units and slows overall emissions reductions; if all emissions limits applied to every plant, emissions would be cut down to 88% below 2022 levels.¹⁵⁸ The most effective way to eliminate emissions, – specifically greenhouse gas emissions – is to retire coal-fired power plants, which begins with regulations. The weakened regulations and expanded use of 202(c) orders risks undermining long-term climate goals and prolonging the environmental impacts of fossil fuel generation.

8. Power Plants and the Environment: Case Studies

In this section, we will examine a few cases in which a Section 202(c) order was enforced in a power plant that had not previously planned to continue generation. By examining the emissions data released through the EPA during the extended-operation timeframes, we have calculated the estimated environmental impacts that the orders caused.

J.H. Campbell Power Plant

The J.H. Campbell Power Plant in West Olive, Michigan has been operating under a series of four consecutive Section 202(c) emergency orders beginning in May 2025. Under initial order No. 202-25-3, the plant operated from May 23 to August 21, 2025, generating 1,911,325.59 MWh of gross load and emitting 951.379 short tons of SO₂, 2,100,766.422 short tons of CO₂ (roughly 1.4% of Michigan's entire annual CO₂ output, generated in a single summer season), and 744.366 short tons of NO_x. A first extension (Order No. 202-25-7) covered August 20 through November 19, 2025, during which the plant produced 1,370,159.44 MWh and emitted 866.186 short tons of SO₂, 1,514,679.748 short tons of CO₂, and 579.98 short tons of NO_x. A second extension (Order No. 202-25-9) ran from November 18 through December 31, 2025 (the most recent period for which data are available) – during which the plant generated 903,817.96 MWh and emitted 514.272 short tons of SO₂, 1,005,764.8 short tons of CO₂, and 358.644 short tons of NO_x. A third extension (Order No. 202-26-16) authorized continued operation from February 17 through May 18, 2026, though no load or emissions data are yet available for that period. Steam load data were unavailable across all reporting periods. Across the three periods for which data exist, J.H. Campbell emitted a combined 2,331.837 short tons of SO₂, 4,621,210.97 short tons of CO₂ (approximately 3% of Michigan's total annual CO₂ emissions from all sectors), and 1,682.99 short tons of NO_x – by far the largest emissions total

¹⁵⁸ Poore, Colton. 2025. “EPA regulations cut power sector emissions but miss opportunities for deeper reductions.” Princeton Engineering. <https://engineering.princeton.edu/news/2025/03/12/epa-regulations-cut-power-sector-emissions-miss-opportunities-deeper-reductions>.

among the facilities examined in this report. The plant is subject to a state SO₂ limit of 590 ppmv, as well as a federal new source performance standard requiring existing coal-fired units to limit SO₂ emissions to 2.0×10^{-1} lb/MMBtu or 1.5 lb/MWh. However, under current EPA rules, EGUs that demonstrate plans to cease operations before 2032 face no emission reduction obligations.

When the Department of Energy requested for the J.H. Campbell Power Plant to stay operational, despite its scheduled shutdown May 31, 2025, they claimed that an emergency exists in the MISO region, following a NERC 2025 Summer Reliability Assessment. In this assessment it was found that there is a risk of operating shortfalls that would be unable to meet the growing demand. Additionally there exist a great deal of generation shortfalls due to the retirement of other facilities in Michigan, further highlighting DOE's need to keep J.H. Campbell on line. As a result, the plant stayed online, despite intervention by Public Interest Organizations, Michigan Attorney General Dana Nessel, the States of Minnesota and Illinois, Michigan Public Power Agency, Maryland Office of People's Counsel, and the Organization of MISO States. Those who opposed all agreed on the same thing: DOE is unlawfully exercising its emergency authority. Most importantly, they all agreed that there is no such emergency, nor has one been proven to exist, that would require J.H. Campbell to operate.

In General Dana Nessel's request for a rehearing, she points out that by preventing the retirement of J.H. Campbell, businesses and residents will face an increase in electricity bills. The plan to retire J.H. Campbell would have saved ratepayers about \$600 million, but now, new costs will be imposed that would have been absent if the retirement went as planned.¹⁵⁹ There is also an environmental impact that will harm residents' health and the environment, as the plant is a large source of NO_x, SO_x, CO₂, and other pollutants. Further stated was that the retirement of the plant was part of a carefully planned, four year long settlement agreement, which would be completely disregarded due to the recent request, causing harm to those involved. The states of Minnesota and Illinois also warned of the environmental harm that will be caused as, "coal-fired power plants contribute to regional, national, and global greenhouse gas emissions, which cause global climate change," and also set back state climate goals.¹⁶⁰ According to section 202(c), DOE must ensure that all actions will be taken to minimize adverse environmental effects and that the plant will operate during hours necessary to the emergency, but Public Interest Organizations find this to be another fault of DOE's request. Largely due to the unclear language of the order and the lack of detailed reporting, explaining the environmental impacts resulting from emergency operations, DOE has not proven conditions to override such environmental

¹⁵⁹ Michigan Attorney General Office. *Request For Rehearing By Michigan Attorney General Dana Nessel*. U.S. Department of Energy, June 2025.
<https://www.energy.gov/sites/default/files/2025-07/Michigan%20AG%20Request%20for%20Rehearing%20of%20Order%20No.%20202-25-3.pdf>

¹⁶⁰ States of Minnesota and Illinois. *Motion to Intervene and Petition for Rehearing*. U.S. Department of Energy, June 2025.
<https://www.energy.gov/sites/default/files/2025-07/Motion%20to%20Intervene%20and%20Petition%20for%20Rehearing%20by%20the%20States%20of%20Minnesota%20and%20Illinois.pdf>

standards.¹⁶¹ The following three extensions of the order were all put in place under the same reasoning: that there is reliability risk due to high demand and lack of supply as many coal and gas power plants retire across the nation. Again in all three cases, multiple rehearings were requested, yet all were denied as DOE continued as planned keeping J.H. Campbell online.

R.M. Schahfer Generating Station

The R.M. Schahfer Generating Station in Indiana has been operating under two sequential Section 202(c) emergency orders beginning in December 2025. Under the initial order (No. 202-25-12), the plant operated from December 16 through December 31, 2025 – the most recent period for which data are available – generating 40,193.74 MWh of gross load and emitting 5.970 short tons of SO₂, 42,868.366 short tons of CO₂ (equivalent to the annual tailpipe emissions of roughly 9,300 passenger cars), and 35.152 short tons of NO_x. A subsequent extension (Order No. 202-26-19) authorized continued operation beginning March 23, 2026, though no gross load, steam load, or emissions data are available for that period. Steam load data were unavailable across both reporting periods. The plant is subject to a state SO₂ limit of 6 MMBtu.

When the Department of Energy requested for the R.M. Schahfer Generating Station (Schahfer) to stay operational, despite its scheduled shutdown in December, 2025, they claimed that an emergency exists in the MISO region due to an energy shortage and high demand, citing reports conducted by MISO in 2022, 2023, 2024, and 2025, as well as a 2024 Long-Term Reliability Assessment conducted by NERC. In a 2023 assessment, MISO found that there exists a reliability concern year-round starting in the summer of 2027, projecting "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," leading to energy shortfalls.¹⁶² Typically when 202(c) is requested, it is due to an imminent emergency, one that is either already occurring or expected within the coming days. Yet, when DOE bases the need to keep Schahfer running due to the potential longer term resource inadequacy, rather than a current one, many have intervened, arguing that DOE has not proven an actual emergency exists. The states of Minnesota, Illinois, and Michigan, Public Interest Organizations, Illinois Commerce Commission, and Organization of MISO States, Inc. have all requested rehearings. In the Public Interest Organizations Rehearings, they claim that the harm of running the plant extends beyond just the costs it imposes on households, but also on the environment. They find that the only shortfalls that exist will occur during Summer 2028 and Summer 2029, which is not sufficient to declare an emergency, but rather just that a point of planning for the future has been created. There also

¹⁶¹ *PIO Request for Rehearing of Order No. 202-25-3*, July 2025.

<https://www.energy.gov/sites/default/files/2025-07/PIO%20Request%20for%20Rehearing%20of%20Order%20No.%20202-25-3.pdf>

¹⁶² U.S. Department of Energy, Office of Electricity. *Federal Power Act 202(c) Emergency Order 202-25-12: December 16, 2025*. Washington, DC: U.S. Department of Energy, 2025.

<https://www.energy.gov/documents/order-number-202-25-12-schahfer>

exists a reliability issue in just running the plant, as Schahfer is 40 years old and has experienced, "long and recurrent outages in recent years that reflect aged, worn components that are expensive and may be difficult to repair or replace."¹⁶³ This proves that even running the plant under normal conditions fails to meet regular demands, let alone during an emergency. When it comes to environmental concern, DOE has again failed to prove compliance to any environmental regulations and to minimize environmental impact. Schahfer is a major proponent to environmental degradation, as in 2023, the plant discharged 29 million pounds of pollution into nearby waters and "hundreds of thousands of pounds of air toxics, hundreds of thousands of pounds of particulate matter ("PM"), many millions of pounds of nitrogen oxides and sulfur dioxide, and billions of pounds of carbon dioxide," into the air.¹⁶⁴ This all adds up and results in serious health issues, while if Schahfer retired as scheduled, "nationwide mortality [would decrease] by 9.4 to 16 deaths per year due to reductions in PM2.5, SO₂, and NO_x emissions".¹⁶⁵ Despite the 90-day limit on the order, an extension was put in place under the same reasoning: that there is a reliability risk due to high demand and lack of supply as many coal and gas power plants retire across the nation. While no rehearing requests have been made yet, the order was recently extended, so it is expected that many will soon follow.

Craig Station

Craig Station in Colorado has been operating under two sequential Section 202(c) emergency orders. Under the initial order (No. 202-25-14), the plant was active from December 30, 2025 to March 30, 2026, during which it generated 14,094 MWh of gross load and emitted 3.475 short tons of SO₂, 17,176.918 short tons of CO₂ (comparable to the annual emissions of approximately 3,700 passenger cars), and 6.816 short tons of NO_x. The facility is subject to NO_x emission limits of 0.28 lbs/MMBtu for Units 1 and 3, and 0.08 lbs/MMBtu for Unit 2. A subsequent extension order (No. 202-26-21) continued the plant's operation from March 31 through June 28, 2026; however, no gross load, steam load, or emissions data are currently available for this extension period.

DOE initially justified this order because the regional entity, WECC, that Craig provides energy has high energy variability due to the high proportion of wind and solar energy.¹⁶⁶ Wind and solar energy, while generally reliable, are highly variable, because the wind is not constantly blowing and the sun is not constantly shining. While energy can be stored, the WECC region

¹⁶³ *PIO Request for Rehearing of Order No. 202-25-12 and Order No. 202-25-13*. January 2026.

<https://www.energy.gov/documents/motion-intervene-and-request-rehearing-and-stay-sierra-club-citizens-action-coalition>

¹⁶⁴ *PIO Request for Rehearing of Order No. 202-25-12 and Order No. 202-25-13*. January 2026.

<https://www.energy.gov/documents/motion-intervene-and-request-rehearing-and-stay-sierra-club-citizens-action-coalition>

¹⁶⁵ *PIO Request for Rehearing of Order No. 202-25-12 and Order No. 202-25-13*. January 2026.

<https://www.energy.gov/documents/motion-intervene-and-request-rehearing-and-stay-sierra-club-citizens-action-coalition>

¹⁶⁶ U.S. Department of Energy, *Federal Power Act Section 202(c): Craig Order No. 202-25-14*, December 30, 2025, <https://www.energy.gov/ceser/federal-power-act-section-202c-craig-order-no-202-25-14>.

does not have reliable or robust energy storage infrastructure. Specifically, the storage systems require batteries that are difficult to produce quickly and effectively due to supply chain bottlenecks. Additionally, peak demand is forecasted to increase at the same time many baseload generators are being retired.

There have been contestations from Public Service Company of Colorado and a joint contestation pushed by Sierra Club, GreenLatinos, Vote Solar, Public Citizen, and Environmental Defense Fund (collectively, “Public Interest Organizations”). The Public Service Company of Colorado has moved to leave to intervene in the proceeding because keeping the plant open would require they incur steep maintenance and operation costs that they did not originally plan for. The public interest groups claim that the use of Section 202(c) is unlawful and that none of the sources cited by DOE claim an actual upcoming energy emergency.¹⁶⁷

TransAlta Centralia Generating Station

The TransAlta Centralia Generating Station in Washington has also been operating under two sequential Section 202(c) emergency orders beginning in December 2025. Under the initial order (No. 202-25-11), the plant operated from December 16, 2025 to March 16, 2026, emitting 5.007 short tons of SO₂, 30,943.658 short tons of CO₂, and 22.999 short tons of NO_x. A subsequent extension (Order No. 202-26-18) authorized continued operation from March 16 through June 14, 2026, though no gross load, steam load, or emissions data are available for that period. Steam load data were unavailable across both reporting periods and no facility-specific emission thresholds were recorded in the data for this station.

DOE justified this order with an energy emergency related to emergency weather. They claim that the WECC region does not have sufficient power reserves for emergency weather. There is a shortage of electric energy and storage facilities in the region. Specifically, this claim draws from DOE's Winter Reliability Assessment that claims that while the region does have capacity to bear a storm, they may need to seek outside resources because of thermal plant outages in the region.¹⁶⁸ They also project a future resource gap in 2026-2030 due to intermittent closures and high demand.

The State of Washington and several public interest organizations contested the ruling. First, the State of Washington contested the use of Section 202(c) because there are already plans for the plant to be converted to a natural gas facility, which means that there is no closure that would lead to a demand related emergency.¹⁶⁹ There is no reason to extend the plant's use as a coal plant. The State of Washington also claims that the use of Section 202(c) undermines

¹⁶⁷ U.S. Department of Energy, *Federal Power Act Section 202(c): Craig Order No. 202-25-14*, December 30, 2025, <https://www.energy.gov/ceser/federal-power-act-section-202c-craig-order-no-202-25-14>.

¹⁶⁸ U.S. Department of Energy, *Order No. 202-26-18 (Centralia)*, March 16, 2026, <https://www.energy.gov/documents/centralia-order-no-202-26-18>.

¹⁶⁹ Sierra Club, NW Energy Coalition, Washington Conservation Action, Climate Solutions, Public Citizen, and Environmental Defense Fund, "Motion to Intervene, Motion for Clarification, and Request for Rehearing and Stay," Order No. 202-25-11, U.S. Department of Energy, January 2026, <https://www.energy.gov/documents/public-interest-organizations-filing-order-no-202-25-11>.

regional planning efforts.¹⁷⁰ The Public Interest Organizations claim that there is no clear evidence of an emergency and that DOE's report from September of 2025 is inaccurate and does not reflect current energy demand or capacity.¹⁷¹

Eddystone Generation Center

The Eddystone Generation Center in Pennsylvania has been operating under a series of four consecutive Section 202(c) emergency orders spanning from May 2025 through May 2026. Under the initial order (No. 202-25-4), the plant operated from May 20 to August 28, 2025, generating 22,887.77 MWh of gross load and emitting 0.114 short tons of SO₂, 17,853.566 short tons of CO₂, and 10.278 short tons of NO_x. A first extension (Order No. 202-25-8) covered August 28 through November 26, 2025, during which output declined significantly to 4,083.9 MWh, with corresponding emissions of 0.033 short tons of SO₂, 3,918.097 short tons of CO₂, and 2.398 short tons of NO_x. Two further extensions – Order No. 202-25-10 (November 25, 2025 to February 24, 2026) and Order No. 202-26-17 (February 23 to May 24, 2026) – continued the plant's authorized operation, though no gross load, steam load, or emissions data are available for either period. Steam load data were unavailable across all four reporting periods. Across the two periods for which data exist, Eddystone emitted a combined 0.147 short tons of SO₂, 21,771.663 short tons of CO₂, and 12.676 short tons of NO_x.¹⁷² Notably, Eddystone operates under the Regional Greenhouse Gas Initiative (RGGI) framework, which requires operators of large electric generators to obtain one emissions allowance per ton of CO₂ emitted, most of which are purchased at quarterly RGGI auctions.¹⁷³

DOE has justified its Section 202(c) orders – particularly for the Eddystone units – primarily on grid reliability and resource adequacy grounds. In the PJM context, DOE determined that an “emergency exists” due to a shortage of electric energy and generation capacity, driven by the combination of rising electricity demand and the retirement of dispatchable generation resources. The agency emphasized that allowing Eddystone to retire as scheduled would exacerbate a “growing resource adequacy concern,” increasing the risk of outages that could threaten public health and safety.¹⁷⁴ More broadly, DOE and PJM materials describe a structural mismatch between load growth, generator retirements, and the pace of new

¹⁷⁰ Sierra Club, NW Energy Coalition, Washington Conservation Action, Climate Solutions, Public Citizen, and Environmental Defense Fund, "Motion to Intervene, Motion for Clarification, and Request for Rehearing and Stay," Order No. 202-25-11, U.S. Department of Energy, January 2026, <https://www.energy.gov/documents/public-interest-organizations-filing-order-no-202-25-11>.

¹⁷¹ Sierra Club, NW Energy Coalition, Washington Conservation Action, Climate Solutions, Public Citizen, and Environmental Defense Fund, "Motion to Intervene, Motion for Clarification, and Request for Rehearing and Stay," Order No. 202-25-11, U.S. Department of Energy, January 2026, <https://www.energy.gov/documents/public-interest-organizations-filing-order-no-202-25-11>.

¹⁷² Clean Air Markets Program Data, "Custom Data Download," U.S. Environmental Protection Agency, <https://campd.epa.gov/data/custom-data-download>.

¹⁷³ PennFuture, "Pennsylvania Finally Caps Carbon Pollution From Power Plants: Now What?," <https://pennfuture.org/Policy-Brief/Pennsylvania-Finally-Caps-Carbon-Pollution-From-Power-Plants-Now-What>.

¹⁷⁴ "Federal Power Act Section 202(c): PJM Interconnection," U.S. Department of Energy, <https://www.energy.gov/ceser/federal-power-act-section-202c-pjm-interconnection>.

resource entry,¹⁷⁵ concluding that keeping the plant operational, even temporarily, is necessary to “minimize the risk of generation shortfall” and maintain system reliability.¹⁷⁶ The orders are thus framed as emergency, time-limited interventions intended to stabilize the grid during a period of transition and uncertainty.

The principal contestations come from environmental organizations, consumer advocates, and some legal commentators, who argue that DOE is overextending its emergency authority and distorting both environmental and market frameworks. According to filings referenced in DOE docket, groups such as NRDC, Sierra Club, Environmental Defense Fund, and Public Citizen have sought rehearing, challenging both the factual basis and legal justification of the orders. Critics argue that the orders are not responding to a sudden, unforeseen emergency but instead to longer-term planning and market issues, and therefore fall outside the intended scope of Section 202(c). They also contend that forcing continued operation of fossil-fuel units especially those slated for retirement prolongs emissions and undermines environmental regulatory regimes, particularly where such operation may conflict with emissions constraints or delay decarbonization efforts.¹⁷⁷ In this view, the orders reflect a policy choice favoring reliability over environmental protection, rather than a narrowly tailored emergency response.

F.B. Culley Generating Station

The F.B. Culley Generating Station in Indiana has been operating under two sequential Section 202(c) emergency orders beginning in late December 2025. Under the initial order (No. 202-25-13), the plant operated from December 23, 2025 to March 23, 2026, during which it recorded limited SO₂ and NO_x emissions, while emitting 1,524.254 short tons of CO₂ and 0.605 short tons of NO_x. A subsequent extension (Order No. 202-26-20) authorized continued operation from March 24 through June 21, 2026, though no gross load, steam load, or emissions data are available for that period. Steam load data were unavailable across both reporting periods. The facility is subject to a rolling 30-day NO_x emission rate limit of no more than 0.100 lbs/MMBtu and a requirement to achieve 95% control of SO₂ emissions.¹⁷⁸

The Department of Energy (DOE) justified its Section 202(c) order for the F. B. Culley Generating Station primarily on resource adequacy and reliability concerns within the MISO region. In Order No. 202-25-13, DOE determined that an “emergency exists” due to a shortage of electric energy and generation facilities, as well as tight reserve margins and broader capacity constraints. The agency emphasized that the planned retirement of Culley Unit 2 would worsen

¹⁷⁵ "Order No. 202-25-4," U.S. Department of Energy, <https://www.energy.gov/default/files/2025-05/Federal%20Power%20Act%20Section%20202%28c%29%20PJM%20Interconnection.pdf>.

¹⁷⁶ "Federal Power Act Section 202(c): PJM Interconnection," U.S. Department of Energy, <https://www.energy.gov/ceser/federal-power-act-section-202c-pjm-interconnection>.

¹⁷⁷ "Order No. 202-25-4," U.S. Department of Energy, <https://www.energy.gov/sites/default/files/2025-05/Federal%20Power%20Act%20Section%20202%28c%29%20PJM%20Interconnection.pdf>.

¹⁷⁸ Clean Air Markets Program Data, "Custom Data Download," U.S. Environmental Protection Agency, <https://campd.epa.gov/data/custom-data-download>.

these conditions, particularly during periods of high demand or low generation output, and that continued operation would help prevent outages that could threaten public health and safety. DOE further highlighted the practical difficulty of restarting a retired coal unit citing mechanical stress, repair timelines, and logistical barriers as a reason why the unit must remain continuously available rather than retired and restarted later.¹⁷⁹ More broadly, DOE framed the order as necessary to address ongoing and anticipated reliability risks tied to long-term capacity shortfalls, concluding that keeping even relatively small units like Culley online contributes meaningfully to maintaining system stability.¹⁸⁰

The principal contestations come from states and public interest groups, who argue that the Culley order reflects an overbroad and legally flawed use of emergency authority. Petitions for rehearing filed by states such as Minnesota, Illinois, and Michigan contend that DOE failed to demonstrate a genuine, imminent emergency and instead relied on speculative, long-term resource adequacy concerns, which fall outside the intended scope of Section 202(c). Critics also argue that the order is not “rationally related” to resolving any immediate shortage, pointing out that aging coal units like Culley are slow to ramp, costly to operate, and unreliable, making them ill-suited for true emergency response. Additionally, challengers emphasize that forcing continued operation of a unit slated for retirement imposes higher costs on consumers and prolongs emissions, while DOE allegedly failed to consider alternative solutions such as market-based dispatch or other generation resources.¹⁸¹ In this view, the Culley order represents a shift from emergency intervention toward energy policy-making through emergency powers, raising both legal and environmental concerns.

ISO Responses to the Costs of Section 202(c) Orders

The mandate of ISOs is to follow 16 U.S.C. §824a(c): If the parties affected by such order fail to agree upon the terms of any arrangement between them in carrying out such order, the Commission, after hearing held either before or after such order takes effect, may prescribe by supplemental order such terms as it finds to be just and reasonable, including the compensation or reimbursement which should be paid to or by any such party.¹⁸² From here, ISOs and RTOs are responsible for ensuring that prices aren’t brought up too high and remain fair for ratepayers. With the advent of the unrequested Section 202(c) orders, which have been

¹⁷⁹ "Order No. 202-25-13," U.S. Department of Energy, <https://www.energy.gov/documents/order-number-202-25-13-culley>.

¹⁸⁰ "Federal Power Act Section 202(c): Culley Order No. 202-25-13," U.S. Department of Energy, <https://www.energy.gov/ceser/federal-power-act-section-202c-culley-order-no-202-25-13>.

¹⁸¹ "Federal Power Act Section 202(c): Culley Order No. 202-25-13," U.S. Department of Energy, <https://www.energy.gov/ceser/federal-power-act-section-202c-culley-order-no-202-25-13>.

¹⁸² “16 U.S. Code § 824a - Interconnection and Coordination of Facilities; Emergencies; Transmission to Foreign Countries,” LII / Legal Information Institute. <https://www.law.cornell.edu/uscode/text/16/824a>.

almost entirely targeted towards coal powered plants, multiple plants have been plunged into unprofitable situations.¹⁸³

As per the mandate given to ISO/RTOs, plants, and generators, they as a collective must still keep their rates “just and reasonable” or be in violation of federal law.¹⁸⁴ This means that there must be an upper bound to the increase in prices that can be implemented in order to smooth the costs incurred by the orders. As of now, there have been no official statements issued by anyone involved in the energy industry (e.g. RTO/ISOs, generators, power plants) denouncing the orders. In fact, the only official statements that have been made are reports issued of costs exceeding revenue and affirmations that the orders will continue to be heeded.

Within PJM, the only 4 non-traditional orders have been issued, each one to the Eddystone Generation Station. PJM issued a statement immediately after the retirement was halted, stating that “For over two years, PJM 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... PJM supports the U.S. Department of Energy’s Order... [which] is prudent [and] term limited.”¹⁸⁵ Clearly, at the time of the order, PJM was in support of the order, but clearly stated that its term limited nature was important and that the order’s true purpose was to give the region a little more time to adjust to the energy deficit the retirement could cause. They have not issued another statement since.

MISO is another region that has been affected by unrequested Section 202(c) orders. There have been 8 such orders in this region, affecting the J.H. Campbell Plant, the R.M Schaffer Generating Station, and the F.B Culley Generating Station. MISO has not issued a statement comparable to that of PJM, but it has expressed concerns about how costs are being allocated.¹⁸⁶ Moreover, the CEO of Consumer Energy (which runs J.H. Campbell) stated to investors that the orders were causing them to lose money, but that they would continue to comply with the orders.¹⁸⁷

ISO-NE has not released any statements, either directly or indirectly, regarding such orders. This is likely because ISO-NE has not been subject to any non-traditional orders.¹⁸⁸ All of the orders they have received have been requested and in response to a clear need.

¹⁸³ By Marianne Lavelle, “Trump’s Order to Keep Michigan Coal Plant Running Has Cost \$80 Million So Far,” *Inside Climate News*, October 31, 2025,

<https://insideclimatenews.org/news/31102025/michigan-campbell-coal-plant-operation-has-cost-80-million/>.

¹⁸⁴ “16 U.S. Code § 824a - Interconnection and Coordination of Facilities; Emergencies; Transmission to Foreign Countries,” LII / Legal Information Institute. <https://www.law.cornell.edu/uscode/text/16/824a>.

¹⁸⁵ PJM Interconnection, “PJM Statement on the U.S. Department of Energy 202(c) Order of May 30,” news release. <https://www.pjm.com/-/media/DotCom/about-pjm/newsroom/2025-releases/20250531-doe-202c-statement-to-defer-retirements-of-certain-generators.pdf>.

¹⁸⁶ “PJM Statement on the U.S. Department of Energy 202(c) Order of May 30 | PJM Inside Lines,” <https://insidelines.pjm.com/pjm-statement-on-the-u-s-department-of-energy-202c-order-of-may-30/>.

¹⁸⁷ By Marianne Lavelle, “Trump’s Order to Keep Michigan Coal Plant Running Has Cost \$80 Million So Far,” *Inside Climate News*, October 31, 2025,

<https://insideclimatenews.org/news/31102025/michigan-campbell-coal-plant-operation-has-cost-80-million/>.

¹⁸⁸ “PJM Statement on the U.S. Department of Energy 202(c) Order of May 30 | PJM Inside Lines,” 2026, <https://insidelines.pjm.com/pjm-statement-on-the-u-s-department-of-energy-202c-order-of-may-30/>.

Overall, responses have been mixed. No ISO/RTO/other generation entity has come out against the orders, while only one came out in support after the first order with no response to the three renewals. All of these organizations, however, have had to increase prices for ratepayers, which could soon border into unfair or unreasonable prices, placing them in violation of the others stipulations in Section 202(c), which begs the question: what happens if a plant has to violate parts of Section 202(c) in order to adhere to the other parts? Nonetheless, statements for and against the orders have been limited, mostly indirect, and not indicative of a large-scale reaction to the orders.

9. Power Plant Maintenance Specifics

A crucial process in power plant management is maintenance: as power plants are composed of a variety of machinery and equipment, proper maintenance is key to the functioning of the plant.¹⁸⁹ Rather than waiting for a piece of equipment to malfunction or break, maintenance checks prevent costly repairs or potential outages. Such maintenance standards are run by Operation and Maintenance, or O&M, teams of a power company. These teams are crucial in ensuring the activity of a plant which can extend the lifespan by catching problems early on and by saving costs to consumers in keeping up with routine maintenance.¹⁹⁰ O&M also works to prevent any downtimes that repairs would incur on a plant. When a plant's production decreases due to temporary down-time, \$300,000 in costs can build up in just one hour, from lost revenue, emergency response costs, and regulatory and contractual fines.¹⁹¹ Such down-time costs have doubled since 2019, largely due to plants operating at higher capacity, making it harder to compensate for down-times.¹⁹² This is also due to the volatile nature of energy, where outages during peak times makes prices grow exponentially. Additionally, aging power plants, specifically those forced to run due to 202(c) orders, require specialized maintenance and hard-to-come by parts. Maintenance ensures that the drastic impacts of overlooked equipment are minimized, but when inefficient, aged power plants are forced online, maintenance costs accumulate and burden the consumer.

When DOE ordered multiple coal-fired power plants to remain open, utilities countered, stating that these power plants are expensive, in bad shape, and no longer meet the region's energy demand.¹⁹³ In May 2025, J.H. Campbell Power Plant was ordered to stay online; the 63-year-old coal power plant generated up to 1,450 megawatts of energy, but was set to retire in

¹⁸⁹ AspenTech. n.d. "Power Plant Maintenance." AspenTech.
<https://www.aspentech.com/en/cp/power-plant-maintenance>.

¹⁹⁰ "Power Plant Operations and Maintenance." 2024. APS Solutions
<https://exploreaps.com/operations-and-maintenance/>.

¹⁹¹ Blake, Jordan. 2026. "Why Power Plant Downtime Is So Costly." Omaint.
<https://oxmaint.com/industries/power-plant/why-power-plant-downtime-is-so-costly>.

¹⁹² Blake, "Why Power Plant Downtime Is So Costly."

¹⁹³ Brown, Alex. 2026. "Trump is forcing coal plants to stay open. It could cost customers billions." Stateline.org.
<https://stateline.org/2026/03/19/trump-is-forcing-coal-plants-to-stay-open-it-could-cost-customers-billions/>.

2025 to end carbon emissions and promote renewable energy.¹⁹⁴ This retirement delay – due to 202(c) orders – has incurred \$135 million net costs by December 2025, and the utility is expected to charge ratepayers in 11 states. These net costs are due to the unexpected need to hire back employees, establish new delivery contracts, and catch up on maintenance delayed due to the anticipation of retirement. If such a trend continues, and the Department of Energy orders more aging plants to remain in operation, projected costs range from 3 to 6 billion dollars per year. Not only are costs incurred due to new repairs and maintenance in old, inefficient plants, they are also due to the costly nature of running coal power plants – many plants ordered to retire were intended for replacement with sustainable, renewable energy, which save consumers money in themselves. Electricity produced by a coal-fired power plant costs an average of \$122 per megawatt-hour, but that same amount of energy can be generated for \$78 from natural gas plants, \$61 from onshore wind, and \$58 from utility-scale solar.¹⁹⁵ Thus, not only will repairs and maintenance necessary to revive retiring plants affect consumers, continuous reliance on coal power will also impact their prices.

Many of the repairs and maintenance needed to bring these power plants online may not even be feasible in the 90-day period of the order. For two power plants ordered to stay online in December of 2025, Colorado's Craig Generating Station Unit 1 had been down since December 19th¹⁹⁶ and Indiana's R.M. Schahfer Unit 18 had sat idle since July,¹⁹⁷ both due to mechanical failure. Craig 1 is expected to cost ratepayers millions of dollars just to get it to be operational and R.M. Schahfer Unit 18 has repairs that are expected to take at least six months to fix.¹⁹⁸ Depending on how long the Department of Energy plans to keep Craig 1 online, \$150 million per year is expected to be placed on ratepayers, but these costs don't only come from the necessary repairs and maintenance needed to put them online; they come from purchasing coal.¹⁹⁹ Where Craig 1 was built, all the coal has been mined. Therefore it must be bought elsewhere, further driving up costs on consumers. The companies didn't invest in inefficient plants because they were not only unnecessary to the grid, but because they were scheduled to retire. Now, having to catch up on maintenance puts increased strain on consumer pricing.

Conclusion

¹⁹⁴ Consumers Energy. n.d. "J.H. Campbell Complex Retirement." Consumers Energy. <https://www.consumersenergy.com/about-us/electric-generation/campbell-complex-retirement>.

¹⁹⁵ Brown, "Trump is forcing coal plants to stay open. It could cost customers billions."

¹⁹⁶ Nilsen, Ella. 2025. "The Trump administration just ordered another retiring coal plant to stay open. It could cost ratepayers millions." CNN. <https://www.cnn.com/2025/12/31/climate/coal-power-electricity-trump-colorado>.

¹⁹⁷ St. John, Jeff. 2026. "Trump admin's must-run orders put broken-down coal plants in a bind." Canary Media. <https://www.canarymedia.com/articles/fossil-fuels/trump-order-broken-coal-plant-run>.

¹⁹⁸ St. John, "Trump admin's must-run orders put broken-down coal plants in a bind."

¹⁹⁹ Nilsen, The Trump administration just ordered another retiring coal plant to stay open. It could cost ratepayers millions."

Section 202(c) of the Federal Power Act was designed as an emergency tool to protect Americans from sudden, unforeseen disruptions to their electricity supply. Its recent application since 2025 represents a fundamental departure from that original intent. Where prior uses were largely brief, reactive, and tied to demonstrable crises like hurricanes or winter storms, the current wave of orders is characterized by long durations, absent requests from affected regions, and justifications rooted in speculative future demand rather than imminent emergency. The result is a set of harms: consumers bearing hundreds of millions of dollars in unexpected costs, aging coal plants operating beyond their planned retirement with mounting maintenance burdens, energy markets distorted by out-of-market compensation, and environmental emissions from facilities that were slated for closure. Without clearer statutory limits on what constitutes a qualifying emergency, mandatory environmental compliance conditions, and independent oversight of DOE-initiated orders, Section 202(c) risks becoming a vehicle for policies that prioritizes fossil fuel preservation and short-term need over long-term public health, environmental considerations, and market integrity.

Bibliography

A&O Shearman. n.d. "Initial Comments on DOE's Proposed Grid Resiliency Rule Raise Issues and Draw Battle Lines Before FERC." *Lexology*.

<https://www.lexology.com/library/detail.aspx?g=b31e32f3-b7a4-4264-ab20-6c3fc372782c>.

Arnold, Tom. 2024. "Independent System Operators (ISOs)." *EBSCO Research Starters: Engineering*.

<https://www.ebsco.com/research-starters/engineering/independent-system-operators-isos>.

AspenTech. n.d. "Power Plant Maintenance." AspenTech.

<https://www.aspentech.com/en/cp/power-plant-maintenance>.

Balancing Authority of Northern California. 2022. *Request for Extension and Limited Amendment of Emergency Order Pursuant to Section 202(c) of the Federal Power Act: September 7, 2022*. Washington, DC: U.S. Department of Energy.

https://www.energy.gov/sites/default/files/2022-09/BANC_Ext_Final_Combined.pdf.

Blake, Jordan. 2026. "Why Power Plant Downtime Is So Costly." *Omaint*.

<https://oxmaint.com/industries/power-plant/why-power-plant-downtime-is-so-costly>.

Bloom, Amy. 2023. "U.S. Congress Creates the Federal Energy Regulatory Commission." *EBSCO Research Starters: Law*.

<https://www.ebsco.com/research-starters/law/us-congress-creates-federal-energy-regulatory-commission>.

Brown, Alex. 2026. "Trump Is Forcing Coal Plants to Stay Open. It Could Cost Customers Billions." *Stateline.org*.

<https://stateline.org/2026/03/19/trump-is-forcing-coal-plants-to-stay-open-it-could-cost-customers-billions/>.

California Independent System Operator (CAISO). 2020. *Request for Emergency Order Pursuant to Section 202(c) of the Federal Power Act: September 6, 2020*. Washington, DC: U.S. Department of Energy. <https://www.energy.gov/documents/caiso-202c-request-letterpdf>.

———. 2021. *Request for Emergency Order Pursuant to Section 202(c) of the Federal Power Act: September 7, 2021*. Washington, DC: U.S. Department of Energy.

<https://www.energy.gov/documents/caiso-202c-request>.

———. 2022a. *Request for Emergency Order Pursuant to Section 202(c) of the Federal Power Act: September 1, 2022*. Washington, DC: U.S. Department of Energy.

https://www.energy.gov/sites/default/files/2022-09/CAISO_202c_Request.pdf.

———. 2022b. *EXTREME WEATHER EVENT — Process and Communications*. CAISO. <https://www.caiso.com/documents/extreme-weather-event-process-and-communications.pdf>.

———. 2025. *California ISO Operating Procedure*. CAISO. <https://www.caiso.com/documents/4420.pdf>.

Center for American Progress. 2026. "The Trump Administration's Attack on Offshore Wind Threatens To Raise Electricity Prices for Millions of Americans." Center for American Progress. <https://www.americanprogress.org/article/the-trump-administrations-attack-on-offshore-wind-threatens-to-raise-electricity-prices-for-millions-of-americans/>.

Clean Air Markets Program Data. n.d. "Custom Data Download." U.S. Environmental Protection Agency. <https://campd.epa.gov/data/custom-data-download>.

Congressional Research Service. 2025. *Federal Power Act: The Department of Energy's Emergency Authority*. CRS Report R48568. Washington, DC: Congressional Research Service. <https://www.congress.gov/crs-product/R48568>.

Consumers Energy. n.d. "J.H. Campbell Complex Retirement." Consumers Energy. <https://www.consumersenergy.com/about-us/electric-generation/campbell-complex-retirement>.

Department of Energy. n.d. "A Brief History of the Department of Energy." <https://www.energy.gov/lm/brief-history-department-energy>.

———. n.d. "Leadership & Organization." <https://www.energy.gov/leadership-organization>.

DeVita, Thomas, et al. 2025. *Education on FPA Section 202(c) and DACC Cost Allocation*. CIFP Day.

Duke Energy Florida. 2024. *Order 202-24-1 Resource List*. Washington, DC: U.S. Department of Energy. https://www.energy.gov/sites/default/files/2024-10/Order%20202-24-1%20Resource%20List_0.pdf.

Electric Reliability Council of Texas (ERCOT). n.d. "Energy Emergency Alert 3." ERCOT. <https://www.ercot.com/energyemergthree>.

———. 2022. *Generators Identified to ERCOT as "Specified Resources" Under DOE Order No. 202-22-3*. Washington, DC: U.S. Department of Energy. <https://www.energy.gov/sites/default/files/2022-12/ERCOT%20202%28c%29%20Specified%20Resources%20%28Updated%2012-25-22%209AM%20CST%29.pdf>.

Energy Innovation. 2025. *Coal Cost Update: Coal Power 28 Percent More Expensive in 2024 Than in 2021*. June 5, 2025.

<https://energyinnovation.org/wp-content/uploads/Coal-Cost-Update.pdf>.

Environmental and Energy Law Program. 2026. "Regulating Greenhouse Gases for New and Existing Fossil Fuel-Fired Power Plants." Harvard Law School Environmental and Energy Law Program.

<https://eelp.law.harvard.edu/tracker/regulating-greenhouse-gases-for-new-and-existing-fossil-fuel-fired-power-plants/>.

Environmental Protection Agency. 2025a. "Human Health & Environmental Impacts of the Electric Power Sector." EPA.

<https://www.epa.gov/power-sector/human-health-environmental-impacts-electric-power-sector>.

———. 2025b. "Power Sector Evolution." EPA.

<https://www.epa.gov/power-sector/power-sector-evolution>.

Federal Energy Regulatory Commission (FERC). 2005. *Preventing Undue Discrimination and Preference in Transmission Services*. Issued September 16, 2005.

<https://www.ferc.gov/sites/default/files/2020-05/E-1noi.pdf>.

———. 2024a. "An Introductory Guide to Electricity Markets Regulated by the Federal Energy Regulatory Commission." FERC.

<https://www.ferc.gov/introductory-guide-electricity-markets-regulated-federal-energy-regulatory-commission>.

———. 2024b. "RTOs and ISOs." FERC.

<https://www.ferc.gov/power-sales-and-markets/rtos-and-isos>.

Federal Power Act § 202(c), 16 U.S.C. § 824a(c).

Flores, Gaby. 2020. "Independent System Operators (ISOs) — Yes Energy Power 101." *Yes Energy*. <https://www.yesenergy.com/blog/2020/introduction-of-isos-yes-energy-101>.

Foster, Brad. n.d. "What Are PJM Reliability Must-Run (RMR) Charges?" Foster Engineering Consultants. <https://www.fosterec.com/what-are-pjm-reliability-must-run-charges/>.

Hitchens, Kathy. 2024. "PJM Capacity Market Explained." *PCI Energy Solutions*.

<https://www.pcienergysolutions.com/2024/02/21/pjm-capacity-market-explained/>.

Howland, Ethan. 2025a. "FERC Approves Cost Allocation Paths for Power Plants DOE Ordered to Run Past Shutdown Dates." *Utility Dive*.

<https://www.utilitydive.com/news/ferc-doe-cost-allocation-consumers-constellation-power-plants/757877/>.

———. 2025b. "Kentucky Utility, AG Challenge PJM's Regional Cost Allocation Plan for DOE 'Emergency' Orders." *Utility Dive*.

<https://www.utilitydive.com/news/kentucky-pjm-doe-emergency-cost-allocation-ferc/803946/>.

Inside Climate News. 2025. "DOE's Emergency Orders Create a Moral Hazard." *Utility Dive*.

<https://www.utilitydive.com/news/doe-emergency-order-campbell-eddystone-miso-pjm/759305/>.

ISO New England. 2024. "ISO-NE Public Communications During Operating Procedure No. 4: Action During a Capacity Deficiency (OP 4)." ISO New England.

<https://www.iso-ne.com/static-assets/documents/2022/11/op-4-steps-printable-handout.pdf>.

———. 2025. *ISO New England Overview of Emergency Procedures and Communications Processes*. ISO New England.

https://www.iso-ne.com/static-assets/documents/100024/webex_2025_presummer_briefing_final.pdf.

———. 2026a. *Request for Emergency Order Under Section 202(c) of the Federal Power Act*. Submitted to the U.S. Department of Energy, January 25, 2026.

<https://www.energy.gov/documents/iso-ne-202c-application-2026-01-25>.

———. 2026b. "Operate the Power System." ISO New England.

<https://www.iso-ne.com/about/what-we-do/operate-the-grid>.

Jenarthan, Preetha, and Gautam Jain. 2026. "U.S. Coal Gets a Reprieve, but It Won't Last." *Reuters*, April 16, 2026.

<https://www.reuters.com/markets/commodities/us-coal-gets-reprieve-it-wont-last-2026-04-16/>.

Kennedy, Ryan. 2025. "US Energy Offices Folded into New Structure at Department of Energy." *PV Magazine*, November 25, 2025.

<https://www.pv-magazine.com/2025/11/25/us-energy-offices-folded-into-new-structure-at-department-of-energy/>.

Kirby, Christopher, and Lyle Larson. 2026. "Federal Power Act § 202(c): Shaping Grid Response." *Balch & Bingham LLP*.

<https://www.balch.com/insights/publications/2026/03/federal-power-act-202-shaping-grid>.

Larson, Aaron. 2026. "From the Manhattan Project to Fusion: The History of DOE's National Labs." *POWER*.

<https://www.powermag.com/from-the-manhattan-project-to-fusion-the-history-of-does-national-labs/>.

Lavelle, Marianne. 2025. "Trump's Order to Keep Michigan Coal Plant Running Has Cost \$80 Million So Far." *Inside Climate News*, October 31, 2025.
<https://insideclimatenews.org/news/31102025/michigan-campbell-coal-plant-operation-has-cost-80-million/>.

Lawson, [First name not provided]. 2025. "Federal Power Act: The Department of Energy's Emergency Authority." Congressional Research Service.
https://www.congress.gov/crs_external_products/R/PDF/R48568/R48568.4.pdf.

LII / Legal Information Institute. n.d.a. "10 CFR § 205.371 – Definition of Emergency." Cornell Law School. <https://www.law.cornell.edu/cfr/text/10/205.371>.

———. n.d.b. "16 U.S. Code § 824a – Interconnection and Coordination of Facilities; Emergencies; Transmission to Foreign Countries." Cornell Law School.
<https://www.law.cornell.edu/uscode/text/16/824a>.

Marker, Andy. 2018. "NERC: The Key to North America's Electrical Infrastructure." *Smartsheet*.
<https://www.smartsheet.com/nerc-cip-standards-compliance>.

Massachusetts Emergency Management Agency. n.d. "Power Outage Safety Tips." Commonwealth of Massachusetts. <https://www.mass.gov/info-details/power-outage-safety-tips>.

Michigan Attorney General Office. 2025. *Request for Rehearing by Michigan Attorney General Dana Nessel*. U.S. Department of Energy, June 2025.
<https://www.energy.gov/sites/default/files/2025-07/Michigan%20AG%20Request%20for%20Rehearing%20of%20Order%20No.%20202-25-3.pdf>.

Money (magazine). 2023. "What Is the Law of Supply and Demand?" February 10, 2023.
<https://money.com/what-is-the-law-of-supply-and-demand/>.

Murphy, Ted J., and Frederick R. Eames. 2025. "President Trump Issues Executive Order on 'Strengthening the Reliability and Security of the United States Electric Grid.'" *Hunton*.
<https://www.hunton.com/the-nickel-report/president-trump-issues-executive-order-on-strengthening-the-reliability-and-security-of-the-united-states-electric-grid>.

Neal, Sean, Andrea Sarmentero Garzon, and Paige Punzalan. 2026. "DOE Issues Emergency Orders to Keep Generation Units Operational Citing Electric Supply Shortages." DW Griffith & Partners.
<https://dwgp.com/firm-announcements/doe-issues-emergency-orders-to-keep-generation-units-operational-citing-electric-supply-shortages>.

Next Kraftwerke. n.d. "Merit Order: How Ancillary Services Get Their Price." Next Kraftwerke.
<https://www.next-kraftwerke.com/knowledge/what-does-merit-order-mean>.

Nilsen, Ella. 2025. "The Trump Administration Just Ordered Another Retiring Coal Plant to Stay Open. It Could Cost Ratepayers Millions." *CNN*, December 31, 2025.
<https://www.cnn.com/2025/12/31/climate/coal-power-electricity-trump-colorado>.

Office of the Federal Register, National Archives and Records Administration, and U.S. Government Publishing Office. 2021. "Department of Energy." *The United States Government Manual*.
<https://usgovernmentmanual.gov/Agency?EntityId=VhQd5NF2+Kg=&ParentEId=+klubNxgV0o=&EType=jY3M4CTKVHY=>.

Patel, Sonny. 2024. "What Is the Difference Between FERC and NERC?" *Keentel Engineering*.
<https://keentelengineering.com/what-is-the-difference-between-ferc-and-nerc>.

PCI Energy Solutions. 2025. "Understanding Uplift Charges in Organized Electricity Markets." PCI Energy Solutions, July 31, 2025.
<https://www.pcienergysolutions.com/2025/07/31/understanding-uplift-charges-in-organized-electricity-markets/>.

PennFuture. n.d. "Pennsylvania Finally Caps Carbon Pollution From Power Plants: Now What?" PennFuture.
<https://pennfuture.org/Policy-Brief/Pennsylvania-Finally-Caps-Carbon-Pollution-From-Power-Plants-Now-What>.

PJM Interconnection. 2022. *Department of Energy Order No. 202-22-4, Additional Generation Units: Exhibit A*. Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/sites/default/files/2022-12/PJM%20202%28c%29%20Specified%20Resources%20%28Updated%2012-28-22%29.pdf>.

———. 2025a. *PJM Manual 13*. PJM.com.
<https://www.pjm.com/-/media/DotCom/documents/manuals/m13.pdf>.

———. 2025b. "PJM Statement on the U.S. Department of Energy 202(c) Order of May 30." News release.
<https://www.pjm.com/-/media/DotCom/about-pjm/newsroom/2025-releases/20250531-doe-202c-statement-to-defer-retirements-of-certain-generators.pdf>.

———. 2025c. "PJM Statement on the U.S. Department of Energy 202(c) Order of May 30." *PJM Inside Lines*.
<https://insidelines.pjm.com/pjm-statement-on-the-u-s-department-of-energy-202c-order-of-may-30/>.

PJM Data Miner 2. n.d. "Uplift Charges by Zone."
https://dataminer2.pjm.com/feed/uplift_charges_by_zone/definition.

Poore, Colton. 2025. "EPA Regulations Cut Power Sector Emissions but Miss Opportunities for Deeper Reductions." *Princeton Engineering*, March 12, 2025.
<https://engineering.princeton.edu/news/2025/03/12/epa-regulations-cut-power-sector-emissions-miss-opportunities-deeper-reductions>.

Power Magazine. 2026. "DOE Has Issued More Than 40 Section 202(c) Emergency Orders Since May 2025: Here's an Updated Log." *POWER*.
<https://www.powermag.com/doe-has-issued-more-than-40-section-202c-emergency-orders-since-may-2025-heres-an-updated-log/>.

"Power Plant Operations and Maintenance." 2024. APS Solutions.
<https://exploreaps.com/operations-and-maintenance/>.

Public Interest Organizations. 2025. *PIO Request for Rehearing of Order No. 202-25-3*. July 2025. U.S. Department of Energy.
<https://www.energy.gov/sites/default/files/2025-07/PIO%20Request%20for%20Rehearing%20of%20Order%20No.%20202-25-3.pdf>.

———. 2026. *PIO Request for Rehearing of Order No. 202-25-12 and Order No. 202-25-13*. January 2026. U.S. Department of Energy.
<https://www.energy.gov/documents/motion-intervene-and-request-rehearing-and-stay-sierra-club-citizens-action-coalition>.

ScottMadden, Inc. n.d. "Management's Guide to Coal Plant Decommissioning." ScottMadden.
<https://www.scottmadden.com/insight/managements-guide-coal-plant-decommissioning/>.

Sierra Club, NW Energy Coalition, Washington Conservation Action, Climate Solutions, Public Citizen, and Environmental Defense Fund. 2026. "Motion to Intervene, Motion for Clarification, and Request for Rehearing and Stay." Order No. 202-25-11. U.S. Department of Energy, January 2026.
<https://www.energy.gov/documents/public-interest-organizations-filing-order-no-202-25-11>.

St. John, Jeff. 2026. "Trump Admin's Must-Run Orders Put Broken-Down Coal Plants in a Bind." *Canary Media*.
<https://www.canarymedia.com/articles/fossil-fuels/trump-order-broken-coal-plant-run>.

State Power Project. 2025. "Challenges to DOE 202(c) Orders." State Power Project, July 30, 2025. <https://statepowerproject.org/challenges-to-doe-202c-orders/>.

States of Minnesota and Illinois. 2025. *Motion to Intervene and Petition for Rehearing*. U.S. Department of Energy, July 2025.
<https://www.energy.gov/sites/default/files/2025-07/Motion%20to%20Intervene%20and%20Petition%20for%20Rehearing%20by%20the%20States%20of%20Minnesota%20and%20Illinois.pdf>.

Synapse Energy Economics. 2025. *Drivers of PJM's Capacity Market Price Surge and Its Impacts on Electricity Consumers in the District of Columbia*. Office of the People's Counsel for the District of Columbia.

<https://opc-dc.gov/wp-content/uploads/2025/05/PJM-Capacity-Market-Report-FINAL-OPC-Synapse.pdf>.

SYSO Technologies. 2026. "Independent System Operators: The Role of ISOs in the U.S. Power Markets." SYSO Technologies.

<https://www.sysotechnologies.com/independent-system-operators/>.

Tri-Media Environmental & Engineering. 2017. "When Is a Power Plant Past Its Prime?" May 10, 2017. <https://trimediaee.com/blog/environmental/power-plant-past-prime/>.

Turrentine, Jeff. 2025. "Meet the Federal Energy Regulatory Commission." NRDC. <https://www.nrdc.org/stories/meet-federal-energy-regulatory-commission#fallout>.

Utility Dive. 2026. "13 DOE Emergency Orders Have Cost Americans \$235M, Sierra Club Says." *Utility Dive*.

<https://www.utilitydive.com/news/doe-202c-cost-235m-coal-sierra-club/815045/>.

Utility Dive. 2026. "TransAlta Seeks \$19.9M for Centralia Plant's First DOE 'Emergency' Order." *Utility Dive*.

<https://www.utilitydive.com/news/transalta-centralia-doe-emergency-order-ferc/819043/>.

U.S. Department of Energy. n.d. "Chris Wright." <https://www.energy.gov/person/chris-wright>.

———. n.d. "DOE's Use of Federal Power Act Emergency Authority." Office of Cybersecurity, Energy Security, and Emergency Response (CESER).

<https://www.energy.gov/ceser/does-use-federal-power-act-emergency-authority>.

———. n.d. "Energy Emergency." DOE Directives.

https://www.directives.doe.gov/terms_definitions/energy-emergency.

———. n.d. "Federal Power Act Section 202(c): Culley Order No. 202-25-13." CESER.

<https://www.energy.gov/ceser/federal-power-act-section-202c-culley-order-no-202-25-13>.

———. n.d. "Federal Power Act Section 202(c): Midcontinent Independent System Operator (MISO)." CESER.

<https://www.energy.gov/ceser/federal-power-act-section-202c-midcontinent-independent-system-operator-miso>.

———. n.d. "Federal Power Act Section 202(c): PJM Interconnection." CESER.

<https://www.energy.gov/ceser/federal-power-act-section-202c-pjm-interconnection>.

———. 2005a. *Federal Power Act 202(c) Emergency Order 202-05-1: September 28, 2005* (CenterPoint Energy). Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/documents/202c-order-202-05-1-september-28-2005-centerpoint-energy.pdf>.

———. 2005b. *Federal Power Act 202(c) Emergency Order 202-05-2: September 30, 2005* (TXU Electric). Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/documents/202c-order-202-05-2-september-30-2005-txu-electricpdf>.

———. 2005c. *Federal Power Act 202(c) Emergency Order 202-05-3: December 20, 2005* (Mirant Corporation). Washington, DC: U.S. Department of Energy.

———. 2008. *Federal Power Act 202(c) Emergency Order 202-08-1: September 14, 2008* (CenterPoint Energy). Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/sites/prod/files/202%28c%29%20order%20202-08-1%20September%2014%2C%202008%20-%20CenterPoint%20Energy.pdf>.

———. 2017. *Federal Power Act 202(c) Emergency Order 202-17-2: June 16, 2017*. Washington, DC: U.S. Department of Energy.
https://www.energy.gov/sites/prod/files/2017/08/f35/Order%20Number%20202-17-2_0_0.pdf.

———. 2019. *Report on Yorktown Units 1 & 2 Operations Pursuant to Order No. 202-18-6*. Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/documents/doe-report-feb-26-march-8-2019pdf-0>.

———. 2020. *Federal Power Act 202(c) Emergency Order 202-20-1: August 27, 2020*. Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/sites/prod/files/2020/08/f77/EXEC-2020-003381%20-%20Order%20202-20-1%20Signed%20by%20Secretary%20Brouillette%20dtd%2082....pdf>.

———. 2021a. *Federal Power Act 202(c) Emergency Order 202-21-1: February 14, 2021* (ERCOT). Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/documents/doe-202c-emergency-order-ercot-02142021pdf>.

———. 2021b. *DOE Order 202-21-1 Resource List* (ERCOT). Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/documents/doe-202c-emergency-order-resource-list-ercot-02142021pdf>.

———. 2021c. *ERCOT March 1 Compliance Report in DOE Order 202-21-1*. Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/documents/ercot-compliance-report-filed-march-31-2021>.

———. 2023. *Federal Power Act 202(c) Emergency Order 202-23-1: September 7, 2023* (ERCOT). Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/sites/default/files/2023-09/ERCOT%20202%28c%29%20Order.pdf>.

———. 2025a. "2025 DOE 202(c) Orders." CESER.
<https://www.energy.gov/ceser/2025-doe-202c-orders>.

———. 2025b. *Federal Power Act 202(c) Emergency Order 202-25-3: May 23, 2025* (Midcontinent Independent System Operator). Washington, DC: U.S. Department of Energy.
https://www.energy.gov/sites/default/files/2025-05/Midcontinent%20Independent%20System%20Operator%20%28MISO%29%20202%28c%29%20Order_1.pdf.

———. 2025c. *Emergency Order to Midcontinent Independent System Operator (MISO), DOE Order No. 202-25-7*. August 20, 2025.
https://www.energy.gov/sites/default/files/2025-05/Midcontinent%20Independent%20System%20Operator%20%28MISO%29%20202%28c%29%20Order_1.pdf.

———. 2025d. *Order No. 202-25-4* (PJM Interconnection). Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/sites/default/files/2025-05/Federal%20Power%20Act%20Section%202%28c%29%20PJM%20Interconnection.pdf>.

———. 2025e. *Federal Power Act 202(c) Emergency Order 202-25-12: December 16, 2025* (Schahfer). Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/documents/order-number-202-25-12-schahfer>.

———. 2025f. *Order No. 202-25-13* (Culley Generating Station). Washington, DC: U.S. Department of Energy. <https://www.energy.gov/documents/order-number-202-25-13-culley>.

———. 2025g. *Federal Power Act Section 202(c): Craig Order No. 202-25-14*. December 30, 2025. <https://www.energy.gov/ceser/federal-power-act-section-202c-craig-order-no-202-25-14>.

———. 2025h. *PIO Request for Rehearing of Order No. 202-25-3*. July 2025.
<https://www.energy.gov/sites/default/files/2025-07/PIO%20Request%20for%20Rehearing%20of%20Order%20No.%20202-25-3.pdf>.

———. 2026a. "2026 DOE 202(c) Orders." CESER.
<https://www.energy.gov/ceser/2026-doe-202c-orders>.

———. 2026b. *Federal Power Act 202(c) Emergency Order 202-25-1C: February 10, 2026* (Puerto Rico Generation). Washington, DC: U.S. Department of Energy.
<https://www.energy.gov/documents/puerto-rico-generation-202c-order-no-202-25-1c>.

———. 2026c. *Federal Power Act 202(c) Emergency Order 202-26-13: January 31, 2026* (Florida Municipal Power Agency). Washington, DC: U.S. Department of Energy. <https://www.energy.gov/documents/doe-202c-order-no-202-26-13-florida-municipal-power-agency-fmpa>.

———. 2026d. *Federal Power Act 202(c) Emergency Order 202-26-17: February 23, 2026* (Eddystone). Washington, DC: U.S. Department of Energy. <https://www.energy.gov/documents/eddystone-202c-order-no-202-26-17>.

———. 2026e. *DOE Order No. 202-26-20 (Culley Generating Station Unit 2)*. March 23, 2026. <https://www.energy.gov/documents/doe-order-no-202-26-20-culley>.

———. 2026f. *Order No. 202-26-18 (Centralia)*. March 16, 2026. <https://www.energy.gov/documents/centralia-order-no-202-26-18>.

———. 2026g. *Public Interest Organizations' Request for Rehearing of Order No. 202-25-9*. U.S. Department of Energy. <https://www.energy.gov/documents/public-interest-organizations-request-rehearing-order-202-25-9>.

U.S. Department of Energy, Office of Electricity. n.d. *Federal Power Act Section 202(c): Craig Order No. 202-25-14*. Washington, DC: U.S. Department of Energy. <https://www.energy.gov/documents/federal-power-act-section-202c-craig-order-no-202-25-14>.

U.S. Department of Energy, Office of Cybersecurity, Energy Security, and Emergency Response. 2026. "Legislative Search Results." Congress.gov. <https://www.congress.gov/search>.

Vann, Adam. 2020. *The Legal Framework of the Federal Power Act*. CRS In Focus IF11411. Washington, DC: Congressional Research Service, January 22, 2020. <https://www.congress.gov/crs-product/IF11411>.

Wagler, Tony. 2025. "Beyond the Headlines: What DOE's FERC Directive Really Means for Your Project." *Paces*. <https://www.paces.com/post/beyond-the-headlines-what-does-ferc-directive-really-means-for-your-project>.

Wannier, Greg. 2026. *Unpacking the Cost of 202(c) Orders: Facility-Specific Cost Estimates and Methodological Approach*. Sierra Club. <https://www.sierraclub.org/sites/default/files/2026-03/facility-specific-202c-cost-methodology.pdf>.

Weber, Maya, and George Weykamp. 2025. "Trump Administration Offers FERC Staff Eight Months Paid Leave to Resign." *S&P Global*, January 29, 2025.

<https://www.spglobal.com/energy/en/news-research/latest-news/natural-gas/012925-trump-administration-offers-ferc-staff-eight-months-paid-leave-to-resign>.

Western Resource Advocates. n.d. "Why a False 'Energy Emergency' Forcing Coal Plants to Keep Running Hurts Us All." Western Resource Advocates.
<https://westernresourceadvocates.org/blog/a-false-energy-emergency-is-forcing-coal-plants-open/>.

Wikipedia. 2026. "January 23–27, 2026 North American Winter Storm." Last modified 2026.
https://en.wikipedia.org/wiki/January_23%E2%80%9327,_2026_North_American_winter_storm

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