

**MC Legal Report**  
**Summary of Significant Filings, Legal Activity**  
**and**  
**Federal Energy Regulatory Commission (Commission) and Court Orders**  
**(Jan. 14, 2026 – Feb. 8, 2026)**

**ORDERS**

**On February 5, 2026**, the Department of Energy issued an order granting NRG Energy, Inc.'s ("NRG") January 30, 2026 Request for Rehearing to clarify all Winter Storm Fern emergency orders (including the PJM-specific orders, Order Nos. 202-26-2, 202-26-6, 202-26-2A, and 202-26-6A). Specifically, the order provides that, under section 202(c)(3) of the Federal Power Act, and for the period when the Emergency Orders were in force, the emissions from, hours of operation of, and fuel burned by Specified Units identified pursuant to the orders will not be counted towards environmental permit conditions or regulations that limit their emissions, hours of operation, or fuel burned during a specified period, usually on a 12-month rolling average.

**On February 2, 2026**, in Docket No. EL25-72-000, the Commission issued an order denying the complaint by Theresa and Alfred Ghiorzi against PJM claiming that PJM violated its Tariff, manuals specific to the Regional Transmission Expansion Project (RTEP) process, and FERC Order No. 1000 regarding cost allocation principles when it approved a scope change of an RTEP project, a portion of which was initially awarded to NextEra Energy Transmission MidAtlantic, Inc. and was reassigned to three incumbent Transmission Owners.

**On January 29, 2026**, in DOE Order Nos. 202-26-02A and 202-26-06A, the Department of Energy granted PJM's request to extend Winter Storm Fern Emergency Order Nos. 202-26-02 and 202-26-06 through 11:59 P.M. EST on February 2, 2026.

**On January 29, 2026**, in Docket No. ER26-403-001, the Commission issued a letter order accepting PJM's request that the effective date for PJM's filing on October 31, 2025 in Docket No. ER26-403-000 (October 31 Filing) be revised to January 30, 2026. In the October 31 Filing, PJM submitted changes to Tariff, Part VIII, to establish Replacement Generation Interconnection Service as a separate serial interconnection process for the efficient and timely transfer of Capacity Interconnection Rights from deactivating generation resources to new replacement resources. The effective date will be January 30, 2026.

**On January 26, 2026**, in Order No. 202-26-06, the Secretary of Energy granted PJM's request for an order pursuant to Federal Power Act, section 202(c) authorizing PJM, in collaboration with its Transmission Owners, to direct backup generation resources at data centers, and at other large load industrial and commercial customer sites, to operate as a last resort before declaring an Energy Emergency Alert (EEA) 3 or during an EEA 3. The order is effective as of issuance and expires at 11:59 PM EST on January 31, 2026.

**On January 25, 2026**, in Order No. 202-26-02, the Department of Energy issued to PJM an emergency order pursuant to section 202(c) of the Federal Power Act, in response to PJM's January 24 application for relief. The order allows PJM to run all electric generating units located within the PJM Region and to operate up to their maximum generation output levels, notwithstanding air quality or other permit limitations

or fuel shortages during the pendency of this emergency. This order is immediately effective and continues in force until 11:59 p.m. EST on January 31, 2026.

**On January 21, 2026**, in Docket No. ER26-455-000, the Commission issued an order accepting revisions to the PJM Tariff to update certain Reliability Pricing Model auction parameters resulting from the periodic review required by the Tariff to occur no later than every four years. The effective for the Periodic Review proposal will be January 23, 2026.

## **FILINGS**

**On February 5, 2026**, in Docket No. ER23-2964-001, PJM on behalf of the PJM Transmission Owners submitted a ministerial clean-up filing for the previously accepted amendments to Section 4.11 of the Consolidated Transmission Owners Agreement (CTOA) and related definitions. The CTOA revisions are to be effective as of March 4, 2026.

**On February 5, 2026**, in Docket No. ER22-2359-005, PJM submitted a ministerial clean-up filing for the previously accepted amendments to the Tariff, including the new Attachment W, and Operating Agreement. The revisions are to be effective as of March 4, 2026.

**On February 4, 2026**, in Docket No. ER26-899-000, PJM submitted a motion for leave to answer and answer to the protest filed jointly by the Long Island Power Authority and Neptune Regional Transmission System, LLC related to PJM's annual update to cost responsibility assignments for projects included in the PJM Regional Transmission Expansion Plan.

**On February 4, 2026**, in Docket No. EL26-7-000, PJM filed an answer to RWE Clean Energy, LLC's (RWE) January 21, 2026, Motion for Expedited Action. PJM asks the Commission to summarily reject RWE's October 27, 2025 complaint, for the reasons specified in PJM's November 17, 2025 answer to the Complaint, and further detailed in PJM's December 9, 2025 response to RWE's December 2, 2025 Motion for Leave to Answer and Answer.

**On February 3, 2026**, PJM submitted a report pursuant to Ordering Paragraph B of Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) and Ordering Paragraph B of Department of Energy, Order 202-26-2A (Jan. 29, 2026), which require PJM to "provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order." This is version 8 of the report and it covers the February 2 operating day.

**On February 2, 2026**, in Docket No. ER22-2359-000, PJM submitted its informational filing to provide a precise effective date of March 4, 2026 for its February 28, 2025 Order No. 881 and 881-A filing as accepted by the Commission's March 31, 2025 order.

**On February 2, 2026**, pursuant to Ordering Paragraph D in Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) (the Winter Storm Fern 202(c) Order) and Ordering Paragraph D in Department of Energy, Order No. 202-26-2A (Jan. 29, 2026), PJM submitted an updated Exhibit A – Specified Resources (February 2, 2026; version 11) relating to PJM's Request for Emergency Order Under Federal Power Act, Section 202(c). This updated Exhibit A reflects additional generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit.

Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

**On February 2, 2026**, PJM submitted a report pursuant to Ordering Paragraph B of Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) and Ordering Paragraph B of Department of Energy, Order 202-26-2A (Jan. 29, 2026), which require PJM to “provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order.” This is version 7 of the report and it covers the February 1 operating day.

**On February 1, 2026**, PJM submitted a report pursuant to Ordering Paragraph B of Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) and Ordering Paragraph B of Department of Energy, Order 202-26-2A (Jan. 29, 2026), which require PJM to “provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order.” This is version 6 of the report and it covers the January 31 operating day.

**On February 1, 2026**, pursuant to Ordering Paragraph D in Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) (the Winter Storm Fern 202(c) Order) and Ordering Paragraph D in Department of Energy, Order No. 202-26-2A (Jan. 29, 2026), PJM submitted an updated Exhibit A – Specified Resources (February 1, 2026; version 10) relating to PJM’s Request for Emergency Order Under Federal Power Act, Section 202(c). This updated Exhibit A reflects additional generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

**On January 31, 2026**, pursuant to Ordering Paragraph D in Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) (the Winter Storm Fern 202(c) Order) and Ordering Paragraph D in Department of Energy, Order No. 202-26-2A (Jan. 29, 2026), PJM submitted an updated Exhibit A – Specified Resources (January 31, 2026; version 9) relating to PJM’s Request for Emergency Order Under Federal Power Act, Section 202(c). This updated Exhibit A reflects additional generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

**On January 31, 2026**, PJM submitted a report pursuant to Ordering Paragraph B of Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) and Ordering Paragraph B of Department of Energy, Order 202-26-2A (Jan. 29, 2026), which require PJM to “provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order.” This is version 5 of the report and it covers the January 30 operating day.

**On January 30, 2026**, pursuant to Ordering Paragraph D in Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) (the Winter Storm Fern 202(c) Order), PJM submitted an updated Exhibit A – Specified Resources (January 30, 2026; version 8) relating to PJM’s Request for Emergency Order Under Federal Power Act, Section 202(c). This updated Exhibit A reflects additional generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

**On January 30, 2026**, PJM submitted a compliance report in accordance with Ordering Paragraph B of the Secretary of Energy of the Department of Energy's Order No. 202-25-10, issued November 26, 2025. The compliance report relates to the operations of Eddystone Unit 3 and Eddystone Unit 4 on January 29, 2026.

**On January 30, 2026**, in Docket No. ER26-1020-000, PJM filed a protest to SunEnergy1, LLC and SE1 Devco, LLC's (SE1) (on behalf of their affiliates Murphy Solar, LLC and Bells Solar, LLC) January 9th Waiver Request. The protest highlights that SE1 does not meet the Commission's standards for waiver, as it would cause harm to third parties, is not of limited scope, and does not resolve a concrete problem.

**On January 30, 2026**, in Docket No. ER13-198-000, PJM submitted for filing consistent with the PJM Operating Agreement, Schedule 6, section 1.5.8(m)(1), the 2026 informational report that includes: (i) Appendix A - a list of Immediate-need Reliability Projects approved by the PJM Board of Managers in 2025 for which an existing incumbent transmission owner was selected as the designated entity; and (ii) Appendix B - a status update listing the Immediate-need Reliability Projects included in the 2025 informational report filed in this docket.

**On January 29, 2026**, PJM submitted to the Department of Energy ("DOE") a request to extend DOE Order Nos. 202-26-2 and 202-26-6 (the "Winter Storm Fern Emergency Orders") through 11:59 p.m. EST on February 2, 2026.

**On January 29, 2026**, pursuant to Ordering Paragraph D in Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) (the Winter Storm Fern 202(c) Order), PJM submitted an updated Exhibit A – Specified Resources (January 29, 2026; version 7) relating to PJM's Request for Emergency Order Under Federal Power Act, Section 202(c). This updated Exhibit A reflects additional generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

**On January 29, 2026**, PJM submitted a report pursuant to Ordering Paragraph B of Department of Energy, Order No. 202-26-2 (Jan. 25, 2026), which requires PJM to "provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order." This is version 3 of the report and it covers the January 28 operating day.

**On January 29, 2026**, PJM submitted a compliance report in accordance with Ordering Paragraph B of the Secretary of Energy of the Department of Energy's Order No. 202-25-10, issued November 26, 2025. The compliance report relates to the operations of Eddystone Unit 3 and Eddystone Unit 4 on January 28, 2026.

**On January 29, 2026**, in Docket No. ER26-987-000, PJM submitted comments in response to the request for waiver and expedited action of Dairyland Power Cooperative and Elwood Energy, LLC, seeking waiver of the PJM Tariff provision establishing the deadline for seeking a must-offer exception for the Third Incremental Auction associated with the 2026/2027 Delivery Year.

**On January 28, 2026**, in Docket No. EL26-39-000, PJM responded to the Complaint filed by Gaston Green Acres Solar, LLC and Bethel NC Hwy 11 Solar, LLC arguing that PJM's Tariff is unjust and unreasonable and seeking the return of the Readiness Deposits for their projects withdrawn from Transition Cycle No. 1.

PJM's answer asks the Commission to reject the Complaint as it does not meet the burden of proof for complaints under the Federal Power Act and seeks unduly discriminatory relief.

**On January 28, 2026**, PJM submitted a report pursuant to Ordering Paragraph B of Department of Energy, Order No. 202-26-2 (Jan. 25, 2026), which requires PJM to "provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order." This is version 2 of the report and it covers the January 27 operating day.

**On January 28, 2026**, PJM submitted a compliance report in accordance with Ordering Paragraph B of the Secretary of Energy of the Department of Energy's Order No. 202-25-10, issued November 26, 2025. The compliance report relates to the operations of Eddystone Unit 3 and Eddystone Unit 4 on January 27, 2026.

**On January 28, 2026**, pursuant to Ordering Paragraph D in Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) (the Winter Storm Fern 202(c) Order), PJM submitted an updated Exhibit A – Specified Resources (January 28, 2026; version 6) relating to PJM's Request for Emergency Order Under Federal Power Act, Section 202(c). This updated Exhibit A reflects additional generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

**On January 28, 2026**, in Docket No. ER26-1151-000, Duke Energy Ohio, Inc. and Duke Energy Kentucky, Inc. (together, DEOK) submitted modifications to PJM Tariff, Attachment H-22A to certain components of DEOK's filed transmission formula rate to: (1) revise the depreciation rates that are used in DEOK's Formula Rate and included in Appendix D of the Formula Rate; (2) make changes due to adoption of FERC Order 898, Accounting and Reporting of Certain Renewable Energy Assets; and (3) make other changes needed for correct operation of the Formula Rate, including an adjustment to the common depreciation expense allocator and ministerial changes. DEOK requested that the revisions to Tariff, Attachment H-22A become effective as of March 30, 2026.

**On January 27, 2026**, PJM submitted a compliance report in accordance with Ordering Paragraph B of the Secretary of Energy of the Department of Energy's Order No. 202-25-10, issued November 26, 2025. The compliance report relates to the operations of Eddystone Unit 3 and Eddystone Unit 4 on January 26, 2026.

**On January 27, 2026**, PJM submitted a report pursuant to Ordering Paragraph B of Department of Energy, Order No. 202-26-2 (Jan. 25, 2026), which requires PJM to "provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order." This is version 1 of the report and it covers the January 26 operating day.

**On January 27, 2026**, in Docket No. ER26-846-000, PJM submitted a motion for leave to answer and answer to the comments of the Independent Market Monitor on PJM's Revisions to the Tariff and Operating Agreement to Permit Net Energy Metered Resources to participate in the regulation market with injections.

**On January 27, 2026**, pursuant to Ordering Paragraph D in Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) (the Winter Storm Fern 202(c) Order), PJM submitted an updated Exhibit A – Specified Resources (January 27, 2026; version 5) relating to PJM's Request for Emergency Order Under Federal

Power Act, Section 202(c). This updated Exhibit A reflects additional generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

**On January 26, 2026**, pursuant to Ordering Paragraph D in Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) (the Winter Storm Fern 202(c) Order), PJM submitted an updated Exhibit A – Specified Resources (January 26, 2026; version 4) relating to PJM’s Request for Emergency Order Under Federal Power Act, Section 202(c). This updated Exhibit A reflects additional generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

**On January 26, 2026**, pursuant to Ordering Paragraph D in Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) (the Winter Storm Fern 202(c) Order), PJM submitted an updated Exhibit A – Specified Resources (January 26, 2026; version 3) relating to PJM’s Request for Emergency Order Under Federal Power Act, Section 202(c). This updated Exhibit A reflects additional generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

**On January 26, 2026**, PJM submitted to the Department of Energy a request for an order pursuant to Federal Power Act, section 202(c) authorizing PJM in collaboration with its Transmission Owners to direct the deployment of customer-owned backup generation facilities if needed to avoid or mitigate an Energy Emergency Alert (“EEA”) level 3 during the current extreme winter weather event designated Winter Storm Fern. PJM requests that an order issue as soon as possible today, January 26, 2026, and remain effective through 11:59 p.m. Eastern Standard Time on January 31, 2026.

**On January 25, 2026**, pursuant to Ordering Paragraph D in Department of Energy, Order No. 202-26-2 (Jan. 25, 2026) (the Winter Storm Fern 202(c) Order), PJM submitted an updated Exhibit A – Specified Resources (January 25, 2026; version 2) relating to PJM’s Request for Emergency Order Under Federal Power Act, Section 202(c). This updated Exhibit A reflects additional generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

**On January 24, 2026**, PJM submitted to the Department of Energy (DOE) a request for a finding that an electric reliability emergency exists within the PJM Region that requires intervention by the Secretary, in the form of a Section 202(c) emergency order, to preserve the reliability of the bulk electric power system. PJM respectfully requested that the Secretary issue an order as soon as possible, and preferably sufficiently in advance of 10:00 a.m. on January 25, 2026, and no later than sufficiently before 10:00 a.m. on January 26, 2026, that broadly authorizes all electric generating units located within the PJM Region to operate up to their maximum generation output levels, notwithstanding air quality or other permit limitations or fuel shortages during the pendency of this emergency. Granting the relief on this timeline will help PJM bring this generation online sufficiently before the Monday, January 26 evening peak and the onset of extreme cold weather forecasted to result in an all-time winter peak. PJM further requested that the order remain

effective through the anticipated duration of the emergency, which is presently anticipated to end at or around 23:59 on January 31, 2026.

**On January 23, 2026**, in Docket No. ER26-1118-000, PJM submitted for filing proposed revisions to the PJM Operating Agreement, Schedule 12, and the RAA, Schedule 17, to reflect new members, removals or withdrawals, current signatories to the RAA, and corporate name changes through December 31, 2025. PJM requested the revisions be effective as of December 31, 2025.

**On January 22, 2026**, the Secretary of Energy issued a letter to Reliability Coordinators and Balancing Authorities, including PJM, which includes, in pertinent part, that the Secretary has “directed the Department to prepare to issue orders, pursuant to my statutory authority under section 202(c) of the Federal Power Act, which will ensure that the tens of gigawatts of available backup generation, which would otherwise stand idle, is available during emergency conditions. When Reliability Coordinators and/or Balancing Authorities notify us, even merely by phone call, that there is an expected emergency warranting the issuance of a 202(c) order, I will review the facts and, if appropriate, authorize the Reliability Coordinators and Balancing Authorities to direct backup generation facilities to run as a last resort before declaring an Energy Emergency Alert (EEA) 3, thereby avoiding potential blackouts.”

**On January 22, 2026**, in Docket No. ER26-1099-000, PJM submitted a ministerial clean-up filing to ensure that the eTariff records correctly reflect the language in the PJM Tariff and Operating Agreement that was accepted by the Commission in various dockets with various effective dates.

**On January 20, 2026**, in Docket No. ER96-1-044, the ISO/RTO Council, which includes PJM, submitted comments in support of the notice of proposed rulemaking proposal to amend the Commission’s regulations to incorporate by reference changes to the latest version (Version 4.0) of Standards for Business Practices of Interstate Natural Gas Pipelines adopted by the Wholesale Gas Quadrant of the North American Energy Standards Board.

**On January 20, 2026**, in Docket No. EL25-49-000 and -001, PJM submitted an informational report on the status of the proposals considered in the Critical Issue Fast Path – Large Load Additions stakeholder process. PJM submitted this report in response to the Commission’s directives in its December 18, 2025 Order in these dockets at paragraphs 237-239 and ordering paragraph (G).

**On January 20, 2026**, in Docket No. ER26-1088-000, PJM filed the Tariff revisions required in Ordering Paragraph (A) of the Commission's December 18, 2025, Order on Show Cause Proceeding in Docket Nos. EL25-49-000, EL25-49-001, AD24-11-000, and EL25-20-000 (consolidated).