

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

TRI-STATE GENERATION AND  
TRANSMISSION ASSOCIATION, INC.,  
and PLATTE RIVER POWER  
AUTHORITY

Petitioners,

v.

UNITED STATES DEPARTMENT OF  
ENERGY, and CHRIS WRIGHT,  
Secretary, UNITED STATES  
DEPARTMENT OF ENERGY,

Respondents.

Case No. 26-1101

**PETITION FOR REVIEW**

Pursuant to section 313(b) of the Federal Power Act, 16 U.S.C. § 825l(b), Rule 15(a) of the Federal Rules of Appellate Procedure, and Circuit Rule 15 of the Rules of this Court, Tri-State Generation and Transmission Association, Inc., (“Tri-State”), and Platte River Power Authority (“Platte River”) submit this petition for review of the following orders issued by Respondents, Chris Wright, Secretary, United States Department of Energy, and the Department of Energy (“DOE” or the “Department”): Order No. 202-25-14 (Dec. 30, 2025) (the “Craig Order”); and Order

No. 202-25-14A (Mar. 2, 2026) (“Denial Notice”). A copy of the Craig Order is attached as Exhibit A to this petition. A copy of the Denial Notice is attached as Exhibit B to this petition.

The Department issued the Craig Order pursuant to section 202(c) of the Federal Power Act, 16 U.S.C. § 824a(c), a provision initially vested in the Federal Power Commission that was assigned to the Department through the Department of Energy Organization Act, 42 U.S.C. § 7151(b). As an order issued under the Federal Power Act, the Craig Order is subject to the rehearing and judicial review provisions of section 313 of the Federal Power Act, 16 U.S.C. § 825*l*. *See* 42 U.S.C. § 7192(a) (“Judicial review of agency action taken under any law the functions of which are vested by law in, or transferred or delegated to the Secretary [of Energy] . . . shall, notwithstanding such vesting, transfer, or delegation, be made in the manner specified in or for such law.”).

Petitioners timely filed a request for rehearing of the Craig Order on January 29, 2026. A copy of the request for rehearing is attached as Exhibit C to this petition. On March 2, 2026, Respondents issued the Denial Notice, which did not address the substance of Petitioners’ request for rehearing but deemed the rehearing request denied by operation of law. *See* Ex. B. Under 16 U.S.C. § 825*l*(a) and *Allegheny Def. Project v. FERC*, 964 F.3d 1, 18–19 (D.C. Cir. 2020) (en banc), Petitioners may seek immediate review of the Craig Order.

This Court has jurisdiction, and venue is proper. As the parties to whom the Craig Order is directed and as parties aggrieved by the Department's orders, Tri-State and Platte River have standing and this Petition was timely filed in this Court within sixty days of the denial of rehearing. 16 U.S.C. § 825l(b),

Petitioners respectfully request that this Court hold unlawful, vacate, and set aside the Craig Order, and grant such further relief as may be deemed just and proper.

Respectfully submitted,

/s/ Michelle S. Kallen

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*Attorneys for Platte River Power  
Authority*

April 29, 2026

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA

TRI-STATE GENERATION AND  
TRANSMISSION ASSOCIATION, INC.,  
and PLATTE RIVER POWER  
AUTHORITY

Petitioners,

v.

UNITED STATES DEPARTMENT OF  
ENERGY, and CHRIS WRIGHT,  
Secretary, UNITED STATES  
DEPARTMENT OF ENERGY,

Respondents.

Case No. \_\_\_\_\_

**RULE 26.1 DISCLOSURE STATEMENT OF TRI-STATE  
GENERATION AND TRANSMISSION ASSOCIATION, INC., AND  
PLATTE RIVER POWER AUTHORITY**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1 of this Circuit, Tri-State submits that it is a member-owned cooperative organized and existing pursuant to the Colorado Cooperative Act. COLO. REV. STAT. § 7-55-101 et seq. (2019) (Cooperatives- General); Articles of Incorporation (2020). Tri-State is wholly owned by its electric distribution cooperative and public power district members (Utility Members) and three non-Utility Members (Non-Utility Members). Tri-State has no

parent corporation and no publicly held corporation has a 10% or greater ownership interest in Tri-State.

Pursuant to Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1 of this Circuit, Platte River submits that it is a not-for-profit, municipally owned power utility and joint action agency. Platte River has no parent corporation and no publicly held corporation has a 10% or greater ownership interest in Platte River.

Respectfully submitted,

/s/ Michelle S. Kallen

Jennifer Quinn-Barabanov

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*Attorneys for Platte River Power  
Authority*

April 29, 2026

**CERTIFICATE OF SERVICE**

In accordance with Fed. R. App. P. 15(c), I, Michelle S. Kallen, hereby certify that I have on this 29th day of April, 2026, caused the foregoing Petition for Review and Corporate Disclosure Statement of Petitioners to be served via certified priority mail, return receipt requested, on:

Chris Wright  
Secretary, U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

Todd Blanche  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Jonathan Brightbill  
General Counsel  
Office of the General Counsel  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, D.C. 20585

I also caused copies to be sent via electronic mail to AskCR@hq.doe.gov and The.Secretary@hq.doe.gov.

I hereby further certify that I have served a copy of the foregoing Petition for Review and Corporate Disclosure Statement of Petitioners on all parties to the proceeding before the Department of Energy under Docket No. 202-25-14 as shown on the attached service list.

Once received from the Court, a stamped copy of this Petition will be electronically submitted to [AskCR@hq.doe.gov](mailto:AskCR@hq.doe.gov).

/s/ Michelle S. Kallen

Michelle S. Kallen

**Service List****Parties in the underlying administrative proceeding**

Tri-State Generation and Transmission Association, Inc.	jquinnbarabanov@steptoe.com mkallen@steptoe.com alanger@steptoe.com dmarcou@steptoe.com mhyams@steptoe.com
Platte River Power Authority	hammittj@prpa.org leonards@prpa.org
Salt River Project	Michael.OConnor@srpnet.com
PacifiCorp	marie.durrant@pacificorp.com
Public Service Company of Colorado	tim.t.mastrogiacomo@xcelenergy.com daniel.skees@morganlewis.com stephen.spina@morganlewis.com patrick.pennella@morganlewis.com joe.w.lowell@xcelenergy.com
Western Area Power Administration	SOCChiefComplianceOffice @wapa.gov Klinefelter@wapa.gov
Rocky Mountain Region and Southwest Power Pool West	psuskie@spp.org tkentner@spp.org cnolen@spp.org
Public Interest Organizations	rrigonan@earthjustice.org mlenoff@earthjustice.org lcoleman@earthjustice.org mhiatt@earthjustice.org jyun@earthjustice.org lperfecto@earthjustice.org matt.gerhart@sierraclub.org greg.wannier@sierraclub.org tcarbonell@edf.org tekelly@edf.org

State of Colorado	carrie.noteboom@coag.gov gabby.falcon@coag.gov jessica.lowrey@coag.gov Phalen.Kohlruss@coag.gov
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# EXHIBIT A



**Department of Energy**  
Washington, DC 20585

**Order No. 202-25-14**

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

*BACKGROUND*

Craig Station (Craig) is an electric generating facility in Craig, Colorado. Craig is operated by the Tri-State Generation and Transmission Association (Tri-State). Craig consists of three coal-fired generation units, Unit 1 (446.4 MW), Unit 2 (446.4 MW), and Unit 3 (534.8 MW), with a combined name plate capacity of 1427.6 MW.<sup>3</sup> Unit 1 and Unit 2 are co-owned by Tri-State, Platte River Power Authority, Salt River Project, PacifiCorp, and Xcel Energy (co-owners).<sup>4</sup> Unit 3 is wholly owned by Tri-State. Unit 1 and Unit 2 began operations in 1980 and 1979 respectively. Unit 3 began operations in 1984. Unit 1 is slated to cease operations in December 2025. Unit 2 and Unit 3 are slated to retire in 2028.<sup>5</sup>

*EMERGENCY SITUATION*

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

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

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<sup>1</sup> 16 U.S.C. § 824a(c).

<sup>2</sup> 42 U.S.C. § 7151(b).

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

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

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

during shoulder periods where solar availability is dropping but loads remain high.<sup>6</sup>

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

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

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

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<sup>6</sup> NERC 2024 Long-Term Reliability Assessment, at 130 (Dec. 2024, corrected Jul. 11, 2025), [https://www.nerc.com/globalassets/ourwork/assessments/2024-ltra\\_corrected\\_july\\_2025.pdf](https://www.nerc.com/globalassets/ourwork/assessments/2024-ltra_corrected_july_2025.pdf).

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

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

<sup>9</sup> *Id.*

<sup>10</sup> U.S. Energy Information Administration, *Electricity Data Browser, Net Generation for All Sectors Annually from 2019-2024, State: Colorado*, (last accessed Dec. 30, 2025), <https://www.eia.gov/electricity/data/browser/#/topic/0?agg=2,0,1&fuel=vtvp&geo=000000000g&sec=g&freq=A&start=2019&end=2024&ctype=linechart&ltype=pin&rttype=s&pin=&rse=0&mapttype=0>.

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

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

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

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

<sup>15</sup> *Id.*

of artificial intelligence data centers and increase in domestic manufacturing.”<sup>16</sup>

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

### ORDER

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

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

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

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

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

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

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

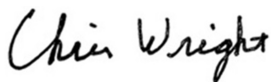
<sup>18</sup> Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. See 42 U.S.C. § 7151(b).

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

practices.

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

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



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Chris Wright  
Secretary of Energy

cc: **FERC Commissioners**

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

**Colorado Public Utilities Commission**

Chairman Eric Blank  
Commissioner Megan Gilman  
Commissioner Tom Plant

# EXHIBIT B

**UNITED STATES OF AMERICA**  
**Department of Energy**  
Washington, DC 20585

Tri-State Generation and Transmission Association,  
Platte River Power Authority, Salt River Project,  
PacifiCorp, Xcel Energy Inc., Western Area Power  
Administration - Rocky Mountain Region, and  
Southwest Power Pool Regarding Craig Station

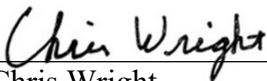
Order No. 202-25-14A

**NOTICE OF DENIAL OF REHEARING BY OPERATION OF LAW AND  
PROVIDING FOR FURTHER CONSIDERATION**

(March 2, 2026)

Rehearing has been timely requested of the Department of Energy's order issued on December 30, 2025, in the above-captioned matter.<sup>1</sup> Thirty (30) days having passed from the date on which rehearing requests were filed, the requests for rehearing are deemed denied by operation of law.<sup>2</sup>

As provided in 16 U.S.C. § 825l(a) and 16 U.S.C. § 824a(c), the requests for rehearing of the above-cited order may be addressed in a future order.<sup>3</sup>

  
Chris Wright  
Secretary of Energy

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<sup>1</sup> *Tri-State Generation and Transmission Ass'n, et al.*, Order No. 202-25-14 (2025) (regarding Craig Station).

<sup>2</sup> 16 U.S.C. § 825l(a).

<sup>3</sup> 16 U.S.C. § 825l(a) (DOE may modify or set aside its above-cited order, in whole or in part, in such manner as it shall deem proper); 16 U.S.C. § 824a(c) (DOE may issue a supplemental order).