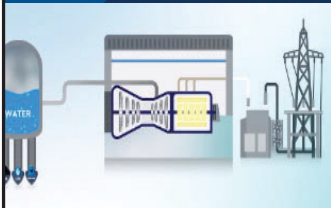


EPA's Latest Grid-Impacting Power Plant Regulations

by
Mike Nasi, Partner, Jackson Walker LLP
2023 Gas & Power Institute
Houston, Texas
October 27, 2023



PRESENTATION OUTLINE



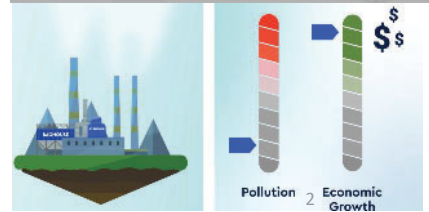
PART I
State of the Grid



PART II
EPA Power Plant Regulations



PART III
Litigation Update





Houston, we *still* have a problem.



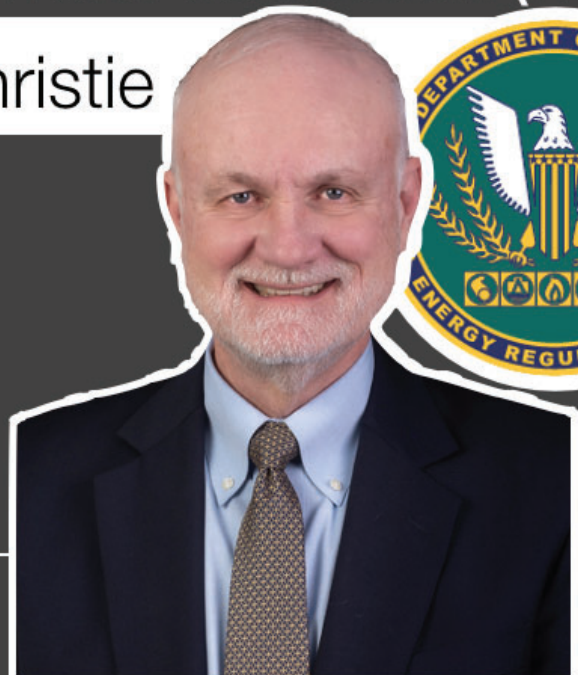
3

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Commissioner Mark Christie

"The United States is heading for a reliability crisis. I do not use the term "crisis" for melodrama, but because it is an accurate description of what we are facing. I think anyone would regard an increasing threat of system-wide, extensive power outages as a crisis."

Senate Committee Energy & Natural Resources
Oversight Hearing on FERC | May 4, 2023



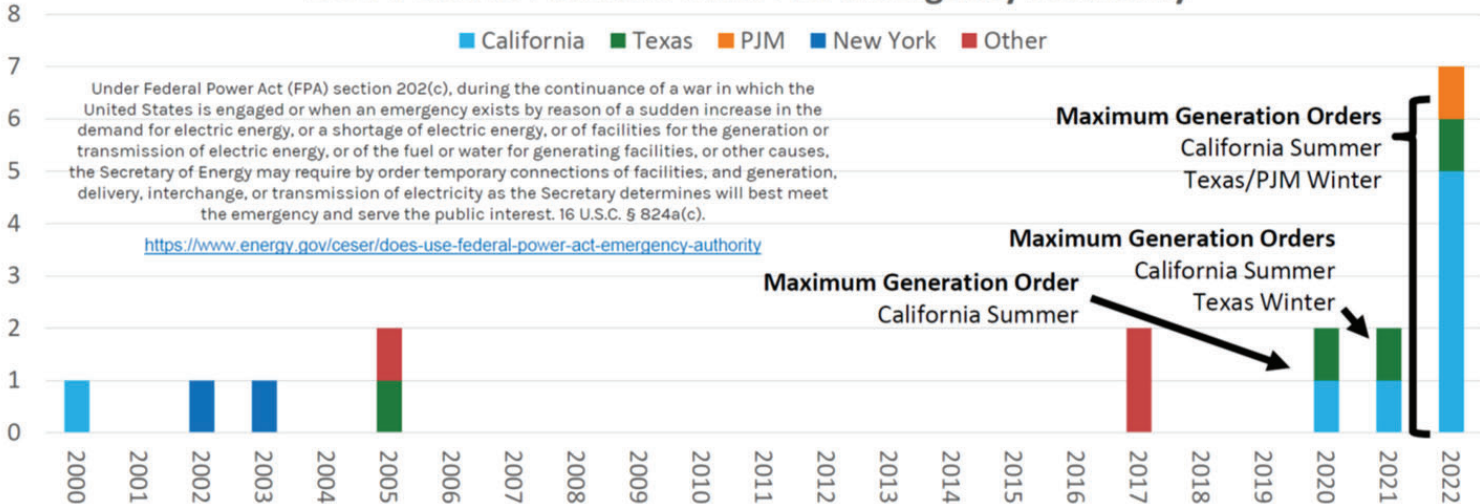
4

DOE RELIEF VALVE USE IS SKYROCKETING

Use of Federal Power Act Emergency

On Marginal Days System is Stretched to Limits

DOE's Use of Federal Power Act Emergency Authority



5

SPP Projection: Premature Coal Retirements Will Eliminate Reserve Margins

Retirement Margins (URI WWE Removed) (Load Increase 3%)



6

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"EPA's Latest Grid-Impacting Regulations"