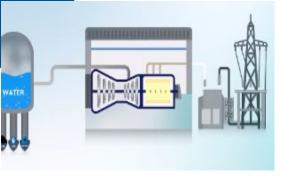




State of the Grid & How EPA Rules are Making Things Much Worse

Mike Nasi, Partner, Jackson Walker LLP **Testimony Before the Joint Energy Committee, Arkansas Legislature** Little Rock, Arkansas February 26, 2024

PRESENTATION OUTLINE

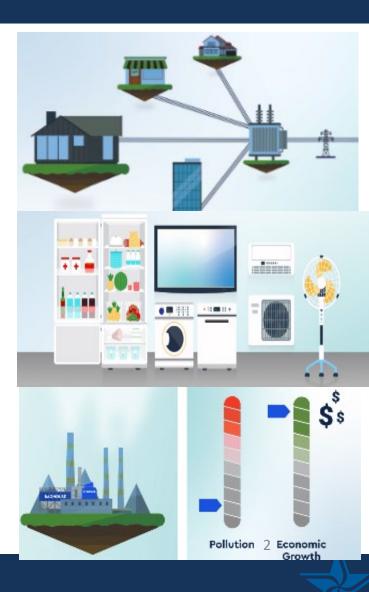


PART I State of the Grid

PART II Impact of EPA's Continued Assault

PART III Stemming the Tide

PART IV A Geopolitical Reality Check





STATE OF THE GRID

PART ONE:

Grid Outages, Especially in Winter, at All-Time High (shown in unplanned outages (MW) below)

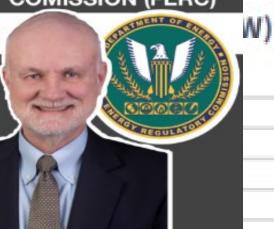
FEDERAL ENERGY REGULATORY COMISSION (FERC)

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

29,700





Hiri.

61,300

19,500 15,800 20142018 2021

Southwort Cold

Winter Energy Market and

2011

2023-2024 **Electric Reliability Assessment**

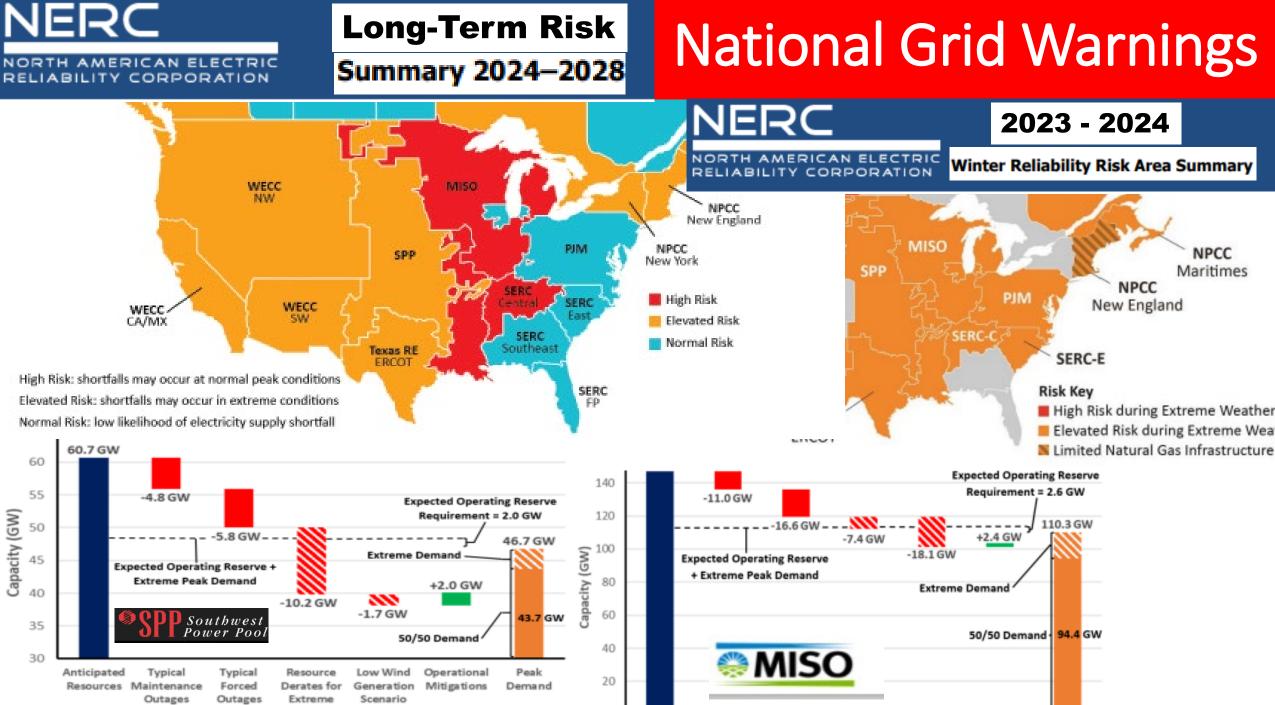
Polar Vortey

A Staff Report to the Commission

South Control



FEDERAL ENERGY REGULATORY COMMISSION Office of Energy Policy and Innovation **Office of Electric Reliability**



Conditions

A: Self-Imposed Decarbonization So, What is Going On?

Utility Decarbonization Goals Are Prematurely Retiring Coal (& some gas) Plants

However, the transition that is underway to get to a decarbonized end state is posing material, adverse

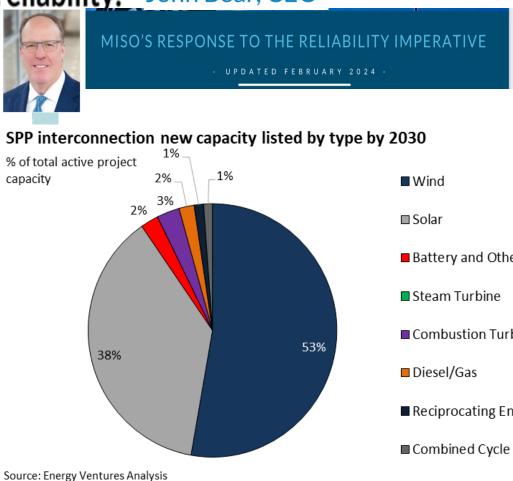
Steam Turbine

challenges to electric reliability. John Bear, CEO

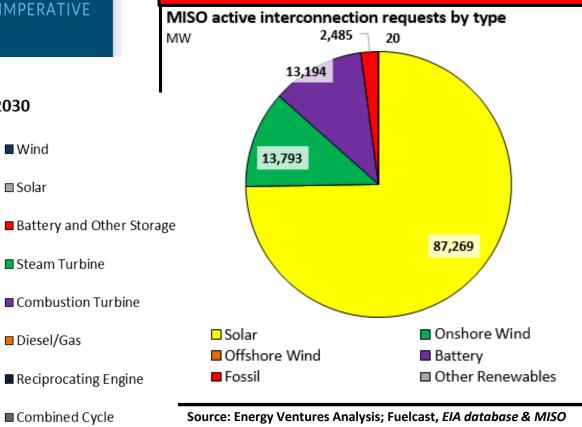
MISO Region

- Utilities with 80%+ Targets
- Utilities with 50%+ Targets
- States with Enforceable Decarbonization Goals
- States with Aspirational Decarbonization Goals

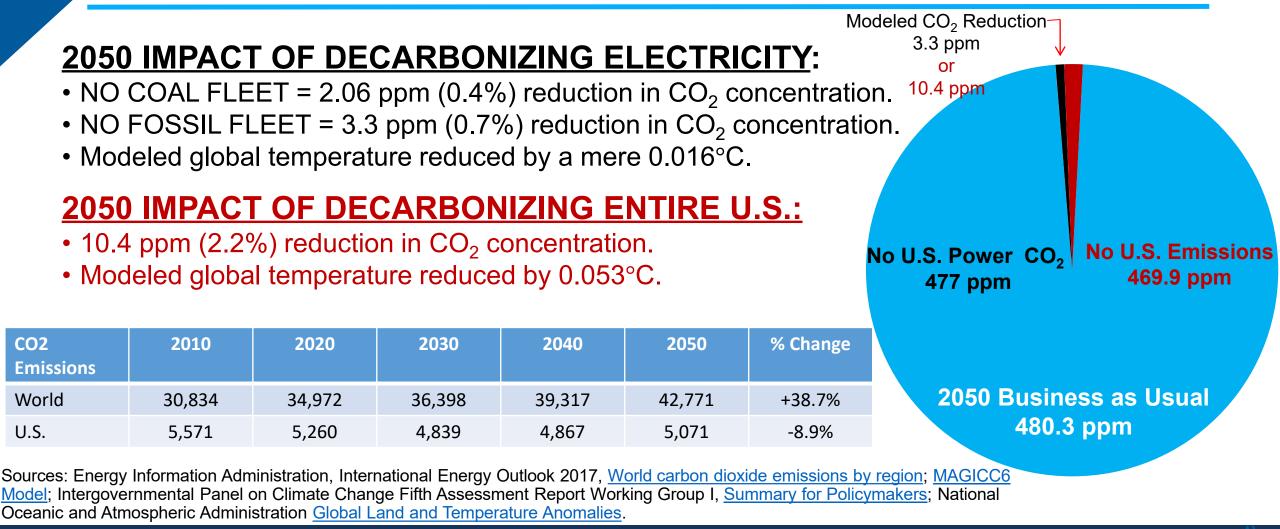




97% of new generation in MISO will be intermittent moving forward



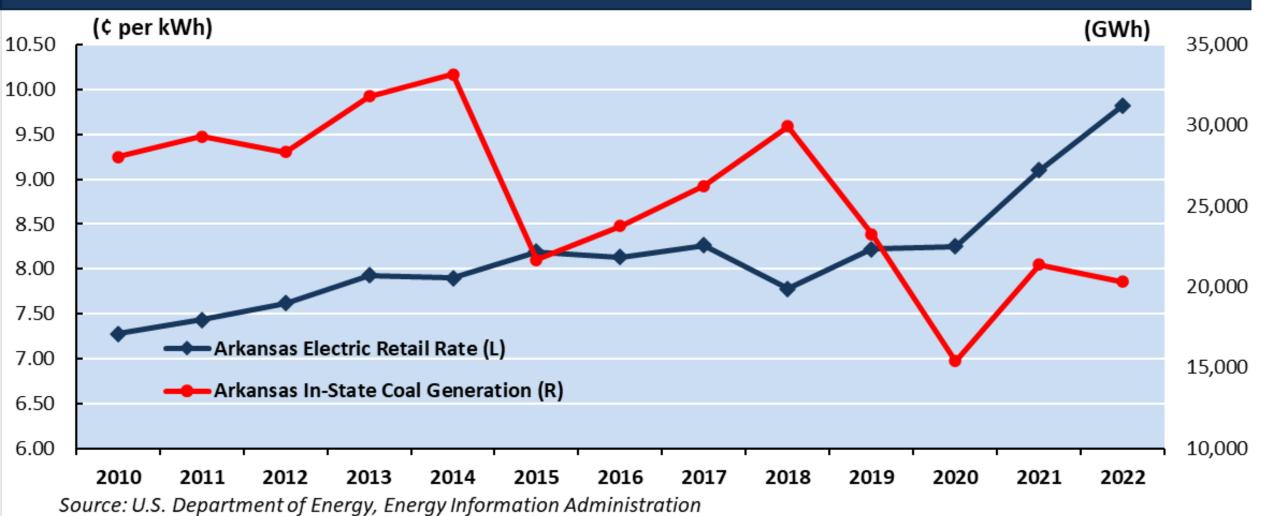
YET, U.S. DECARBONIZATION WON'T MOVE THE NEEDLE IN AN ENERGY-STARVED WORLD



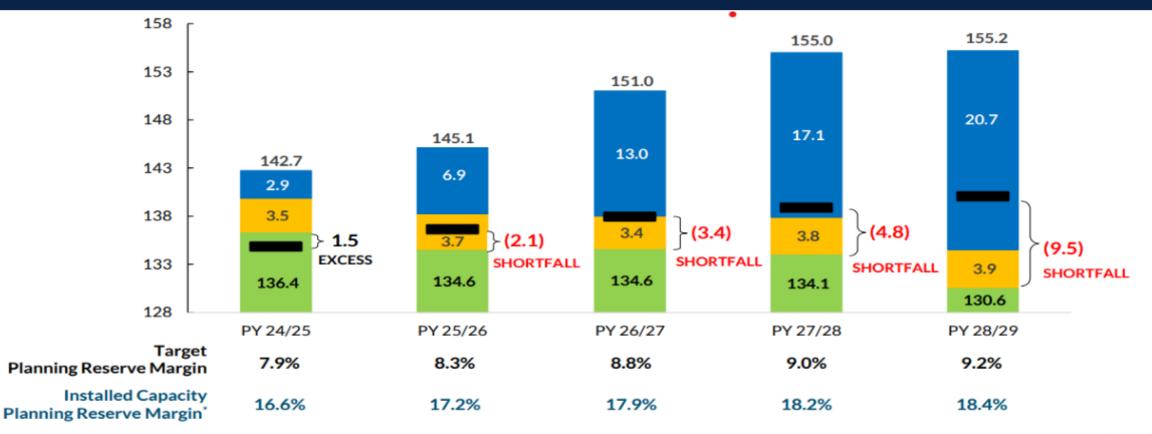
AUSTIN | DALLAS | FORT WORTH | HOUSTON | SAN ANGELO | SAN ANTONIO | TEXARKANA

This "Transition" Impacts Ratepayer Pocketbooks

ARKANSAS ELECTRIC RETAIL RATES VS. IN-STATE COAL GENERATION



NOW LET'S TALK ABOUT THE "TRANSITION" IMPACTS ON RELIABILITY & RESILIENCE - MISO



Bracketed values indicate difference between Committed Capacity and projected Planning Reserve Margin Requirement (PRMR)

Committed Capacity includes signed GIA projects shown on slide 19 of <u>OMS-MISO workshop presentation</u>

Capacity accreditation values and PRM projections based on current practices

Timing/GW of potential New Capacity projected per methodology noted in Oct 2022 RASC

· Regional Directional Transfer (RDT) limit of 1900 MW is reflected in this chart

Slide Data Source: OMS-MISO Survey Results *Planning Year 2023-2024 Loss of Load Expectation Study Report

Potential New Capacity

Committed Capacity

Projected PRMR

Potentially Unavailable Resources



SPP Projection: Even Before EPA Rules, Grid Will be in Trouble

...In my role on the SPP RSC and as the chairman of the Resource & Energy Adequacy Leadership (REAL) Team, I have seen & heard SPP Staff say that the SPP system <u>cannot afford any more retirements of dispatchable generation</u>... (5/25/23 PUCT Public Meeting)



PUCT Commissioner & REAL Chair, Will McAdams



LESSON FROM WINTER STORM URI ABOUT WEATHER & FUEL SUPPLY: COAL & NUCLEAR ESSENTIAL TO GRID RESILIENCE

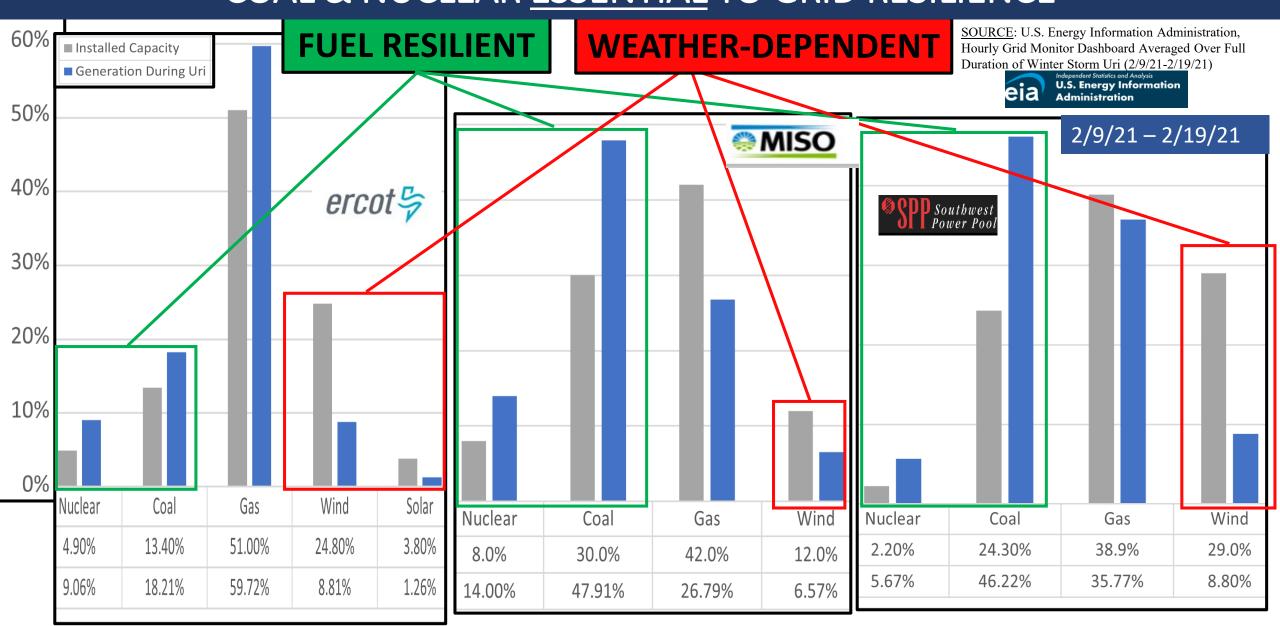
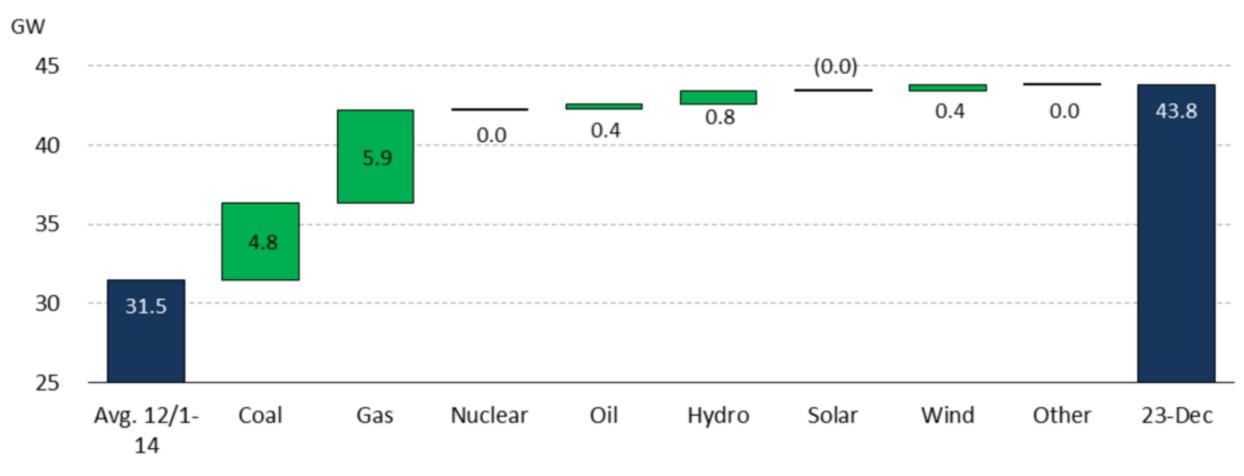
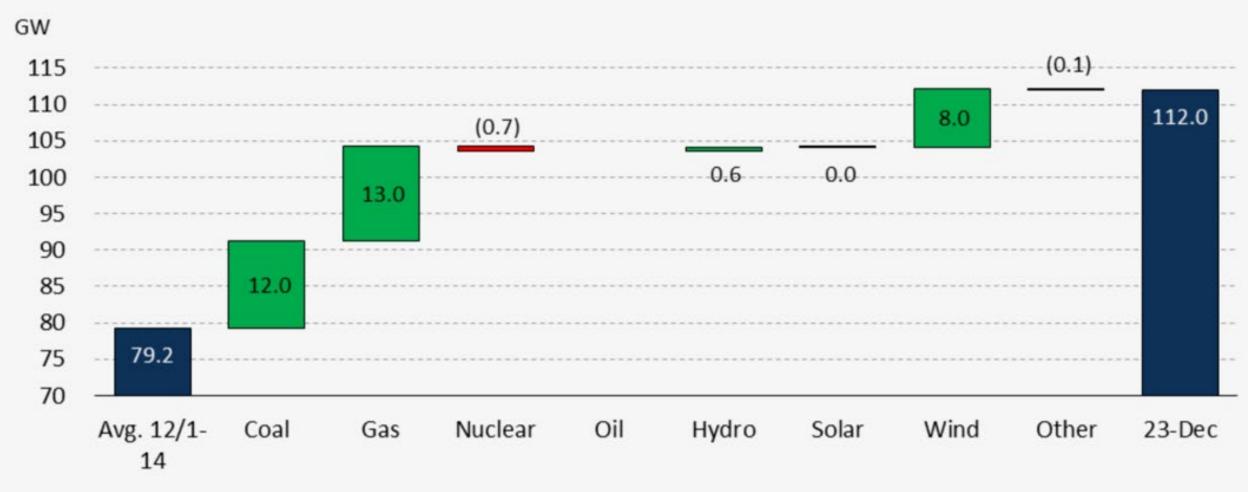


EXHIBIT 38: SPP - CHANGE IN NET GENERATION BY FUEL TYPE DURING WINTER STORM ELLIOTT



Source: EIA Hourly Grid Monitor

EXHIBIT 29: MISO - CHANGE IN NET GENERATION BY FUEL TYPE DURING WINTER STORM ELLIOTT



Source: EIA Hourly Grid Monitor

EXHIBIT 37: SPP - HOURLY GENERATION BY FUEL TYPE DURING WINTER STORM ELLIOTT

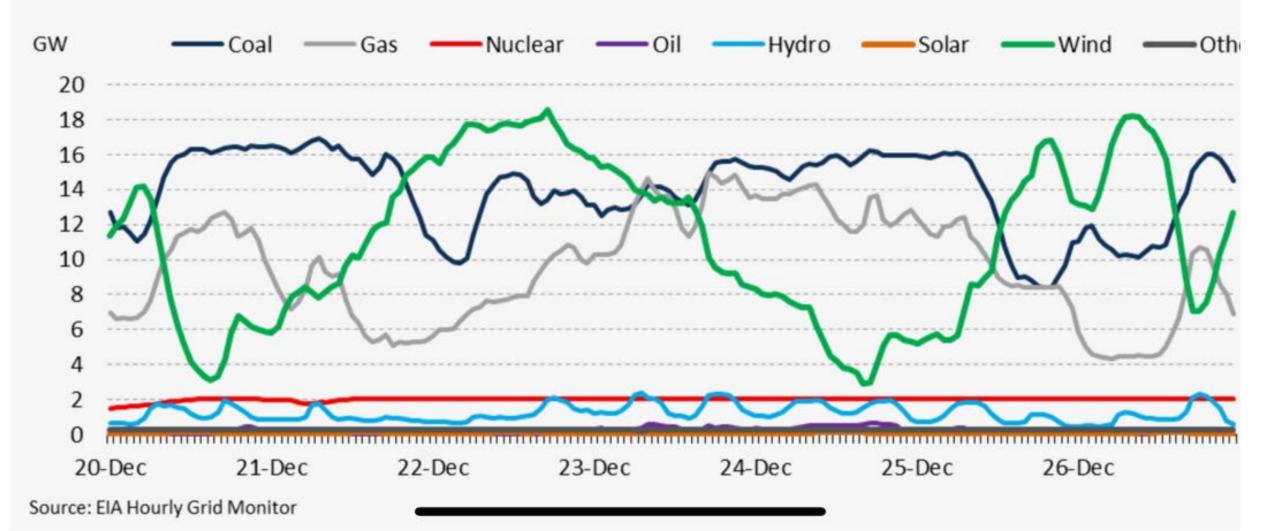
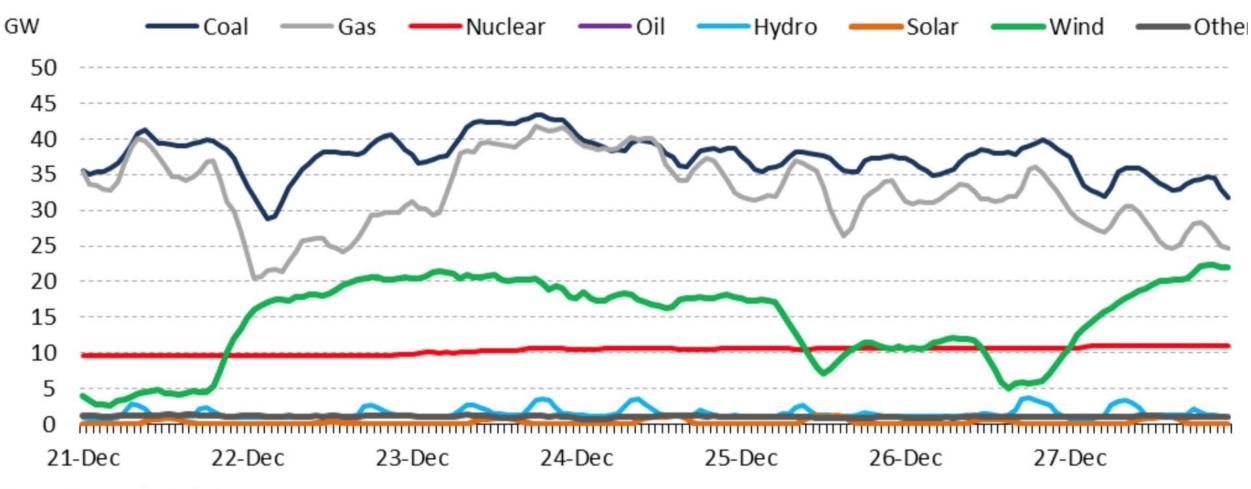


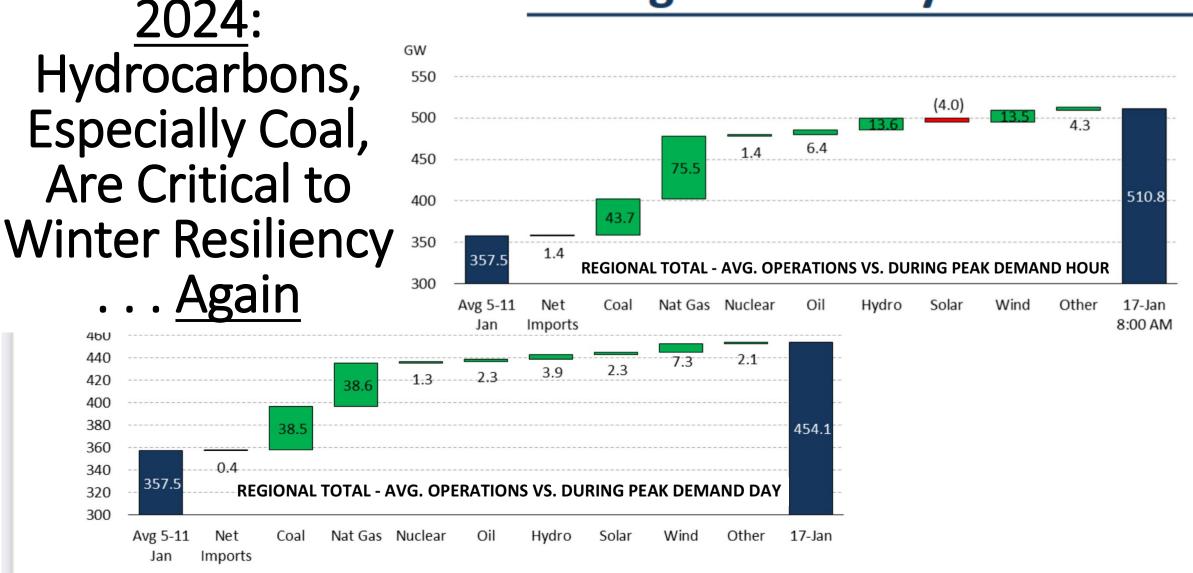
EXHIBIT 28: MISO - HOURLY GENERATION BY FUEL TYPE DURING WINTER STORM ELLIOTT



Source: EIA Hourly Grid Monitor



Operation of the U.S. Power Grid During the January 2024 Storm



Source: EIA Hourly Grid Monitor

Will Batteries Save the Day? NO! - SCALE MATTERS!

A <u>Month's</u> Battery Backup Equivalent to JUST ONE 1,200 MW Coal Plant Would Require Roughly all the Lithium that is Currently Mined in the ENTIRE WORLD per year.

- 864 GWh of 24/7 electricity capacity would need to be replaced
- 160 metric tons of lithium/GWh of battery storage = 138,000 metric tons of lithium
- This is roughly equal to current global production of 130,000 metric tons/yr

Realizing the "Dream" of 100% Renewable <u>in Just Texas</u> by 2035 Requires at Least <u>One Day of Battery Storage for the Whole</u> System. To Accomplish This, A 100 MW/400 MWh Battery Would Have to be Built EVERY DAY Over the Next 10 Years. This Buildout Would Require 1.5 TIMES CURRENT GLOBAL PRODUCTION/yr.

- 1,300 GWh of electricity to replace (130 GWh/yr per year for 10 years)
- 160 metric tons of lithium needed per GWh of battery storage
- = 208,000 metric tons of lithium (current global production is 130,000 metric tons/yr)

MINES, MINERALS, AND "GREEN" ENERGY: A REALITY CHECK

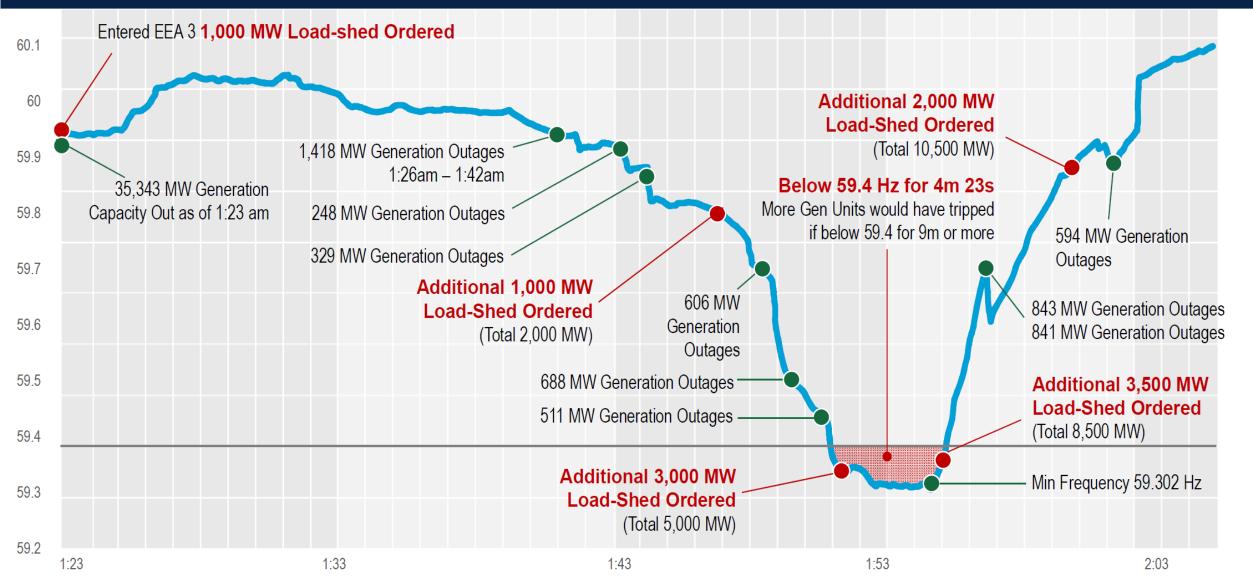
Mark P. Mills Senior Fellow



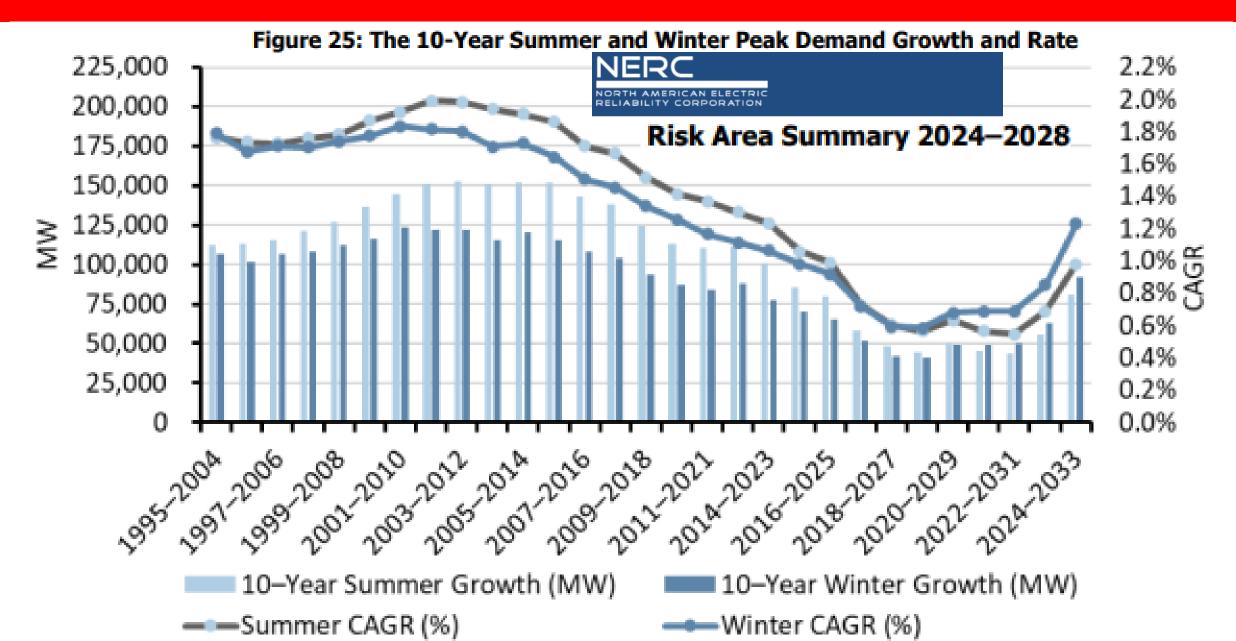




<u>LEST WE FORGET</u>: The Night the Texas Grid Almost Went Down <u>for a Month</u> – (Would Have Been Largest Energy Disaster in History)

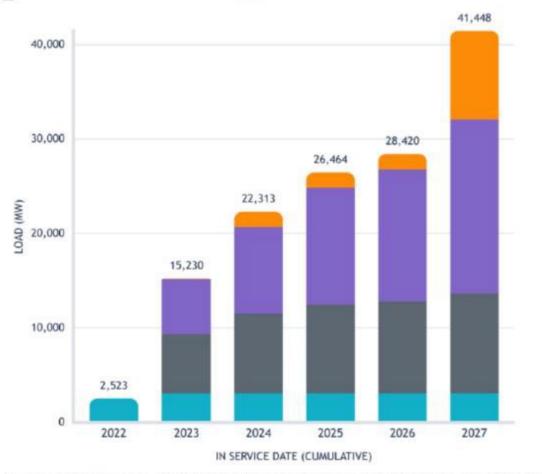


And the Days of Decreasing Demand are Gone!



Case Study: ERCOT - Large Load Growth

Current Large Load Interconnection Queue



	■ Project Status	2022	2023	2024	2025	2026	2027
•	No Studies Submitted	-	62	1,628	1,628	1,628	9,369
•	Under ERCOT Review	-	5,834	9,162	12,387	13,987	18,432
	Planning Studies Approved	-	6,279	8,468	9,394	9,750	10,592
	Approved to Energize	2,523	3,055	3,055	3,055	3,055	3,055
	Total (MW)	2,523	15,230	22,313	26,464	28,420	41,448

NOTE: In July 2023, ERCOT identified a database error that had caused some projects to be misclassified in this chart. This error was corrected, resulting in a higher 2022 total of approved load than was previously reported. The overall size of the queue was not impacted by this error.

- Approved to Energize Projects that have received Approval to Energize from ERCOT Operations. NOTE: not all MWs in this category have been observed to be operational (see next slide)
- Planning Studies Approved Projects that have received ERCOT approval of required interconnection studies. Any MWs that were not approved are reclassified as No Studies Submitted.
- Under ERCOT Review Projects that have studies under review by ERCOT
- No Studies Submitted Projects that are tracked by ERCOT but that have not yet provided sufficient information for ERCOT to begin review. Additionally, MWs that were not approved by ERCOT after
 review of planning studies are included in this category until a path to interconnect these MWs is identified or the customer cancels the interconnection request.

Bloomberg's "Beyond Carbon" Campaign Would Devastate The US Electric Grid "Shut down every last U.S. coal plant. Slash gas plant capacity in half, and block all new gas plants."

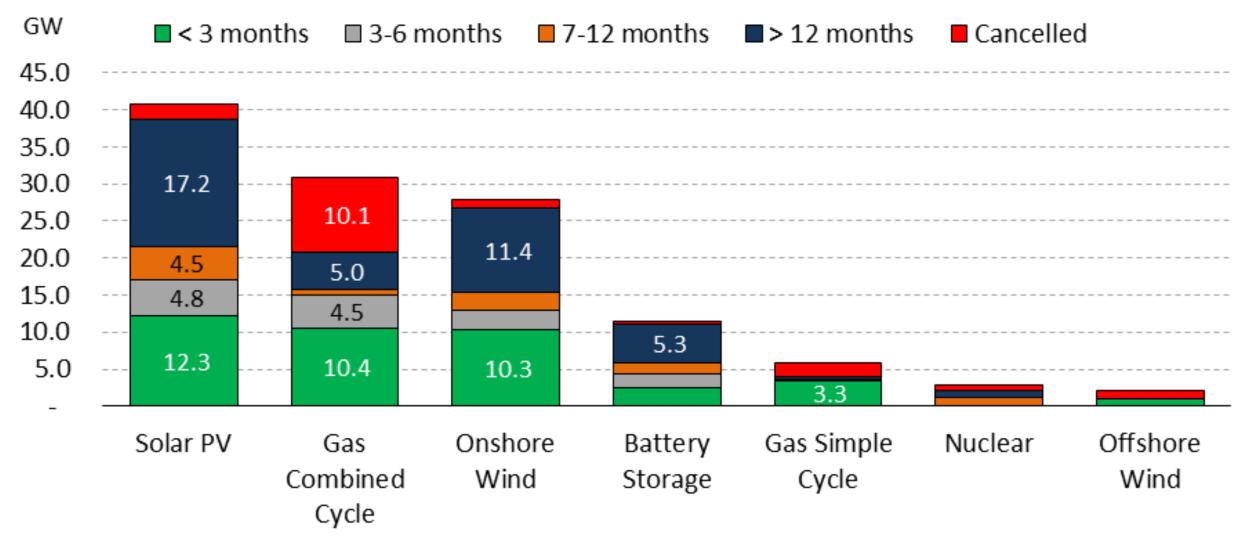


2022 Electricity Generation, Terawatt-hours

Sources: Statistical Review of World Energy 2023,

https://www.bloomberg.org/press/michael-r-bloomberg-doubles-down-with-additional-500m-to-help-end-fossil-fuels-and-usher-in-a-new-era-of-clean-energy-in-the-united-states/

New Generation Projects Being Cancelled or Delayed (tracking projects initially announced as of 1/21)



Source: Energy Ventures Analysis Power Plant Tracking Database



EPA'S CONTINUED ASSAULT

PART TWO:

NEW WAVE OF GRID-THREATENING REGULATIONS

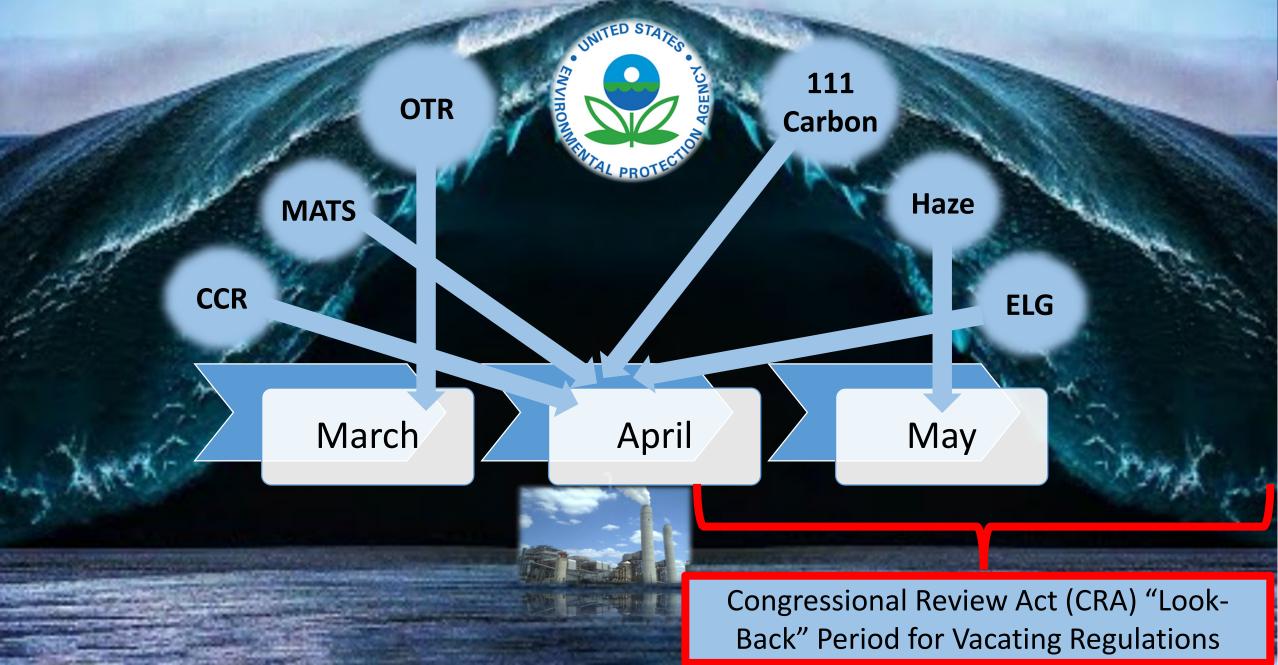




NEW WAVE OF GRID-THREATENING REGULATIONS

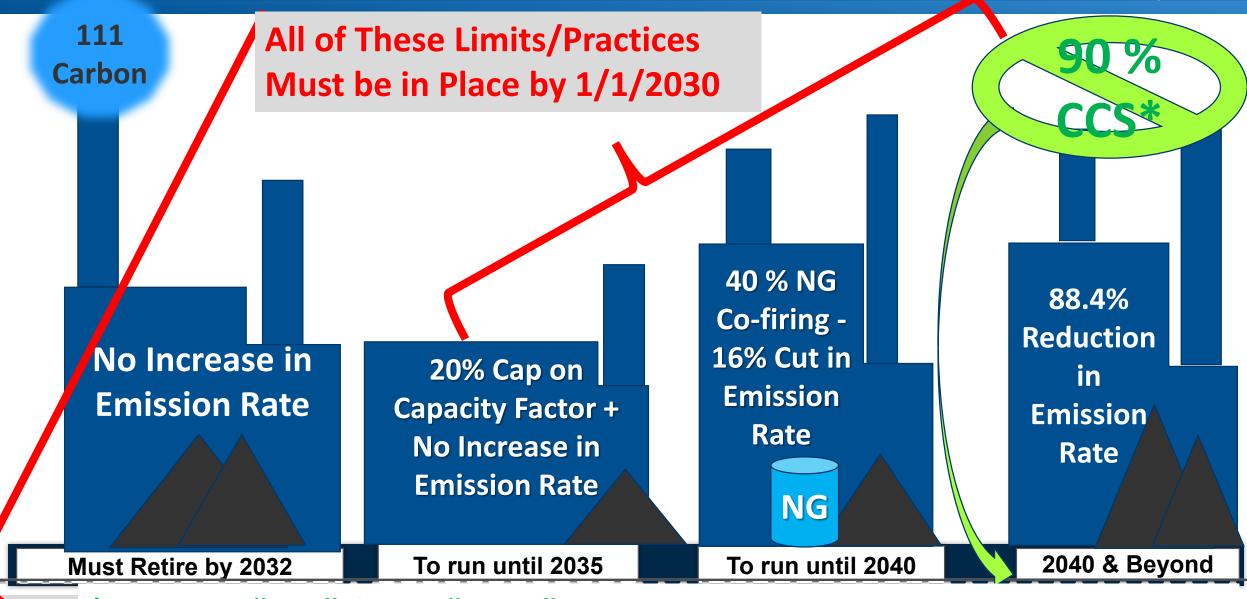
2023 Final PM NAAQS Rev. 2023 Proposed NSR missions Accounting 2023 Proposed GHG Existing EGUs (111d) 2023 Proposed CCR Legacy Impoundments 2023 Final PM NAAQS 2023 Final PM NAAQS 2023 CCR Closure (f)(2) Less than 40 acres	April 2024 Final MATS RR April 2024 Final CCR Legacy Impoundments April 2024 Proposed Secondary NAAQS Nox, SQ2, PM Jun. 2024 Final GHG SSPS (111b) Regional Haze: EPA Acting on Individual SIPS	Projected 2024-25: Secondary N Projected 2024-25: 2008 C Req'mts **Long-term, w/o Projected 2024-25: NSF Ozone SILs **Long-term May 2026	Dzone NAAQS SIP date R PM2.5 and n, w/o date CSAPR Group 3. Most Sta ave Large Budget Reduction	projected date ng-term, w/o date Regional Ha Period End Mar. 2027 te Compliance with	. 1, 2030 Proposed G 111(d) Coal Unit npliance Date ze: 2nd Planning ds (2019-2028) Dec. 31, 2028 Deadline for ELG Units Opting to Cease Coal Combustion or Comply with VIP
2023	2024	2025	2026	2027	2028
	Final Rule CCR Closure Part B: Implementation of Closure Oct. 15, 2024 Latest CCR Deadline for "USWAG	F Projected 2025: Pro State Plan Requirer term, w/o date NSR GHG SER **Long-term, w/o date	April 2026 Project deadline for State	ted 111 + Air Toxics (Haze CSAPR

FINAL DISPOSITION OF KEY RULES ALL COMING AT ONCE



EXISTING COAL – Standards Based on Remaining Life





*EPA uses "CCS" & not "CCUS" (utilization projects [like EOR] may not qualify)

New & Existing Gass - Massive uncertainty



New/Existing > 300 MW Combustion Turbines with CF > 33-40% (SC) or 45-55% (CC) face unprecedented mandates for unproven tech:

- MUST Elect Co-firing vs. CCS Path by 1/1/31
- <u>Co-firing Path:</u>
 - Co-firing of 30 percent low-GHG hydrogen by 2032 (680 lb CO₂/MWh-gross)
 - Co-firing 96 percent low-GHG hydrogen by 2038 (90 lb CO₂/MWh-gross)
 - Not clear "low-GHG H2" will be available or affordable
- CCS Path:
 - 90% CCS by 2035 (90 lb CO₂/MWh-gross)
 - Not clear CCS will be eligible if enhanced oil recovery/utilization involved

GRID IMPACTS OF 111 RULE ARE REAL & IMMEDIATE

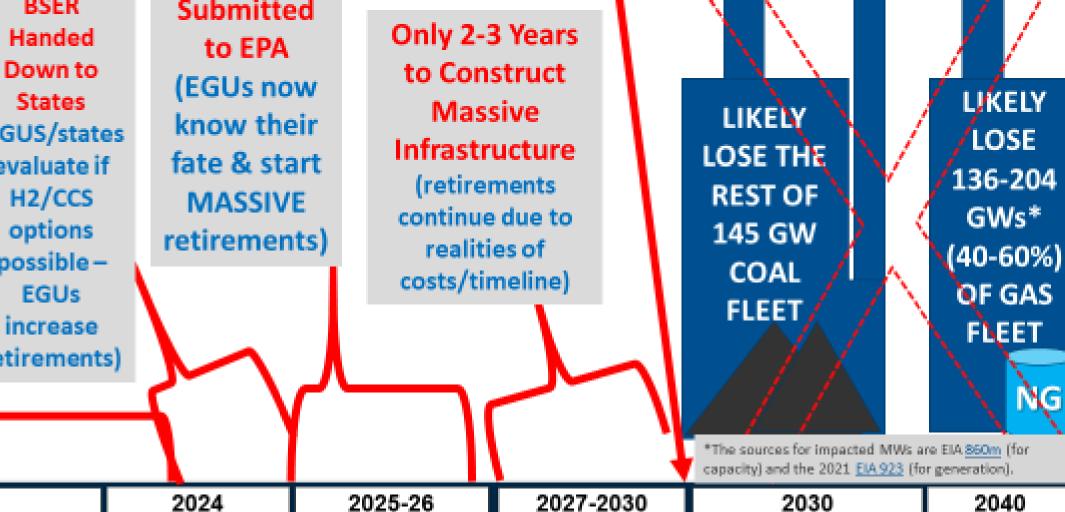
Comment Period followed by Final 111 Rules (EGUs suspend coal investment & planning new large gas units)

2023

EPA's Mandated BSER Handed Down to States (EGUS/states evaluate if H2/CCS options possible -EGUs increase retirements)

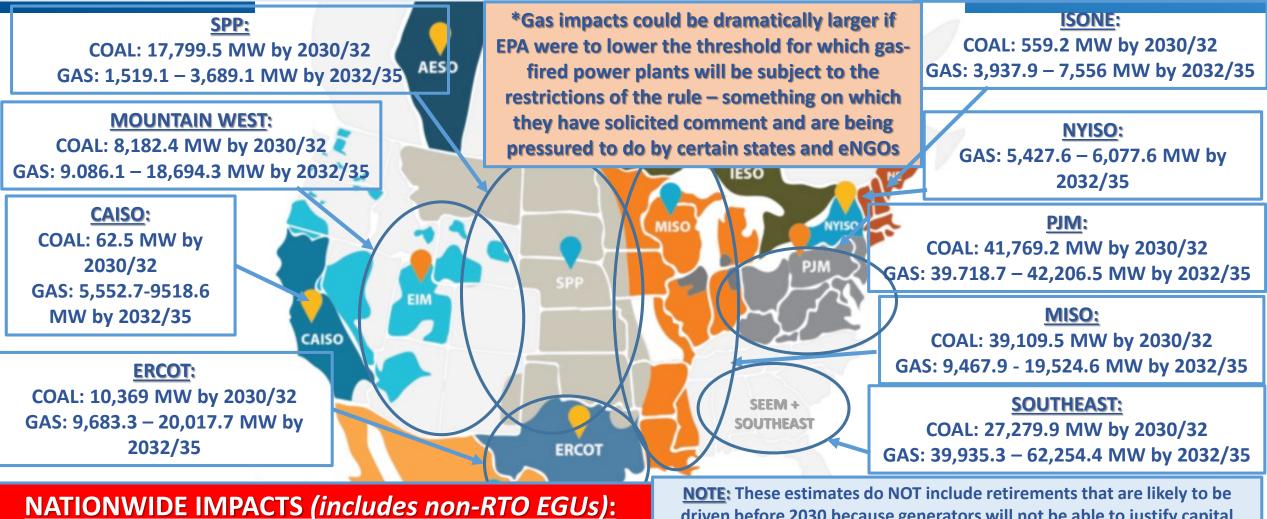
States Plans Developed & Submitted to EPA MASSIVE

2030 CONTROLS IN PLACE (what is left of coal fleet and over half of gas fleet retires except small gas & a few plants with favorable geology/pipelines)



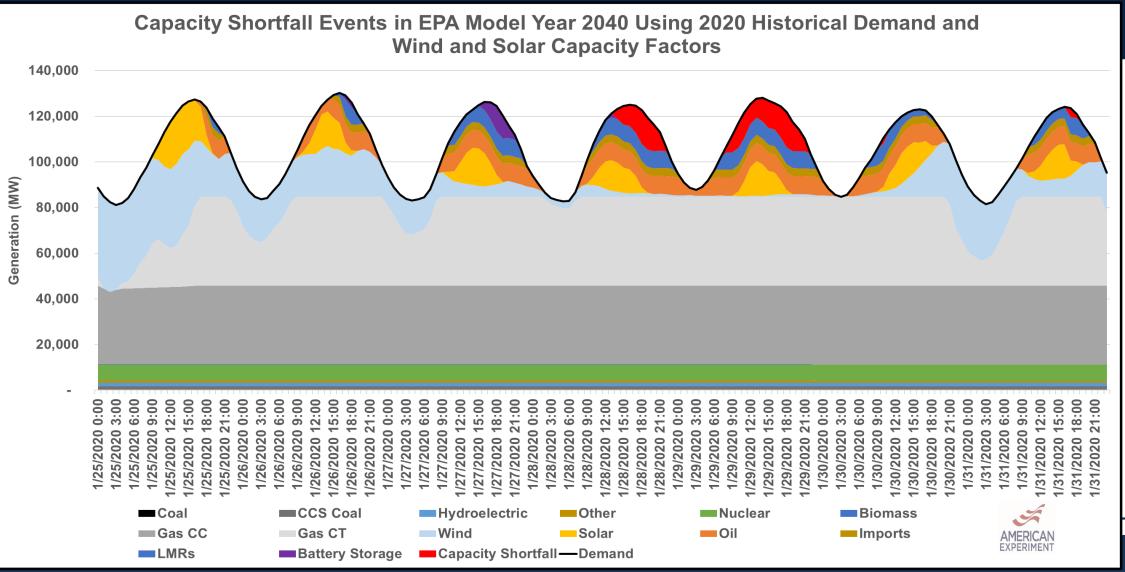
RELIABILITY IMPACTS OF EPA CARBON RULE

(COAL & NATURAL GAS LIKELY TO BE LOST DUE TO EPA'S CAA 111 CARBON RULE)(Source: EIA 860 & EIA 923)



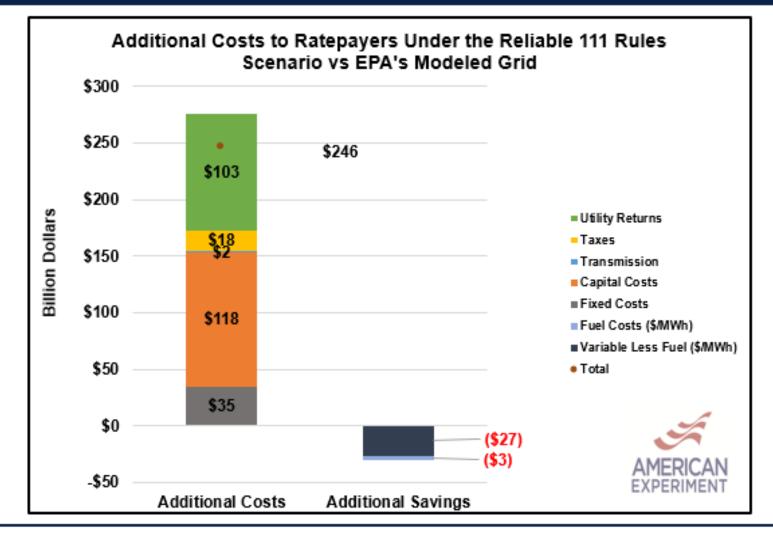
<u>IATIONWIDE IMPACTS (includes non-RTO EGUs):</u> COAL: 155,110 – 210,944 MW by 2030/32 GAS: 126,000-204,000 MW by 2032/35 **NOTE:** These estimates do NOT include retirements that are likely to be driven before 2030 because generators will not be able to justify capital investments required by other EPA regulations because the carbon rule will significantly curtail the remaining useful life and utilization rate of plants – making it financially infeasible to recover additional capital expenditures.

In MISO, with realistic wind/solar performance factors, EPA's own carbon rule modeling can't keep the lights on



Executive Summary: Shoring Up EPA's Modeled Grid Would Cost \$246 Billion

- Preventing capacity shortfalls while still meeting EPAs emission targets would require large capacity additions.
- These additions would increase the cost of compliance by \$246 billion through 2055, or \$7.7 billion annually, compared to the cost of EPA's modeled MISO grid in the Integrated Proposal with LNG Update.
- This figure exceeds EPA's annual net benefit estimate of \$5.9 billion for the entire country.



CONTRASTING LEGAL FLAWS OF OLD/NEW CARBON RULES

REG	Abide by WV v. EPA Prohibition Against Using Generation Shifting in Deriving BSER under 111(b)?	Comply with 111(d) Requirement that BSER be Applied "For" or "At" the Source (aka "inside fence")?	Is BSER "Adequately Demonstrated" as Required by 111(b)?	Are States Allowed to Lead Implem. of 111(d) Perf. Standards?	Are States Allowed to Lead in RULOF as Required by 111(d)?
СРР					
ACE					
NEW 111 CPS	EPA appears to have learned this lesson (also true in other rules)	They start inside the fence, but they did not stay there (dependent on off-site infrastructure)	Low-GHG H2 & CCS are NOT nationally available or adeq. demonstrated.	States are given the lead at the source level.	EPA signals limits on state discretion on RULOF calls.



PARTTHREE: Stemming the Tide

STEMMING THE TIDE

POWER MARKET REFORMS

LITIGATION/REGULATORY FRONT

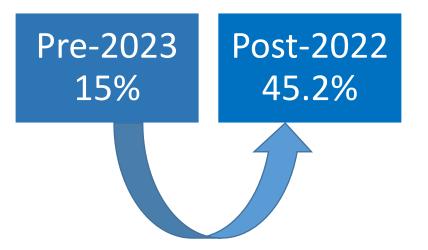
EDUCATIONAL OUTREACH

<u>New Accreditation Standards & Increased Reserve Margin Requirements</u> = Winter Reliability & Resilience is in Serious Question in SPP & MISO)

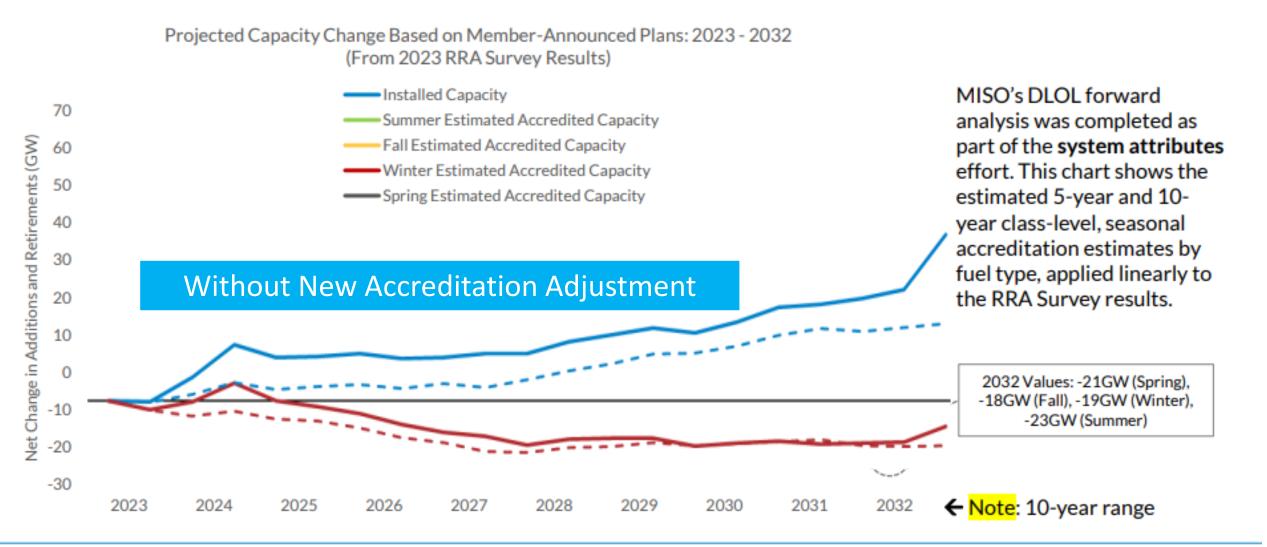
	Seasonal Solar Accreditation					
😽 MIDU		PY23-24	F1-25	F1-39	Reserve Margin	
	Winter		1%	1%	25.50%	
	Spring		35%	2%	24.50%	
	Summer	45%	43%	3%	7.40%	
	Fall		6%	5%	14.90%	
		1			1	



Due to Increased Renewable Penetration, Winter Reserve Margin Proposed to be Increased 300%



Alternative view of the installed versus accredited seasonal capacity picture applying the proposed Direct Loss of Load (DLOL) accreditation methodology





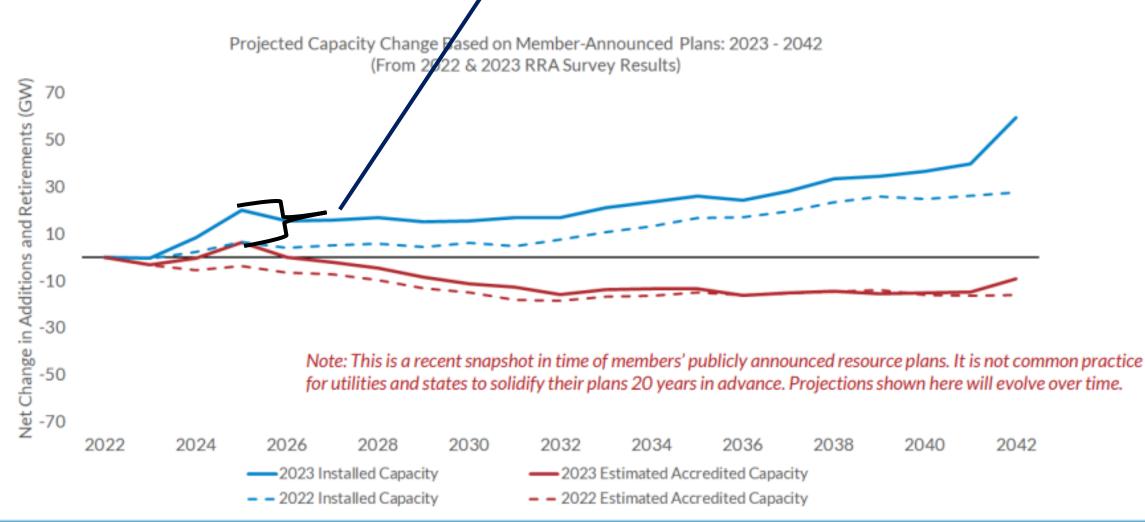
RETIREMENT OF COAL PLANTS BEING DELAYED (22,202 MW)

Plant	State	Planned	Revised	Capacity
Indian River (NRG Energy)	DE	2022	2026	410 MW
Bowen 1 & 2 (Georgia Power)	GA	2027	2035	1440 MW
Scherer 3 (Georgia Power)	GA	2027	2035	860 MW
Shafer Power Station (NIPSCO)	IN	2023	<u>2025</u>	1940 MW
Rockport 2 (AEP)	IN	2022	<u>2028</u>	1300 MW
Merom (acquired by Hallador Power Company)	IN	2023	<u>No Set</u> <u>Date</u>	980 MW
Lawrence Unit 4 & 5 (Evergy)	KS	2023	2028	486 MW
Ghent 2 (Louisville Gas & Electric/Kentucky Utilities)	КҮ	2028	<u>No Set</u> <u>Date</u>	1200 MW
Brown 3 (Louisville Gas & Electric/Kentucky Utilities)	KY	2028	<u>No Set Date</u>	557 MW
White Bluff (Entergy)	AR	2024	2028	1,650 MW
Independence (Entergy)	AR	2025	2030	1,650 MW
Rush Island (Ameren)	МО	2022	<u>2025</u>	1200 MW
GG Allen (Duke)	NC	2023	<u>2024</u>	435 MW
Mayo (Duke)	NC	2028	<u>2031</u>	382 MW
Roxboro Unit 1 &2	NC	2028	<u>2029</u>	1068 MW

Plant	State	Planned	Revised	Capacity
Roxboro Units 3&4	NC	2027	<u>2034</u>	745 MW
North Omaha (OPPD)	NE	2023	<u>2026</u>	645 MW
Coal Creek (acquired by Rainbow Energy)	ND	2021	<u>No Set</u> <u>Date</u>	1150 MW
Newmont (TS Power)	NV	2022	2023	220 MW
Winyah 1 & 2 (Santee Cooper)	SC	2027	2030	570 MW
Fayette 1 (City of Austin)	ТХ	2022	<u>2028</u>	570 MW
Edgewater (Alliant Energy)	WI	2023	<u>2025</u>	380 MW
Columbia (Alliant Energy)	WI	2024	<u>June 2026</u>	1100 MW
Oak Creek 5 & 6 (WEC Energy Group)	WI	2022	<u>2024</u>	525 MW
Oak Creek 7 & 8 (WEC Energy Group)	WI	2023	<u>2025</u>	310 MW
Pleasants (First Energy)	WV	2018	<u>No Set</u> <u>Date</u>	1288 MW
Jim Bridger 3 & 4 (Rocky Mountain Power/PacifiCorp)	WY	2022	<u>2037</u>	2441 MW

*Analysis does not include units deemed too critical to retire without \$1 Billion+ in transmission upgrades (e.g., Rush Island [MISO] & Brandon Shores [PJM]) or deemed imprudently retired)

KEY INSIGHT 2: The MISO region shows year-over-year growth and acceleration in planned additions which coincides with delays to some planned coal and gas retirements. resulting in a slightly improved near-term capacity picture





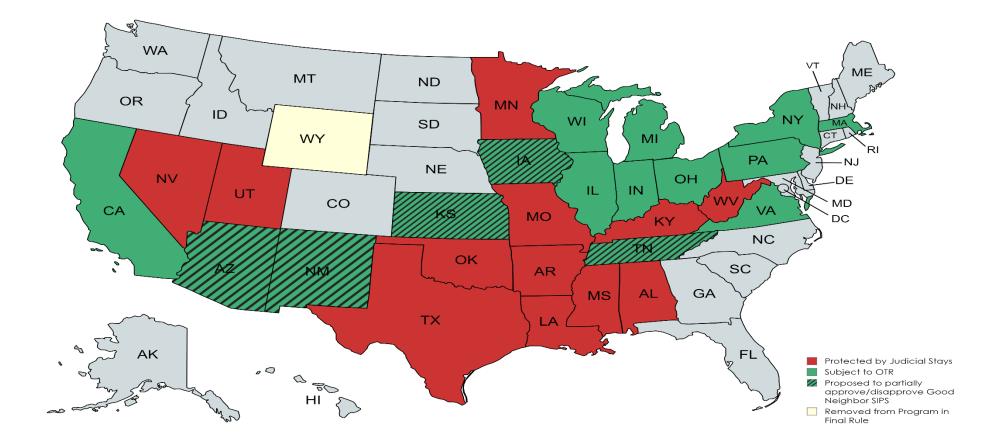
STEMMING THE TIDE

POWER MARKET REFORMS

LITIGATION/REGULATORY FRONT

EDUCATIONAL OUTREACH

STATES CURRENTLY PROTECTED BY JUDICIAL STAY



Created with mapchart.net

OTR

STATES CURRENTLY SUBJECT TO OTR (SCOTUS Action Critical)

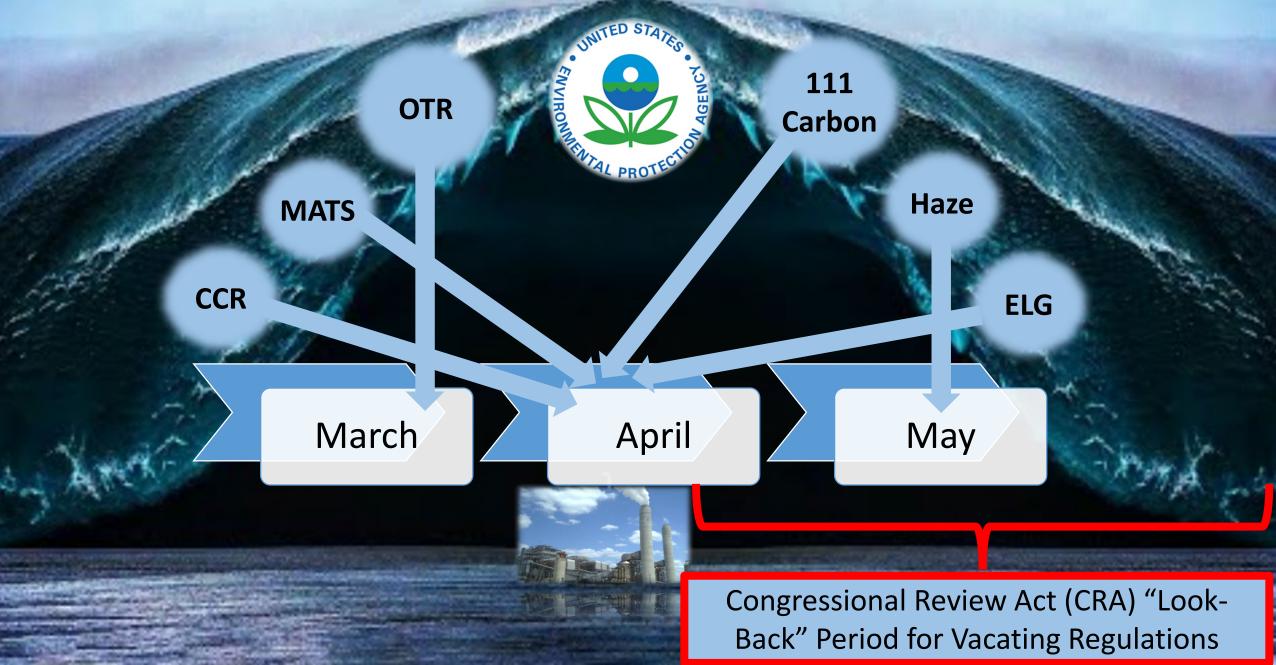


OTR Precedent: Stays on EPA SIP Denials Now Place in the 4th, 5th, 8th, 9th, &10th Circuits Example - 5th Circuit Order:

... This [SIP Denial] would [] transform EPA's statutory role from that of a "ministerial" overseer to one of a *freewheeling dictatorial regulator*. . . allowing the Final [SIP Denial] to stand pending the appeal would disrupt the system of cooperative federalism enshrined in the Clean Air Act . . . Stay Petitioners will be forced to spend billions of dollars in compliance costs [now] . . . simultaneous change to [] emissions budgets alongside the increased seasonal demand on [] grids will dramatically increase the probability of price spikes and load-shedding

(emphasis added & citations omitted)

FINAL DISPOSITION OF KEY RULES ALL COMING AT ONCE



STEMMING THE TIDE

POWER MARKET REFORMS

LITIGATION/REGULATORY FRONT

EDUCATIONAL OUTREACH



Life:Powered Raising America's Energy IQ

www.LifePowered.org



Mark P. Mills Distinguished Senior Fellow **ENERGY**



A 3-part curriculum to educate grades 9-12 in the modern application of energy science.



Brent Bennett, Ph.D. Policy Director

FACTS: POWERED

Take a moment to think about what powers your life. Energy is the master resource, the driving force behind our economy, our lifestyle and our future. Reliable and abundant energy makes our lives as we know them possible. And in many other ways, the petroleum-based products improve our world through everything from inexpensive, durable clothing to the sterile medical devices to the fertilizer that produces abundant food that keeps our world fed.

How much do you know about what powers our lives?





Mike Nasi, JD Senior Advisor

🖌 🖬 🔤

RESEARCH

Keeping Politics Out of Texas

y 🖬 💳

Pensions: Proxy Voting

Reform

March 27, 2023



Andrea Hitt Communications Manager



Aliyah Formont Policy Scholar

Carson Clayton Campaign Director



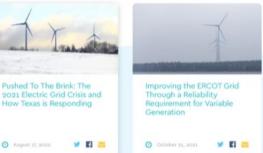




The Honorable Jason Isaac Senior Fellow

Jamila Piracci Senior Fellow

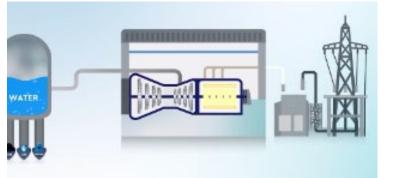
August 17, bobs







ANIMATED "ENERGY 101" VIDEO SERIES ON ENERGY & ENVIRONMENT







(<u>www.LifePowered.org</u>)

VIDEO 1 - Why We Need Electricity <u>https://youtu.be/ZfrBnddgFAU</u> VIDEO 2 - The Electric Grid <u>https://youtu.be/WiMtU6O1SxM</u>

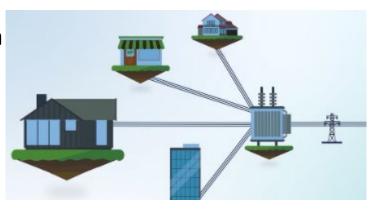
VIDEO 3 - Where Electricity Comes From https://youtu.be/AKuoleupGHc

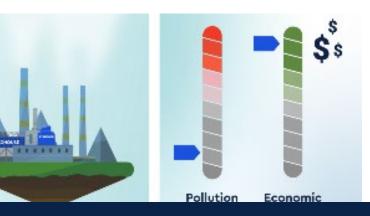
VIDEO 4 - Energy Density https://youtu.be/6d-HGzZHPG4 VIDEO 5 - Mining and Rare Earths https://youtu.be/yu3mkFpiGmo

VIDEO 6 - Environmental Technology & Success

https://youtu.be/aodsngzbZqA VIDEO 7 – Grid Reliability & Resilience ttps://youtu.be/YLPzgRxm6fA?si= i-heeK10A VIDEO 8 –Geopolitical Energy Security https://youtu.be/cnS3s4Ar-CU







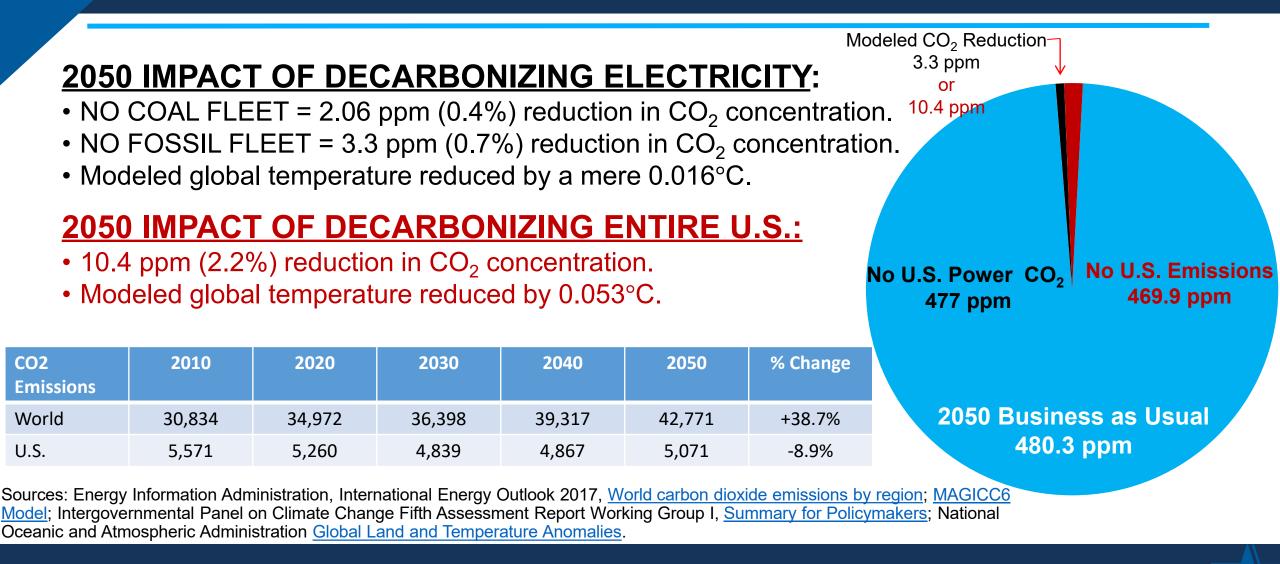




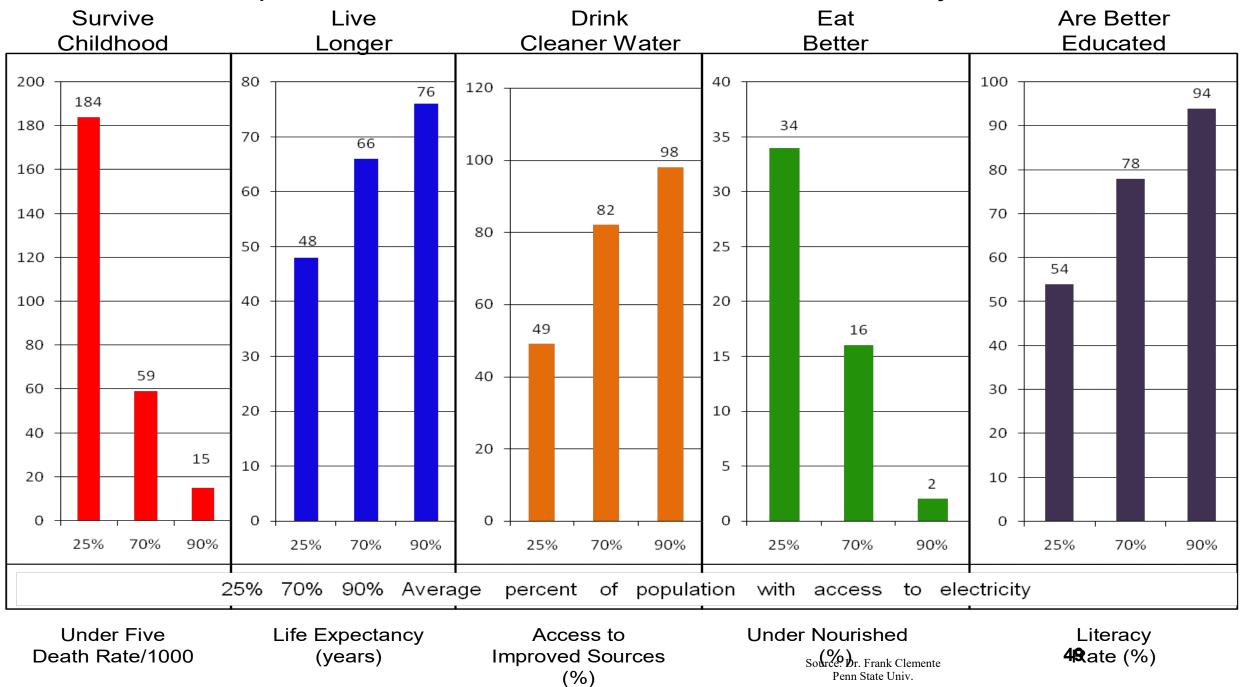
A GEOPOLITICAL ENERGY REALITY CHECK

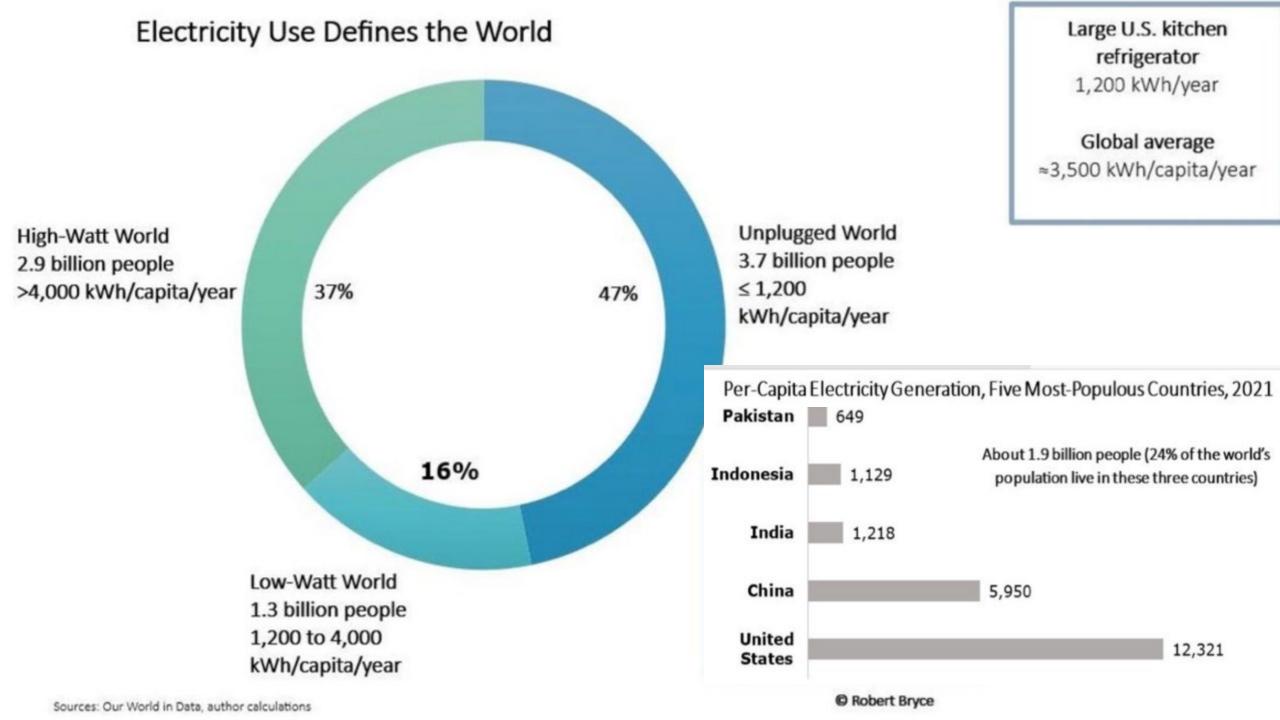
PART FOUR:

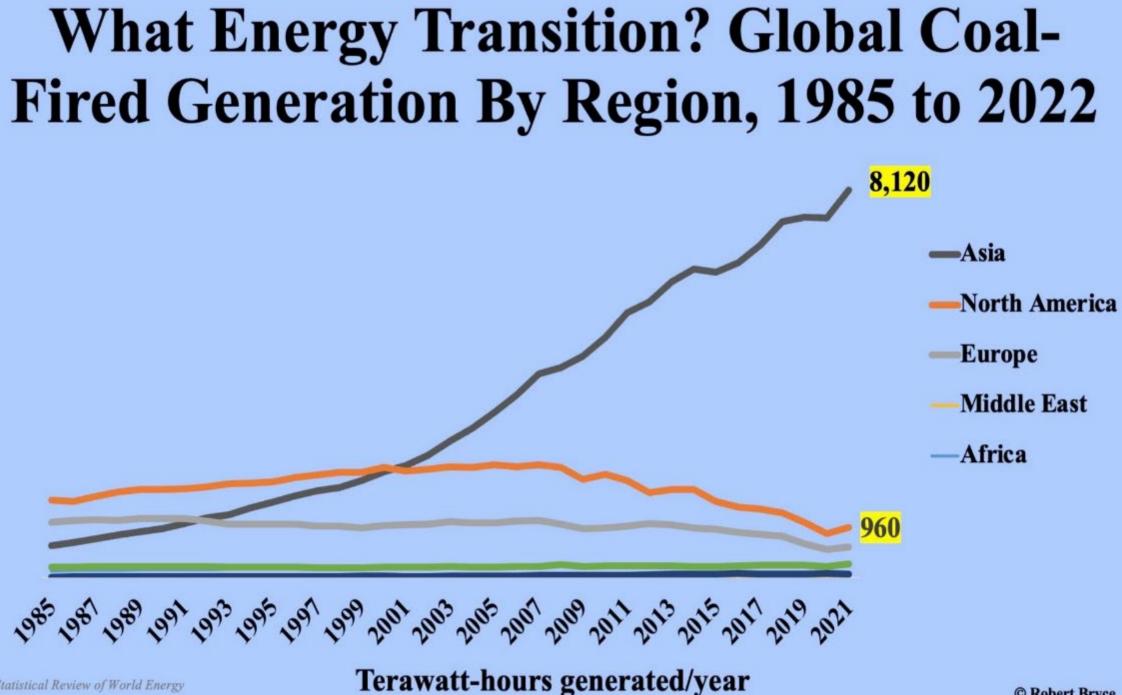
"LEADERSHIP" or Unilateral Disarming Our Global Security?



People in Societies with Greater Access to Electricity:







Source: Statistical Review of World Energy

© Robert Bryce

AND THEN THERE IS THE UNTOLD STORY OF MASS URBANIZATION

100 Million People Moving to Urban Centers EVERY YEAR FOR 30 YEARS

In all human history we have reached 3.5 billion of urban settlers, and in the next 30 years we are going to have 3 billion more. . . what we have done in all human history, we nearly will do in the next 30 to 40 years. - UN Settlement Program



THIS WILL HAPPEN 120 MORE TIMES IN THE NEXT 3 DECADES!



The Last Time We Added Three Billion People to Cities (1950-2010)



- Oil demand grew from 10 million b/d to 88 million b/d
- Natural gas use rose from 8 Tcf to 113 Tcf
- Coal demand increased from 2 billion to 7.1 billion tons
- Steel consumption increased from 200 to 1,400 million tons

WHO WILL SUPPLY THIS OIL, GAS, COAL, & STEEL? & this time there will also be a massive expansion in batteries & critrical minerals, all of which are dominated by the Chinese.



Handing the World's Geopolitical Security to China

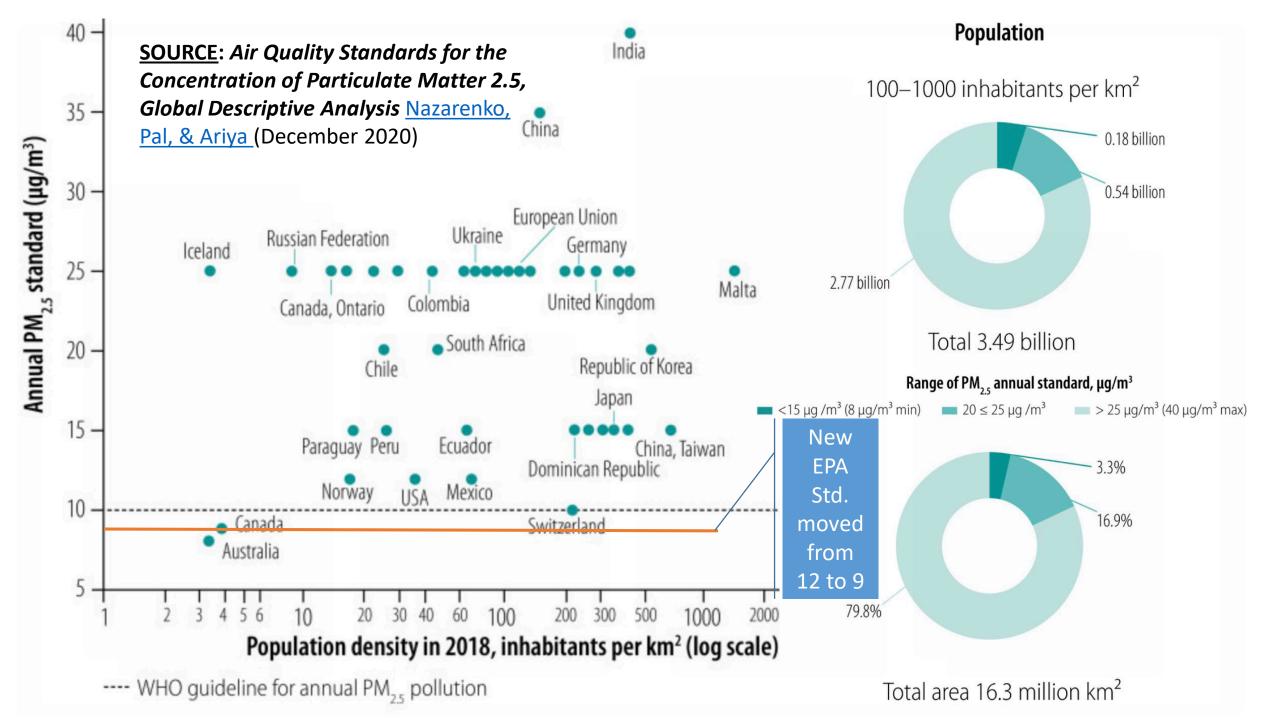


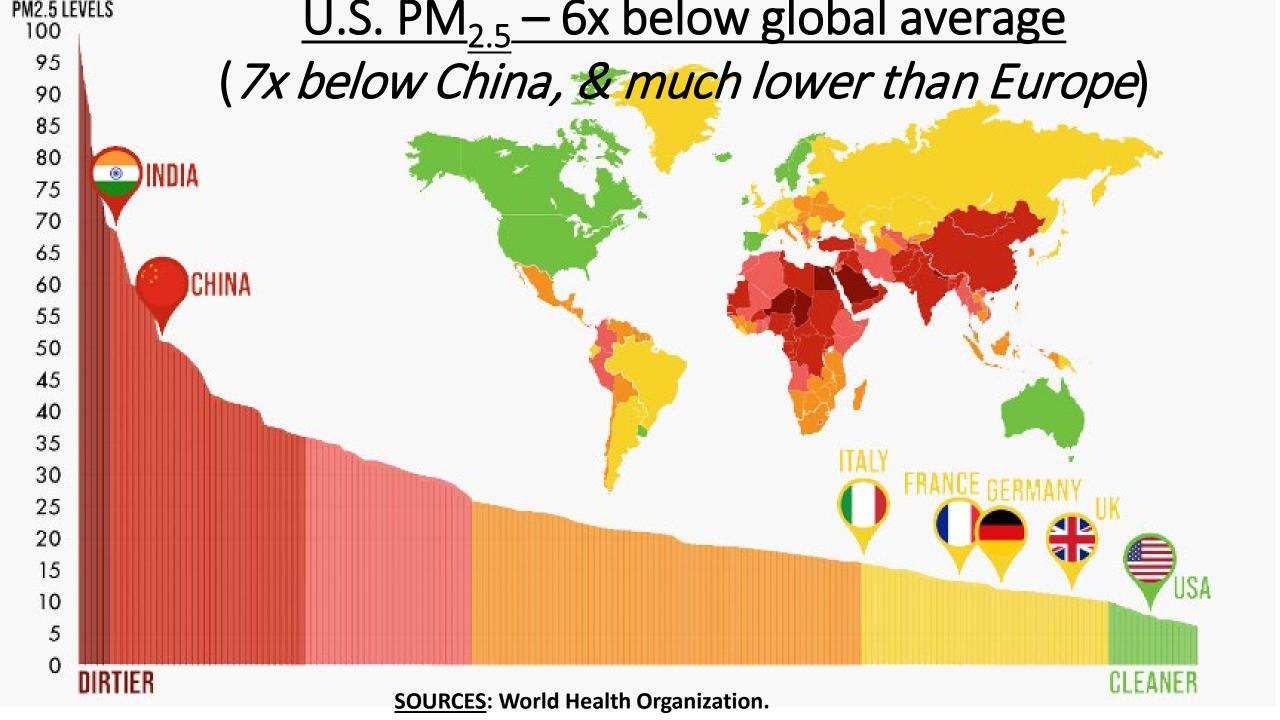
Energy Minerals: New Supplier Dependencies



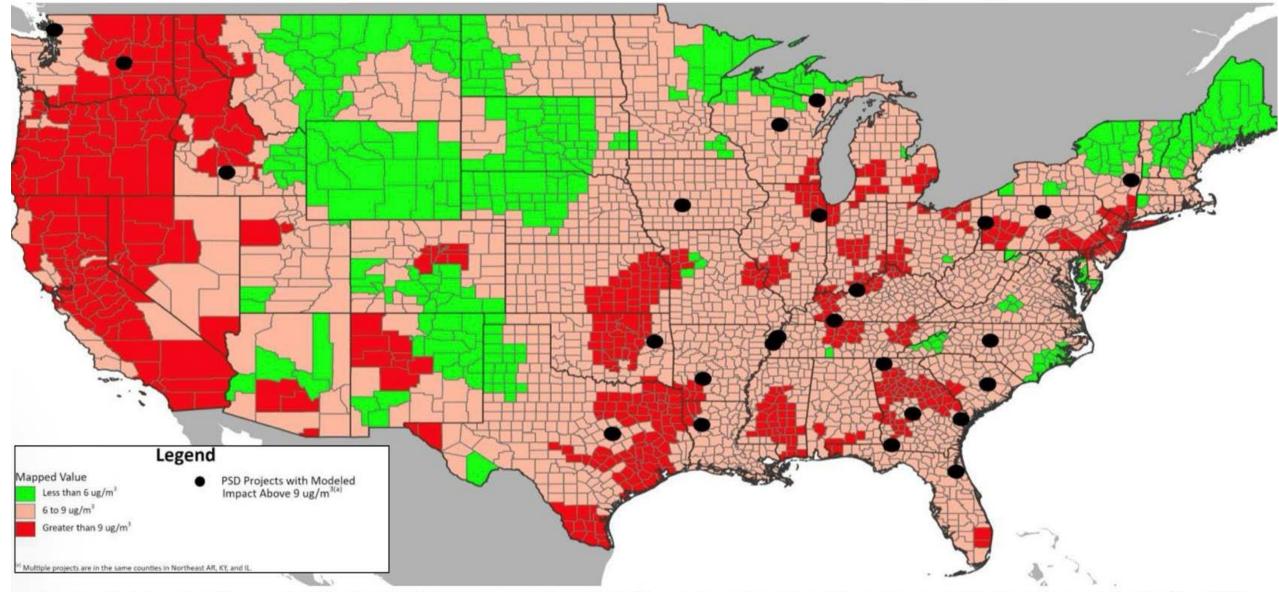
<u>Source</u>: Mark Mills, Manhattan Institute; IEA

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Many Future New or Expanded Manufacturing Projects Unachievable in Red and Pink Areas Immediately Includes Location of 28 Recent PSD Projects That Would Now Fail Under the 9.0 µg/m³ PM_{2.5} NAAQS



Map shows the interpolated PM_{2.5} annual design values for 2020-2022 by county. Each county with a monitor was included and the counties were designated as above or below the PM_{2.5} NAAQS of 9 ug/m³. If a design value was not available for a specific county, Alpine Geophysics used a kriging interpolation method to estimat e the PM_{2.5} concentration in a county. Counties with values less than 6 ug/m³ are highlighted in green because a typical project needs 3 ug/m³ of headroom between the background and the NAAQS to allow for a successful modeling demonstration.



QUESTIONS?

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