U.S. House Committee on Energy and Commerce
Subcommittee on Energy
"Protecting America's Energy Infrastructure in Today's Cyber and Physical Threat Landscape."
January 13, 2026
Documents for the Record

1. Letter from Chairman Greg Walden, Chairman Fred Upton, and Chairman Gregg Harper dated January 24, 2018, submitted by the Majority.
2. Letter from Secretary of Energy Rick Perry dated March 13, 2018, submitted by the Majority.
3. Letter from the National Association of State Energy Offices (NASEO) addressed to Chairman Latta, submitted by the Majority.
4. Statement from Representative Richard Hudson (R-NC), submitted by Rep. Latta.
5. Document entitled "Energy Sector Government Coordinating Council Charter," submitted by the Majority.
6. Document entitled "Emergency Support Function #12 – Energy Annex," submitted by the Majority.
7. Court document entitled "City of Saint Paul, Minnesota, et al., v. Christopher Wright, in his official capacity as Secretary of Energy, et al.," submitted by Rep. Pallone.
8. Document entitled "Department of Energy Agency Plans and Reports," submitted by Rep. Palmer.
9. Letter from multiple Members of Congress addressed to Secretary Howard Lutnick, submitted by Rep. Pfluger.
10. Court document entitled "Virginia Electric and Power Company D/B/A Dominion Energy Virgina, et al., v. United States Department of the Interior, et al.," submitted by Rep. Castor.

GREG WALDEN, OREGON
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115
Majority (202) 225–2927
Minority (202) 225–3641

January 24, 2018

The Honorable Rick Perry
Secretary
U.S. Department of Energy
1000 Independence Ave. S.W.
Washington, DC 20585

Dear Secretary Perry:

Pursuant to authorities Congress provided in the FAST Act in 2015, the Department of Energy (DOE) is the lead Sector-Specific Agency for cybersecurity for the energy sector.[1] As such, DOE is responsible for coordinating with multiple Federal and State agencies, and collaborating with critical infrastructure owners and operators on activities associated with identifying vulnerabilities and mitigating incidents that may impact the energy sector.

To perform these duties effectively, DOE must account for each interrelated segment of the nation's energy infrastructure, including pipelines, which are subject to an array of other federal authorities. In particular, the Department of Homeland Security's (DHS) Transportation Security Administration (TSA) has cybersecurity responsibilities relating to pipelines. Pipeline safety and regulatory responsibilities are also exercised by the Department of Transportation (DOT) and the Federal Energy Regulatory Commission (FERC). Considering the multiple authorities and agencies involved, we write today to seek additional information to assess the quality of coordination among various federal entities relating to cybersecurity of the nation's pipeline system.

To assist with our evaluation, we ask that you coordinate with DHS and provide Committee staff the latest federal threat assessments concerning pipeline infrastructure and include a staff briefing on those assessments and audit programs. In addition, please schedule a briefing and provide written responses to the following by February 12, 2018:

1. Describe the coordination conducted by DOE with DHS, TSA, DOT, FERC, and any other relevant Federal and State agencies as it relates to cybersecurity of pipeline systems.

[1] P.L. 114-94. Section 61003

2. Describe the collaboration conducted with owners and operators of pipeline systems, including the relevant subsector coordinating councils and Information Sharing and Analysis Centers (ISACs).

3. Describe and provide memoranda of understanding or other agreements between DOE and other agencies that have been developed to ensure full and adequate coverage of pipeline systems relating to federal critical infrastructure responsibilities.

4. Describe the federal resources, including personnel, applied to pipeline cybersecurity and vulnerability assessments and related programs.

5. Describe the number, design, and scope of federal audits or assessments to identify vulnerability and cybersecurity risks in pipeline systems.

6. Describe DOE's specific activity and programs concerning cybersecurity in pipeline systems.

We appreciate your prompt attention to this request. Should you have any questions, please contact Peter Spencer of the Majority Committee staff at (202) 225-2927.

Sincerely,

Greg Walden
Chairman

Fred Upton
Chairman
Subcommittee on Energy

Gregg Harper
Chairman
Subcommittee on Oversight
and Investigations

cc: The Honorable Frank Pallone, Jr., Ranking Member

The Honorable Bobby L. Rush, Ranking Member
Subcommittee on Energy

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Elaine L. Chao, Secretary
U.S. Department of Transportation

The Honorable Kirstjen M. Nielsen, Secretary
U.S. Department of Homeland Security

The Secretary of Energy
Washington, DC 20585

March 13, 2018

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter requesting input to assess the quality of coordination among the various Federal entities relating to cybersecurity of the Nation's pipeline system. The Department of Energy (DOE) is providing the attached response to your questions.

America's energy supply is essential to our national and economic security. DOE has a vital role in protecting that supply, and I have no higher priority. DOE serves as the Sector Specific Agency for Energy under Presidential Policy Directive 21 and the lead Federal agency for Emergency Support Function (ESF) #12 – Energy under the National Response Framework. As such, I am in the process of establishing the Office of Cybersecurity, Energy Security, and Emergency Response (CESER) to elevate these issues commensurate with the seriousness of the threat. This will better position the Department to continue working closely with industry partners, the Department of Homeland Security, the Department of Transportation, and the Federal Energy Regulatory Commission regarding pipeline security and safety initiatives as they relate to resilience and reliability.

I am pleased to report that DOE and DHS provided a briefing to Committee staff on pipeline cybersecurity issues on March 12, 2018 and we are working with the staff to arrange for a more detailed briefing on federal threat assessments concerning pipeline infrastructure. As you consider cybersecurity issues around the oil and natural gas pipeline network, DOE would like to emphasize the connected nature of our energy system as a feedstock to electric generation facilities, fuel assurance, and overall resilience.

Thank you again for your attention to this important subject. If you have any additional questions, please do not hesitate to contact me or Mr. Marty Dannenfelser, Deputy Assistant Secretary for House Affairs, Office of Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,

Rick Perry

Rick Perry

Enclosure

RESPONSE TO HOUSE ENERGY AND COMMERCE LETTER TO SECRETARY PERRY REGARDING PIPELINE CYBERSECURITY

Question 1: Describe the coordination conducted by DOE with DHS, TSA, DOT, FERC, and any other relevant Federal and State agencies as it relates to cybersecurity of pipeline systems.

As the Nation's top 100 pipelines alone supply nearly 84 percent of the Nation's energy[1], pipelines represent a critical part of North America's energy backbone. A coordinated government approach to the cyber and physical security of pipelines, led by the Department of Energy, is essential to ensuring the safe and reliable flow of energy across the U.S.

As the sector-specific agency for the energy sector, DOE works closely with relevant government agencies and oil and natural gas subsector partners on security and resilience including cybersecurity through mechanisms such as through the Oil and Natural gas Sector Coordinating Council and the Energy Government Coordinating Council. As part of the transportation sector, DHS and the Department of Transportation are the co-lead sector-specific agencies for pipeline cybersecurity. DOE works with the Department of Homeland Security (DHS) National Protection and Programs Directorate, the Transportation Security Administration, the U.S. Coast Guard, the Department of Transportation Pipeline and Hazardous Materials Safety Administration, and the Federal Energy Regulatory Commission regarding pipeline security and safety initiatives as they relate to resilience and reliability. Similar to the electric sector, physical and cybersecurity of crude and petroleum pipelines and liquefied natural gas facilities are critical.

The center of gravity for this partnership is the Energy Government Coordinating Council (EGCC)[2], which is co-chaired by DOE and DHS. Through the EGCC, DOE convenes groups listed above, as well as others such as the Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence (ODNI), and Natural Resources Canada (NRCan) to foster a shared national homeland security strategy as it relates to energy infrastructure. This venue provides a useful coordination mechanism to synchronize various collaborations among relevant Federal agencies.

Question 2: Describe the collaboration conducted with owners and operators of pipeline systems, including the relevant subsector coordinating councils and Information Sharing and Analysis Centers (ISACs).

The oil and natural gas (ONG) subsector is a complex system comprised of different segments, including exploration/production, transmission/midstream, and distribution. The protection and resilience of critical ONG infrastructure requires a strong partnership between industry and the Federal Government. The Oil and Natural Gas Sector Coordinating Council (ONG SCC) serves

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[1] https://www.tsa.gov/news/releases/2016/07/11/securing-and-protecting-our-nations-pipelines

[2] https://www.dhs.gov/sites/default/files/publications/Energy-GCC-Charter-2014-508.pdf

as the industry counterpart to the EGCC and represents the interests of the complex ONG system – including pipelines.

Proactive collaboration between DOE and the ONG SCC strengthens the development of ONG security strategies, activities, policy, and communication across the energy sector as well as across the ONG subsector to support the Nation's homeland security mission. The ONG SCC is comprised of ONG owners and operators from 23 trade associations, representing a broad industry-wide network across the United States and Canada from all business units – drilling, exploration, production, processing, refining, service and supply, transmission, distribution, and transportation (including pipeline, marine, motor, and rail). As a key part of the energy sector, the Pipelines Sector Coordinating Council serves a dual function as the ONG SCC's Pipeline Working Group.

DOE facilitates three principal-level meetings between the EGCC and ONG SCC each year to discuss strategies and high-level vision for the public-private partnership. Specific physical and cybersecurity as well as resilience projects and initiatives are identified during each of these meetings, and DOE works with the ONG SCC and other partners where appropriate to carry out these activities.

In addition to regular coordination through the ONG SCC, DOE Office of Electricity Delivery and Energy Reliability (OE) has engaged the energy sector ISACs, including the ONG ISAC and the Downstream Natural Gas (DNG) ISAC. Recognizing the need for improved information sharing both between industry and government and across the energy sector, DOE convenes monthly meetings with the ONG ISAC, DNG ISAC, and Electricity ISAC to share and discuss cyber threat trends in a classified setting.

Should a major event occur, DOE will actively engage with the sector to support a safe and timely response. In carrying out DOE's Emergency Support Function (ESF) #12 and Sector-Specific Agency responsibilities, DOE holds regular coordination calls with the ONG SCC and Electricity Subsector Coordinating Council (ESCC) to ensure shared situational awareness and to identify any unmet needs. Additionally, DOE's energy response team leverages the Energy Information Administration's (EIA) subject matter expertise to increase awareness and analyze the regional and national impacts of actual or potential supply chain disruptions. The coordination between EIA and DOE was identified in the National Petroleum Council's 2014 study on industry and government's storm preparation, response, and recovery activities, and DOE's broad coordination role was further codified in the Fixing America's Surface Transportation (FAST) Act of 2015. Collectively, these activities and DOE's other response efforts ensure that the interagency and the Nation's SLTT governments respond to major events effecting the energy sector in a coordinated and appropriate manner.

DOE has also been working with the oil and gas sector for over 10 years to develop advanced technologies to better protect the Nation's energy infrastructure against malicious cyber activity. To coordinate public and private activities and investments, DOE partnered with the energy sector in 2006 and again in 2011 to develop a roadmap and common vision to design, install, operate, and maintain resilient control systems that can survive a cyber incident while sustaining

critical functions. The oil and gas sector played a key role in developing these strategic documents serving on the Executive Steering Committees to ensure the roadmaps fully addressed the industry's major cybersecurity challenges, priorities, and technology gaps. Oil and gas sector representatives included API, AGA, INGAA, BP, Chevron, and El Paso.

Question 3: Describe and provide memoranda of understanding or other agreements between DOE and other agencies that have been developed to ensure full and adequate coverage of pipeline systems relating to federal critical infrastructure responsibilities.

DOE serves as the Sector Specific Agency for Energy under Presidential Policy Directive 21 and the lead Federal agency for Emergency Support Function (ESF) #12 – Energy under the National Response Framework. DOE has established a productive public-private partnership with government partners and the pipeline industry to secure the transport of oil and natural gas. DOE works with the Department of Homeland Security's National Protection and Programs Directorate Office of Infrastructure Protection, DHS's Transportation Security Administration, DHS's United States Coast Guard , DHS's Infrastructure Security Compliance Division, the Department of Transportation's Pipeline and Hazardous Materials Safety Administration and the Federal Energy Regulatory Commission to streamline pipeline security and safety initiatives as they relate to resilience and reliability. Formal agreements have not been necessary to coordinate among agencies lending greater flexibility to adjust to emerging threats as needed. The Energy Government Coordinating Council provides a useful coordination mechanism to synchronize various collaborations among relevant federal agencies.

Question 4: Describe the federal resources, including personnel, applied to pipeline cybersecurity vulnerability assessments and related programs.

DOE-OE leads DOE's efforts to secure the U.S. energy infrastructure against all hazards through cybersecurity research and development and in activities to prepare for, respond to, and recover from major disruptive energy events. In FY 2017, approximately $79.2 million of DOE-OE's resources (combination of program dollars and Federal staff) were dedicated to help achieve this objective. The work performed by OE was done in collaboration with DOE's Office of Intelligence and Counterintelligence, which is responsible for all intelligence and counterintelligence activities throughout DOE, including nearly 30 intelligence and counterintelligence offices nationwide. Given this close connection with the intelligence community, DOE is uniquely postured to provide targeted threat classified and unclassified information to the ONG subsector.

Additionally, DOE's 17 national laboratories represent an unparalleled asset available to DOE. The national labs possess unique instruments and facilities, many of which are found nowhere else in the world. They address large scale, complex research and development challenges with a multidisciplinary approach that places an emphasis on translating basic science to innovation. Several of these labs are leading the development of unique cybersecurity solutions that can be deployed across the pipeline industry to further improve the sector's cyber posture.

Question 5: Describe the number, design, and scope of federal audits or assessments to identify vulnerability and cybersecurity risks in pipeline systems.

In an effort to support ONG companies – including pipelines – in assessing their cybersecurity posture, DOE developed the Cybersecurity Capability Maturity Model (C2M2) in 2012. The model is a tool that may be used by the company to assess the maturity of its cybersecurity program through focusing on the implementation and management of cybersecurity practices associated with the operation and use of information technology and operational technology (OT) assets and the environments in which they operate. With specialized knowledge of the OT cybersecurity environment, DOE ISER is uniquely qualified to support pipeline companies identify and mitigate cybersecurity vulnerabilities through resources like C2M2.

The C2M2 supports the ongoing development and measurement of cybersecurity capabilities within any organization by enabling these organizations to consistently evaluate and benchmark their cybersecurity capabilities, prioritize actions and investments, and support adoption of the National Institute of Standards and Technology (NIST) Cybersecurity Framework. The model accomplishes this by providing a common set of industry-vetted cybersecurity practices, grouped into ten domains and arranged according to maturity level.

Pipeline companies and other energy sector organizations can facilitate their own C2M2 assessments, or can turn to other parties to assist them in the one-day facilitations. Private companies as well as industry trade associations, such as the American Gas Association (AGA), have leveraged the model to provide individual assessments to their customers or members, respectively. AGA has additionally sponsored several regional workshops to guide participating natural gas member utilities of all sizes through the model. As the model is designed to allow individual companies or associations to assess their own systems, it is difficult to accurately capture the number of ONG companies, including pipelines, which have undergone a C2M2 assessment.

Several of these companies are now in turn participating in DOE's ongoing efforts to update C2M2 to reflect evolving industry best practices and other updates, including the release of a revised NIST Cybersecurity Framework.

Question 6: Describe DOE's specific activity and programs concerning cybersecurity in pipeline systems.

In addition to the work with the ONG SCC, C2M2, energy sector ISACs, and others previously mentioned, DOE has developed a hands-on workshop for energy sector owners and operators to walk through a simulated cyber-attack on energy control systems. This workshop, called "Cyber Strike," leverages lessons learned from the 2015 and 2016 attacks on Ukraine's electric system to better equip U.S. energy companies with the skills to identify and mitigate similar threats. In 2017, DOE partnered with AGA to deliver a version of this training for over 50 of AGA's natural gas utility representatives. DOE currently has six additional workshops planned for 2018 and is developing additional modules targeted for the ONG audience.

DOE hosts an annual Cyber Defense Competition to address the cybersecurity capability gap. Collegiate student teams engage in interactive, scenario-based events to exercise cybersecurity methods, practices, strategy, policy, and ethics, all focused on the energy sector. The scenario for this year's competition, which takes place on April 6, focuses on the interdependencies between natural gas delivery and electric generation. DOE has engaged with AGA and the Interstate Natural Gas Association of America (INGAA) to facilitate engagement between these talented students and natural gas companies.

DOE also works with the trade associations of the ONG SCC to provide classified threat briefings for cleared sector representatives. Through its ties with the intelligence community, DOE regularly delivers briefings related to emerging cyber and physical threats to energy infrastructure. Additionally, in recognizing the need to explore new ways to improve appropriate access to classified threat information, DOE is conducting a pilot of the Government's Secure Video Teleconference (SVTC) capabilities. This goal of this pilot is to exercise DOE's ability to remotely convene a classified threat briefing for cleared energy sector industry representatives, and reduce the barriers to providing them with the information needed to protect their systems.

Since 2010, DOE has utilized the energy sector cybersecurity roadmaps to guide investments of over $200 million in cost-shared R&D to support the oil and gas sector in building resilient energy control systems. Some major accomplishments include:

Artificial Diversity and Defense Security (ADDSec) – Chevron, Washington Gas Energy Systems and SEL, Inc, partnered with Sandia National Laboratory to develop technologies that allow the traditionally static control system to reconfigure itself unpredictably and thereby impede adversarial reconnaissance by making the control system difficult to map – a critical step toward attack planning. If the adversary does succeed in staging a cyber-attack, the control system can automatically reconfigure to sustain critical functions during the cyber-incident.

Role-Based Access Control (RBAC) - Honeywell developed the RBAC technology for the Experion® Process Knowledge System product suite, an energy delivery control system used extensively within the oil and gas industry. RBAC limits user access to the least needed to perform a given task, which helps reduce the risk of unauthorized access, including inside-threats. This technology accounts for roles that are specific to energy delivery operations, for instance, access required for different operating modes, such as normal, start-up, shut-down, and emergency operations. Partners included Idaho National Laboratory (INL) and the University of Illinois at Urbana-Champaign.

Academic-industry Consortia - DOE partnered with DHS to fund the University of Illinois "Cyber Resilient Energy Delivery Consortium" and the University of Arkansas "Cybersecurity Center for Secure Evolvable Energy Delivery Systems" projects. These multiyear consortiums bring together computer scientists and control system engineers guided by industry advisory boards to develop the foundational science and engineering approaches to enhance oil and gas sector cybersecurity and resiliency.

Vulnerability Analysis of Energy Delivery Control Systems – Idaho National Laboratory conducted test bed assessments of more than seven supervisory control and data acquisition

(SCADA) systems widely used in the energy sector. The resulting report describes common vulnerabilities found in the assessments. The vulnerabilities described in this report were routinely discovered in SCADA assessments using a variety of typical attack methods to manipulate or disrupt system operations. The report was designed to provide recommendations to the SCADA vendor and/or owner to identify and reduce the risk of the associated vulnerabilities in their systems.

Cybersecurity Procurement Language for Energy Delivery Systems - designed to provide baseline cybersecurity procurement language for control systems commonly used in the energy sector including: components of energy delivery systems (e.g., programmable logic controllers, digital relays, or remote terminal units), SCADA systems, and networked energy delivery systems (e.g., a natural gas pumping station). Widespread use of common procurement language can greatly enhance the security of the energy sector supply chain as well as lower life-cycle costs by encouraging vendors to build-in security during the design phase.

National Association of State Energy Officials

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January 12, 2026

Chairman Latta
Ranking Member Castor
Energy Subcommittee
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

Re: NASEO Letter in Support of SECURE Grid Act/Hearing *Protecting America's Energy Infrastructure in Today's Cyber and Physical Threat Landscape* (January 13, 2026)

Dear Chairman Latta and Ranking Member Castor:

On behalf of the National Association of State Energy Officials (NASEO), I write to express our strong support for the *Securing Community Upgrades for a Resilient Grid Act* (SECURE Grid Act), which the Subcommittee will consider at its January 13, 2026, legislative hearing. NASEO represents the State Energy Offices in all 50 states, the territories, and District of Columbia. We strongly endorse this bipartisan legislation which reflects the very positive work of Chairman Latta and Representative Matsui. NASEO appreciates the opportunity to submit these comments, and we thank the Committee staff for their continued engagement.

One of the key activities of the State Energy Offices is supporting our nation's protection from cyber security and physical security threats. The SECURE Grid Act will help us move forward in this arena, building on the language contained in earlier energy legislation. For example, 2021 legislation built upon language contained in a 1990 statute, which made energy emergency and energy security planning a mandatory feature of the U.S. State Energy Program (SEP) (PL 101-440). The SECURE Grid Act will extend that additional authority, along with authority for electricity transmission and distribution system planning, through 2030. This timeframe provides states with a practical planning horizon to carry out work in support of the Act's goals and regular updating of state energy security plans.

Since the 2021 statute was passed, all State Energy Offices, NASEO, and the U.S. Department of Energy's Office of Cybersecurity, Energy Security, and Emergency Response (CESER) worked together—under gubernatorial oversight—to update state energy security plans. When the legislation was developed in 2015, on a bipartisan basis, the Committee recognized the importance of these issues, as well as the determinative role of the governors who lead emergency planning and response efforts in their states. The 2021 statute was a clear advance.

The SECURE Grid Act furthers these efforts by ensuring that states' electric distribution security planning keeps pace with rapidly evolving cyber and physical threats to our nation's grid. The threat actors have expanded and the need for state energy emergency planning that helps energy providers becomes more critical every day–our adversaries are not resting. The states' grid planning work is especially important as utilities are called upon to integrate unprecedented new loads, in such areas as manufacturing, data centers, and critical defense installations. The protection of our energy infrastructure is a shared responsibility of state, local, and federal governments, as well as the private sector. The governors have been very engaged and supportive of this process.

The legislation also ensures continued leveraging of CESER's highly effective work and partnership with the states and energy providers. Ongoing collaboration among CESER, State Energy Offices, utilities, and fuel providers is essential not only to improving preparedness, but also to restoring grid and fuel operations–utilizing robust state energy security plans–as quickly as possible when disruptions occur.

The strong bipartisan support of this Subcommittee, as well as the Senate Energy and Natural Resources Committee and the Energy and Water Development Appropriations Subcommittees in the House and Senate, for SEP is critical to the national interest.

NASEO also endorses the other bills being considered by the Subcommittee at the hearing on January 13, 2026: 1) *Energy Emergency Leadership Act*; 2) *Energy Threat Analysis Center Act of 2026*; 3) *Rural and Municipal Utility Cybersecurity Act*; and 4) *Pipeline and Cybersecurity Preparedness Act*. Each of these bills benefits from, and further reinforces, CESER's valuable partnership with State Energy Offices and the nation's energy providers. We recommend a minor modification to the *Energy Threat Analysis Center Act of 2026* in Section 2(3)(A). You should consider ensuring that the provision of "information" be on a purely discretionary basis, but that "assistance" be on a formula basis to governmental entities to ensure that all states and private entities within the states move forward together in trying to avert energy security threats.

NASEO members from all the states have greatly appreciated the bipartisan support of the SECURE Grid Act, and the truly professional support provide by both the Committee staff on both sides of the aisle and the personal staff regarding this critical legislation. We are prepared to respond to any questions and would be happy to brief the Members and staff on state actions to advance our national security.

We hope this legislation can move forward to enactment very quickly. We request that this statement be placed in the hearing record.

Respectfully Submitted,

David Terry
President, NASEO

cc: The Honorable Brett Guthrie
The Honorable Frank Pallone
State Energy Director

Rep. Hudson Applauds Energy & Commerce Action to Strengthen Grid Security

WASHINGTON, D.C. – Congressman **Richard Hudson** commends House Energy and Commerce Committee leaders for the hearing on ways to protect America's energy infrastructure from cyber and physical threats.

"Grid security is national security," said Hudson. "We saw that firsthand in Moore County in 2022, when a deliberate attack left tens of thousands without power. Cyber and physical threats put lives and communities at risk, and we have to take them seriously."

Hudson's statement comes as the House Energy and Commerce Subcommittee on Energy holds a legislative hearing on safeguarding the nation's energy infrastructure. The hearing is being led by **Rep. Bob Latta,** Chairman of the Subcommittee on Energy, and **Rep. Brett Guthrie**, Chairman of the full House Energy and Commerce Committee.

The Subcommittee hearing, titled *Protecting America's Energy Infrastructure in Today's Cyber and Physical Threat Landscape*, is examining multiple bills aimed at strengthening cybersecurity defenses, improving physical security, and enhancing collaboration between government and private-sector energy providers.

The issue is personal for Hudson and his constituents. In December 2022, a deliberate physical attack on electrical substations in Moore County, North Carolina, left more than 45,000 residents without power for days during a winter cold spell. Homes lost heat, medical facilities lost power, schools and small businesses were forced to close, and the outage ultimately contributed to the loss of a life. The attack exposed serious vulnerabilities in grid security and emergency preparedness.

Since the Moore County attack, Hudson has led a focused effort to strengthen grid security, including:

- **Immediate response:** toured the Duke Energy substation that was attacked and met with utilities, law enforcement, and local officials.
- **Security briefings**: organized a classified FBI briefing for Members of Congress on threats to U.S. electrical infrastructure.
- **Committee leadership**: brought Energy and Commerce to Moore County for a field hearing, including substation site visits and expert testimony.
- **Legislative action**: authored and advanced the Protecting America's Distribution Transformer Supply Chain Act, previously passed out of committee.
- **Funding delivered**: secured $1.6 billion to strengthen grid security through FY24 energy and water appropriations.

Read more about Rep. Hudson's actions to protect the grid in NC-09 here.
Read more about the hearing here.

Energy Sector
Government Coordinating Council Charter

I. Official Designation

The official designation of this Council is the Energy Sector Government Coordinating Council, hereafter referred to as the "EGCC."

II. Objective

The objective of the EGCC is to provide effective coordination of Energy Sector efforts to ensure a secure, reliable, and resilient energy infrastructure. The EGCC will address policy considerations, program goals, and communication across government as well as between the government and the private sector to support the Nation's energy security and resilience mission in accordance with: Presidential Policy Directive (PPD) 21 – Critical Infrastructure Security and Resilience; PPD 41 – United States Cyber Incident Coordination; the National Infrastructure Protection Plan (NIPP) 2013; the Fixing America's Surface Transportation (FAST) Act of 2015; as well as the National Cyber Strategy.

- The EGCC acts as the counterpart and governmental sector partner to the industry-led Electricity Subsector Coordinating Council (ESCC) and the Oil and Natural Gas Subsector Coordinating Council (ONG SCC) in supporting the planning, implementation, and execution of timely and necessary sector-wide resilience and reliability programs for the Nation's critical energy infrastructure.
- The EGCC is an advisory group and does not encroach upon or abrogate the legal or regulatory responsibilities of the participants.
- The EGCC endeavors to serve as a single point of contact to facilitate communication between the government and the private sector when preparing for and responding to issues and threats resulting from physical, cybersecurity, or weather-related disasters of national significance impacting the Energy Sector.
- The EGCC supports the Energy Sector goals and priorities established in the Energy Sector-Specific Plan (SSP).

III. Scope of Activity

The EGCC will accomplish its objectives through the following essential activities:

- Identifying issues that need interagency and public-private coordination and communication to advance critical infrastructure security and resilience.
- Identifying and proposing collaborative strategies to correct or eliminate needs, gaps, overlaps, or conflicts in plans, programs, policies, or procedures in order to more efficiently use government resources and reduce unnecessary burdens on the sector.
- Facilitating the sharing of approaches and results of successful programs related to critical infrastructure security, resilience, and cybersecurity, in addition to emergency response.
- Leveraging complementary resources within and between government agencies and industry including securely sharing information which has been collected to lessen duplicative requests and burdens on industry.
- Improving coordination and consolidation of government-led exercises, voluntary programs, and reporting which involve participation from the energy sector.
- Acknowledging and responding to the concerns of the sector, from both public and private partners, and working in coordination to address and resolve those concerns when possible.

IV. Membership

The EGCC membership will be composed of Federal, State, local, territorial, and tribal government departments and agencies with responsibilities involving the safety, security, preparedness, response, and resilience of the Energy Sector.

Specific government department offices and agencies as well as representative associations are designated as standing members of the EGCC, due to their engagement with the Energy Sector and/or pipeline and maritime facilities and systems that are integral to the Energy Sector.

Standing members of the EGCC include:

Federal Membership

- Federal Energy Regulatory Commission
- National Security Council
- Nuclear Regulatory Commission
- Office of the Director of National Intelligence
- Tennessee Valley Authority
- U.S. Department of Agriculture
- U.S. Department of Defense
    - U.S. Army Corps of Engineers
    - Defense Logistics Agency
- U.S. Department of Energy
    - Office of Cybersecurity, Energy Security, and Emergency Response
    - Office of Fossil Energy
    - Office of Electricity
    - Office of Indian Energy Policy and Programs

    - Bonneville Power Administration
    - Southeastern Power Administration
    - Southwestern Power Administration
    - Western Area Power Administration
- U.S. Department of Health and Human Services
- U.S. Department of Homeland Security
    - Cybersecurity and Infrastructure Security Agency
    - Federal Emergency Management Agency
    - Transportation Security Administration
    - U.S. Coast Guard
- U.S. Department of the Interior
- U.S. Department of Justice
    - Federal Bureau of Investigations
- U.S. Department of State
- U.S. Department of Transportation
    - Federal Aviation Administration
    - Pipeline and Hazardous Materials Safety Administration
- U.S. Department of the Treasury
- U.S. Environmental Protection Agency

State Association Membership

- National Association of Regulatory Utility Commissioners
- National Association of State Energy Officials
- National Governors Association

International Membership

- Embassy of Canada
- Natural Resources Canada
- Public Safety Canada

The EGCC may also ask other departments and agencies to participate in GCC activities on an *ad hoc* basis to meet expertise requirements necessary to fulfill the GCC objectives or due to the department's or agency's involvement with sectors that have interdependencies with the Energy sector. *Ad hoc* participation may be ended at the discretion of the Chair and by determination of the Council when the participant's expertise is no longer required.

Standing EGCC members may also request other offices or units within their own department or agency to participate in GCC meetings and activities based on the need for their subject matter expertise or responsibilities.

V. Roles and Responsibilities

As the Sector-Specific Agency (SSA) for the Energy Sector designated by PPD-21, PPD-41,

and codified by the FAST Act, the Department of Energy (DOE) Assistant Secretary of the Office of Cybersecurity, Energy Security, and Emergency Response will serve as the Chair and provide leadership for the EGCC's activities and meetings. Additionally, in accordance with NIPP 2013 and the Energy SSP, the DHS Cybersecurity and Infrastructure Security Agency Director (and/or their designee) Co-Chairs the EGCC.

The EGCC brings topics to DOE as the SSA for consideration and discussion. DOE will monitor and ensure that topics are fully considered.

Each standing member will designate a primary representative to the EGCC who should be at the director-level or equivalent to discuss topics on their agency's behalf. The designated representative may appropriately delegate other agency representatives to participate in GCC meetings and activities.

Each standing member will name a primary point of contact for the EGCC and working group Chairs and Secretariat for the purpose of discussing ongoing business and administrative matters. The agency's primary point of contact should seek out subject matter experts within the agency to participate in GCC and working group activities that are focused on specific topics.

While EGCC member representatives will strive to represent the respective positions of their individual organizations, the Council recognizes that members may lack the legal authority to act. However, any actions of the Council or of individual members are not binding on any government entity or organization.

The EGCC Secretariat, constituted by DOE and supported by DHS when the GCC or working groups meet with industry in Critical Infrastructure Partnership Advisory Council meetings, will provide meeting and organizational support, including coordination of agenda development, support to the GCC and working group Chairs on maintaining rosters, meeting calendars, meeting minutes, tracking the status of initiatives and work products, other administrative support, logistic arrangements, and supporting communication between GCC members and with the SCC as requested.

VI. Working Groups

The EGCC will establish standing or ad hoc working groups when investigation, research, or other tasks concerning specific topics or activities cannot be achieved at a regular EGCC session. A working group may be asked to collaborate with an ESCC and/or ONG SCC working group, as well as with other sector working groups, on specific issues. All products of the working groups will be reported to Council members at EGCC meetings.

When establishing working groups, the EGCC:

- Will request that member agencies with equities concerning the working group activities encourage participation as appropriate.

- A GCC member will lead the working group.
- Establish specific and clear goals with time limits when initiating the working group, and request that the GCC Secretariat and GCC members support the working group as needed.
- Standing working groups will be established as needed.

VII. Principles of Participation

All EGCC members and participants are invited to contribute and collaborate to:

- Work towards the same Sector goals and to improve the security, preparedness and resilience of the Nation's Energy Sector.
- Participate in EGCC activities.
- Recognize each EGCC member's statutory responsibilities and experiences, resources, strengths, skills, and perspective during discussion and deliberations.

VIII. Frequency and Conduct of Meetings and Decision Making

The EGCC will meet at least twice per year, with additional meetings held as needed. Members are invited to attend in person or through teleconference.

The EGCC will seek to develop a broad agreement on issues, recommendations, decisions and documents which the Council may discuss. No votes will be taken or recorded; instead, Council members may reach broad agreement, encouraging the exchange of information and points of view.

IX. Charter Amendments

This Charter may be amended as needed under the guidance of the EGCC Chairs and its members.

ESF Coordinator:

Department of Energy

Primary Agency:

Department of Energy

Support Agencies:

Department of Agriculture
Department of Commerce
Department of Defense
Department of Homeland Security
Department of the Interior
Department of Labor
Department of State
Department of Transportation
Environmental Protection Agency
Nuclear Regulatory Commission
Tennessee Valley Authority

INTRODUCTION

Purpose

Emergency Support Function (ESF) #12 – Energy is intended to facilitate the restoration of damaged energy systems and components when activated by the Secretary of Homeland Security for incidents requiring a coordinated Federal response. Under Department of Energy (DOE) leadership, ESF #12 is an integral part of the larger DOE responsibility of maintaining continuous and reliable energy supplies for the United States through preventive measures and restoration and recovery actions.

Scope

ESF #12 collects, evaluates, and shares information on energy system damage and estimations on the impact of energy system outages within affected areas. Additionally, ESF #12 provides information concerning the energy restoration process such as projected schedules, percent completion of restoration, and geographic information on the restoration. ESF #12 facilitates the restoration of energy systems through legal authorities and waivers. ESF #12 also provides technical expertise to the utilities, conducts field assessments, and assists government and private-sector stakeholders to overcome challenges in restoring the energy system.

The term "energy" includes producing, refining, transporting, generating, transmitting, conserving, building, distributing, maintaining, and controlling energy systems and system components. All energy systems are considered critical infrastructure.

Policies

ESF #12:

- Addresses significant disruptions in energy supplies for any reason, whether caused by physical disruption of energy transmission and distribution systems, unexpected operational failure of such systems, or unusual economic or international political events.

- Addresses the impact that damage to an energy system in one geographic region may have on energy supplies, systems, and components in other regions relying on the same system. Consequently, energy supply and transportation problems can be intrastate, interstate, and international.

- Performs the Federal coordination role for supporting the energy requirements associated with National Special Security Events.

- Is the primary Federal point of contact with the energy industry for information sharing and requests for assistance from private- and public-sector owners and operators.

- Maintains lists of energy-centric critical assets and infrastructures, and continuously monitors those resources to identify and mitigate vulnerabilities to energy facilities.

- Establishes policies and procedures regarding preparedness for attacks to U.S. energy sources and response and recovery due to shortages and disruptions in the supply and delivery of electricity, oil, natural gas, coal, and other forms of energy and fuels that impact or threaten to impact large populations in the United States.

Restoration of normal operations at energy facilities is the responsibility of the facility owners.

For those parts of the Nation's energy infrastructure owned and/or controlled by DOE, DOE undertakes all preparedness, response, recovery, and mitigation activities.

CONCEPT OF OPERATIONS

ESF #12 provides the appropriate supplemental Federal assistance and resources to enable restoration in a timely manner.

Collectively, the primary and support agencies that comprise ESF #12:

- Serve as the focal point within the Federal Government for receipt of information on actual or projected damage to energy supply and distribution systems and requirements for system design and operations, and on procedures for preparedness, restoration, recovery, and mitigation.

- Advise Federal, State, tribal, and local authorities on priorities for energy restoration, assistance, and supply.

- Assist industry, State, tribal, and local authorities with requests for emergency response actions as required to meet the Nation's energy demands.

- Assist Federal departments and agencies by locating fuel for transportation, communications, emergency operations, and national defense.

- Provide guidance on the conservation and efficient use of energy to Federal, State, tribal, and local governments and to the public.

- Provide assistance to Federal, State, tribal, and local authorities utilizing Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)-established communications systems.

ORGANIZATION

Headquarters

ESF #12 is coordinated through Headquarters DOE. ESF #12 is activated when DHS/FEMA notifies the 24-hour Headquarters DOE Emergency Operations Center.

When activated by DHS/FEMA, ESF #12 provides representatives to the DHS National Operations Center, Domestic Readiness Group, and National Response Coordination Center (NRCC).

Regional-Level ESF #12 Support

ESF #12 assigns regional coordinators to each of the 10 DHS/FEMA regions. These coordinators attend meetings, participate in exercises, and develop expertise on regional issues and infrastructure.

ESF #12 participates in Regional Interagency Steering Committee preparedness and coordination activities.

When activated by DHS/FEMA, ESF #12 representatives deploy to the Regional Response Coordination Center (RRCC). The ESF #12 Team Leader at the RRCC coordinates assignments, actions, and other support until the Joint Field Office (JFO) is established and mission-execution responsibilities are transferred to the JFO ESF #12 Team Leader. ESF #12 provides incident-related reports and information to ESF #5 – Emergency Management.

Field-Level ESF #12 Support

When activated by DHS/FEMA, ESF #12 representatives deploy as members of incident management teams.

When activated by DHS/FEMA, ESF #12 representatives can also deploy as members of the Rapid Needs Assessment Team.

When activated by DHS/FEMA, ESF #12 personnel deploy to the JFO.

State, Tribal, and Local

State, tribal, and local governments have primary responsibility for prioritizing the restoration of energy facilities. State, tribal, and local governments are fully and consistently integrated into ESF #12 operations. When activated, ESF #12 personnel may deploy to State emergency operations centers.

Private Sector

ESF #12 coordinates information and requests for assistance with the following private-sector entities: the electricity and the oil and natural gas sector coordinating councils, the Electric Reliability Organization, and various associations that represent portions of the energy sector.

ACTIONS

Preincident

In cooperation with the Energy Sector, ESF #12 develops and implements methodologies and standards for physical, operational, and cyber security for the energy industry.

ESF #12 conducts energy emergency exercises with the energy industry, Federal partners, States, and tribal and local governments to prepare for energy and other emergencies.

The private sector owns and operates the majority of the Nation's energy infrastructure and participates along with the DOE in developing best practices for infrastructure design and operations.

DOE assists the States in the preparation of State Energy Assurance Plans to improve the reliability and resiliency of the Nation's energy systems.

ESF #12 works with the DHS/FEMA regions, the private sector, States, and tribes to develop procedures and products that improve situational awareness to effectively respond to a disruption of the energy sector.

DOE monitors the energy infrastructure and shares information with Federal, State, tribal, local, and industry officials.

In anticipation of a disruption to the energy sector, DOE analyzes and models the potential impacts to the electric power, oil, natural gas, and coal infrastructures; analyzes the market impacts to the economy; and determines the effect the disruption has on other critical infrastructure and key resources (CIKR).

Incident

The private sector normally takes the lead in the rapid restoration of infrastructure-related services after an incident occurs. Appropriate entities of the private sector are integrated into ESF #12 planning and decisionmaking processes.

Upon activation of ESF #12, DOE Headquarters establishes the Emergency Management Team and activates DOE disaster response procedures.

DOE assesses the energy impacts of the incident, provides analysis of the extent and duration of energy shortfalls, and identifies requirements to repair energy systems.

In coordination with DHS and State, tribal, and local governments, DOE prioritizes plans and actions for the restoration of energy during response and recovery operations.

ESF #12 coordinates with other ESFs to provide timely and accurate energy information, recommends options to mitigate impacts, and coordinates repair and restoration of energy systems.

ESF #12 facilitates the restoration of energy systems through legal authorities and waivers.

DOE provides subject-matter experts to the private sector to assist in the restoration efforts. This support includes assessments of energy systems, latest technological developments in advanced energy systems, and best practices from past disruptions.

ESF #12 coordinates preliminary damage assessments in the energy sector to determine the extent of the damage to the infrastructure and the effects of the damage on the regional and national energy system.

Within the JFO, ESF #12 serves as the primary source for reporting of CIKR damage and operating status for the energy systems within the impacted area. The Infrastructure Liaison, if assigned, proactively coordinates with ESF #12 on matters relating to security, protection, and/or restoration that involve sector-specific, cross-sector, or cascading effects impacting ESF #12. (See the CIKR Support Annex for further details.)

Postincident

ESF #12 participates in postincident hazard mitigation studies to reduce the adverse effects of future disasters.

ESF #12 assists DHS/FEMA in determining the validity of disaster-related expenses for which the energy industry is requesting reimbursement based upon the Stafford Act.

DOE leads and participates in various best practices and lessons learned forums to ensure future disruptions are addressed in the most efficient manner possible.

In coordination with the Pipeline and Hazardous Materials Safety Administration, ESF #12 ensures the safety and reliability of the Nation's natural gas and hazardous material pipelines.

RESPONSIBILITIES

Primary Agency: DOE

- Serves as the focal point for issues and policy decisions relating to energy response and restoration efforts.
- Assesses energy system damage and monitors repair work.
- Collects, assesses, and provides information on energy supply, demand, and market impacts; and contributes to situation and after-action reports.
- Identifies supporting resources needed to restore energy systems.
- Deploys DOE response teams as needed to affected area(s) to assist in response and restoration efforts.
- Reviews and sponsors the energy industry's requests for Telecommunications Service Priority (TSP) assignments to provision new services.
- Is the Sector-Specific Agency for the energy sector under Homeland Security Presidential Directive 7, "Critical Infrastructure Identification, Prioritization, and Protection."

SUPPORT AGENCIES

Agency	Functions
Department of Agriculture	**Rural Development (RD)** • Provides technical support and access to both damage assessments and restoration efforts for electric power generation, transmission, and distribution in Rural Development Utilities Program-financed systems. • Gathers and communicates information, as appropriate, from Rural Development Utilities Program-financed systems to assess impacts and needs. • Provides information (location, type, owners, and/or management service) on available USDA-financed, habitable housing units in its inventory that are not under lease or under agreement of sale for response or emergency personnel and their organizations' representatives to contact for housing during response activities.
	Multifamily Housing: Identifies owners of available apartments in federally funded multifamily housing to provide shelter to emergency response personnel in the affected area.
Department of Commerce	**National Oceanic and Atmospheric Administration (NOAA)** • Provides current and forecast weather information and dispersion model forecasts through its National Centers for Environmental Prediction and its local weather forecast offices and river forecast centers. • Provides public dissemination of critical event information over the NOAA All Hazards Weather Radio system, NOAA Weather Wire Service, and Emergency Managers Information Network.
Department of Defense	**U.S. Army Corps of Engineers:** Coordinates Emergency Power team missions with power-system restoration activities to establish priorities for emergency generator installation.
Department of Homeland Security	**Office of Infrastructure Protection** • Provides management of the National Infrastructure Protection Plan. • Provides overall coordination of the Nation's CIKR mission area. • Manages the National Infrastructure Coordinating Center, the National Asset Data Base, the National Infrastructure Simulation and Analysis Center, and the Homeland Infrastructure Threat Reporting and Analysis Center (in coordination with DHS/Office of Information and Analysis). • Manages a nationwide organization of Protective Security Advisors. • Trains and deploys Infrastructure Liaisons and Advisors to support incident management activities. (See the CIKR Support Annex for further detail.) • Develops and maintains a critical infrastructure list of energy facilities. • Develops and maintains a critical assets list of energy facilities. • Identifies and publicizes threats to specific energy facilities. • Coordinates with DOE and the private sector to conduct vulnerability assessments on energy infrastructure associated with terrorism, and coordinates the implementation of protective measures. • Through the Infrastructure Liaison, provides situational awareness and prioritized recommendations concerning the recovery and restoration of the associated CIKR sectors supported by this ESF.

Agency	Functions
Department of Homeland Security (Continued)	**National Communications System** • Through ESF #2 – Communications, assists DOE in its efforts to aid the energy industry in providing new services or to restore existing services that are assigned TSP restoration priorities. • Assesses damage to telecommunications identified by DOE as essential for energy system restoration (electrical service priorities).
	Science and Technology Directorate: Provides coordination of Federal science and technology resources..
Department of the Interior	**Bureau of Land Management** • Provides information on energy production and supply on Federal lands. • Assesses damage to energy-related infrastructure. • Provides engineering and technical support as necessary. • Develops and maintains information on critical energy-related infrastructure on Federal and tribal lands.
	Bureau of Reclamation • Provides technical assistance for the assessment of hydroelectric facilities and flood control actions as they affect energy production. • Uses Bureau of Reclamation personnel to assist in the repair of damaged hydropower generation facilities. • Modifies operations at Bureau of Reclamation facilities to increase electrical generation to supplement losses in areas affected by an incident. • Uses hydroelectric plant internal restart capabilities to assist in restoring the power system if blackouts occur.
	Minerals Management Service • For Outer Continental Shelf (OCS) facilities, provides energy production and well reserve information. • Assesses energy production damage and projected repair schedules for offshore facilities. • Assists operators in minimizing the disruption of energy production by expediting review and approval of repair procedures for damaged facilities and/or in the prompt review and approval of proposals to resume production through the temporary rerouting of oil and gas production until permanent system(s) repair can be effected. • Provides engineering and technical support as necessary. • Assists DHS/U.S. Coast Guard in the development of critical asset list of OCS oil and gas facilities. • Monitors and updates critical asset list of OCS oil and gas facilities.
Department of Labor	**Occupational Safety and Health Administration:** Implements processes identified in the Worker Safety and Health Support Annex to provide technical assistance during the restoration of the Nation's energy systems.
Department of State	• Coordinates with foreign nations and international organizations for assistance and information regarding energy supply and system damage. • Assists in implementation of emergency-related international energy agreements.

Agency	Functions
Department of Transportation (DOT)	**ESF #1:** DOT provides transportation infrastructure situational awareness and planning information to Federal, State, tribal, and local planners and response organizations.
	Pipeline and Hazardous Materials Safety Administration (PHMSA): PHMSA's Office of Pipeline Safety (OPS) is the Federal safety authority for the Nation's natural gas and hazardous liquid pipelines and liquefied natural gas facilities. OPS: • Ensures the safe, reliable, and environmentally sound operation of the Nation's pipeline transportation system. • Responds to requests for waivers of restrictions to meet emergency energy delivery requirements. • In coordination with DOE's Office of Electricity Delivery and Energy Reliability, coordinates activities and shares information needed to ensure that the sectors of the energy infrastructure subject to each agency's jurisdiction or oversight can efficiently and effectively coordinate and integrate energy assurance activities. PHMSA's Office of Hazardous Materials Safety assists State, tribal, and local authorities with requests for special permits and approvals relating to the movement of hazardous materials in support of the Nation's energy demands.
	Maritime Administration (MARAD): Acts as the center for information on the location, capacity, and availability of U.S.-flag vessels suitable for the movement of energy supplies, including petroleum products and liquefied natural gas. Pursuant to a memorandum of agreement, coordinates with DOE and DHS/Customs and Border Protection on whether national defense considerations warrant waiver of the U.S. Cabotage law for the movement of energy supplies.
Environmental Protection Agency (EPA)	• Responds to requests from State and local officials for EPA to exercise enforcement discretion to waive environmental requirements for motor vehicle fuel in order to address supply shortages, normally in the context of natural disasters or significant disruptions in the fuel production or distribution systems. • Coordinates the collection of motor vehicle fuel supply information necessary to evaluate an enforcement discretion request. • Assists in identifying critical water and wastewater systems requiring priority power restoration.
Nuclear Regulatory Commission	• Regulates the Nation's civilian use of nuclear fuels and materials to include commercial nuclear power plants. • Provides information and technical assessment regarding nuclear powerplants.
Tennessee Valley Authority	• Assesses supply, system damage, and repair requirements within the Tennessee Valley Authority. • Supplies surplus power as required to the power grid. • Supplies critical replacement parts and equipment as requested. • Supplies technical expertise as requested.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITY OF SAINT PAUL, MINNESOTA, *et al.*, *Plaintiffs*, v. CHRISTOPHER WRIGHT, in his official capacity as Secretary of Energy, *et al*., *Defendants*.	Case No. 1:25-cv-3899-APM

STIPULATION REGARDING CONSOLIDATION UNDER RULE 65(a)(2)

Pursuant to Federal Rule of Civil Procedure 65(a)(2), the parties agree and stipulate to consolidation of the hearing on Plaintiffs' motion for a preliminary injunction held on December 11, 2025, with a trial on the merits, subject to Defendants' stipulation and Plaintiffs' statement, set forth below.

Defendants' Stipulation

Solely for the purposes of the present litigation and for no other purpose, with respect to the seven financial awards[1] at issue in this litigation,[2] Defendants stipulate[3] not to contest the following factual assertions:

1. The seven terminated awards, all of which have prime awardees in States that tend to elect and/or have recently elected Democratic candidates in state and national elections (so-

[1] Award Nos. EE0011131, EE0011801, EE0009951, EE0011133, EE0010930, EE0010622, and FE0032276.

[2] The parties have separately stipulated to the voluntary dismissal of Plaintiffs' claims with respect to awards FE0032658, FE0032699, and FE0032657.

[3] Plaintiffs do not join this stipulation or agree that it accurately states all of the facts in evidence.

called "Blue States"), are comparable to certain other U.S. Department of Energy ("DOE") awards that (a) are to prime awardees not in Blue States, and (b) did not receive letters terminating their awards in October 2025.

2. A primary reason for the selection of which DOE grant termination decisions were included in the October 2025 notice tranche was whether the grantee was located in a "Blue State."

Plaintiffs' Statement

If Plaintiffs prevail on the merits and the Court orders Defendants to return the seven financial awards at issue in this litigation to the status quo ante, Plaintiffs reserve the right to seek to enforce the Court's order if Defendants return the awards to a status that Plaintiffs do not agree is the status quo ante.[4]

Dated: December 23, 2025

Respectfully submitted,

/s/ Daniel F. Jacobson
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Stephen K. Wirth (D.C. Bar 1034038)
John Robinson (D.C. Bar 1044072)
JACOBSON LAWYERS GROUP PLLC
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Counsel for Plaintiffs

[4] Defendants do not join Plaintiffs' Statement and reserve all rights with respect to remedy should Plaintiffs prevail on the merits.

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Peter Zalzal (CO Bar 42164)*
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*Pro hac vice forthcoming
+Pro hac vice pending

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Attorneys for Defendants

Department of Energy

Agency Plans and Reports

Agency's Strategic Plan

READ THE PLAN ›

Agency's Performance Plan and Report

READ THE PLAN ›

Agency Priority Goals

2020-2021 APGS ›

2018-2019 APGS ›

Mission

Advance U.S. national security and economic growth through transformative science and technology innovation that promotes affordable and reliable energy through market solutions and meets our nuclear security and environmental cleanup challenges.

Overview

The Department of Energy (DOE) enterprise is comprised of approximately 14,000 federal employees and over 95,000 management and operating contractor and other contractor

employees at the Department's headquarters in Washington, D.C. and 83 field locations. DOE operates a nationwide system of 17 national laboratories that provides world-class scientific, technological, and engineering capabilities, including the operation of national scientific user facilities used by thousands of researchers from academia, government, and industry. The range, scale, and excellence of science and technology (S&T) at the DOE laboratories provide strategic assets to accomplish DOE missions, support government responses to unforeseen domestic and international emergencies, and provide technical capabilities to help shape the global S&T agenda.

In response to changing needs and an extended energy crisis, Congress passed the Department of Energy Organization Act in 1977, creating one of the most diverse agencies in the federal Government. The legislation brought together for the first time, not only most of the Government's energy programs, but also science and technology programs and defense responsibilities that included the design, construction, and testing of nuclear weapons. The Department provided the framework for a comprehensive and balanced national energy plan by coordinating and administering the energy functions of the federal Government. The Department undertook responsibility for long-term, high-risk research and development (R&D) of energy technology, federal power marketing, some energy conservation activities, the nuclear weapons programs, some energy regulatory programs, and a central energy data collection and analysis program.

The Department's organizational chart is located here.

To access additional agency performance documents visit the agency's website.

Department of Energy

Agency Priority Goals

Commercial Adoption of Energy Technologies

Department of Energy (DOE) Enterprise Cybersecurity

Energy Sector Cybersecurity

News

Environmental Management

High Performance Computing (Exascale/Artificial Intellig

Nuclear Stockpile Annual Assessment

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Offic

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Congress of the United States
House of Representatives
Washington, DC 20515-0906

November 14, 2025

The Honorable Howard Lutnick
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Lutnick,

We write to express our deep concern regarding the growing risks to the United States electric grid posed by technologies designed, programed, and manufactured by adversarial nations. We urge the Department of Commerce to act swiftly to safeguard our grid and energy infrastructure from Chinese-made critical grid components and energy technologies that pose a severe threat to the safety of our constituents. As we work to achieve President Trump's vision of American energy dominance, it is vital that our critical infrastructure is not dependent on technologies that could be exploited to undermine U.S. national security.

The integration of critical grid technologies, such as utility-scale solar and battery inverters, sourced from foreign entities of concern pose unacceptable national security, economic, and supply chain risks. This is especially true as the United States faces historic electricity demand growth due to the AI revolution, new data centers, and increased industrial manufacturing places unprecedented strain on our grid. According to the Department of Energy's 2025 Resource Adequacy Report, expected retirements of existing generation capacity coupled with projected load growth increases the risk of power outages in 2030 by 100 times.

Earlier this year, a Reuters investigation revealed that certain Chinese-manufactured solar and batteries inverters deployed across the nation contained undisclosed communication devices. Experts warn that these "rogue" components could bypass firewall protections and enable malicious remote access, potentially allowing adversaries to destabilize large portions of the grid. Simultaneously, a growing body of Chinese academic research reveals a systematic and technically advanced focus on how to hack, harm, or even collapse Western power grids, particularly through the exploitation of Chinese-made technologies embedded in American grid infrastructure, including through the use of inverters. Increasing our reliance on China for inverters and critical grid equipment is a mistake, especially as we have ample supply domestically and from allied nations that would not expose our national security to unacceptable risks.

For these reasons, we respectfully request that the Department of Commerce exercise its authorities to restrict the future importation of such Chinese equipment and inverters for U.S. critical infrastructure. Such action would also align with the Trump Administration's broader objectives of strengthening domestic supply chains and protecting American workers and consumers. We appreciate your attention to this matter, and we stand ready to work with you and your team to ensure the security and resilience of our grid.

Respectfully,

August Pfluger
Member of Congress

Ben Cline
Member of Congress

Troy Balderson
Member of Congress

Zach Nunn
Member of Congress

Randy Weber
Member of Congress

James Moylan
Member of Congress

Jodey C. Arrington
Member of Congress

Roger Williams
Member of Congress

H. Morgan Griffith
Member of Congress

Bob Latta
Member of Congress

Richard Hudson
Member of Congress

Buddy Carter
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Gary Palmer
Member of Congress

Dan Crenshaw
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Craig Goldman
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Tracey Mann
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Mike Haridopolos
Member of Congress

Julie Fedorchak
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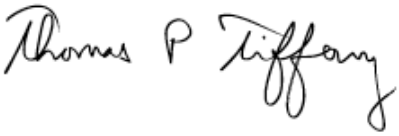
Member of Congress



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Member of Congress

Bill Huizenga
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Brian Babin
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Dan Newhouse
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Barry Loudermilk
Member of Congress

Pat Fallon
Member of Congress

William Timmons
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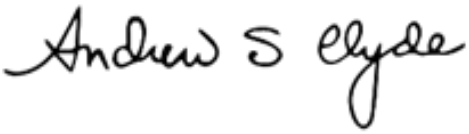
Austin Scott
Member of Congress



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Ann Wagner
Member of Congress

Stephanie Bice
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Andy Barr
Member of Congress

Adrian Smith
Member of Congress

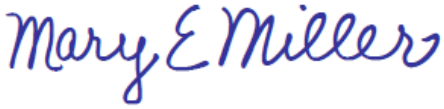
Scott Fitzgerald
Member of Congress

Scott Franklin
Member of Congress

Marlin A. Stutzman
Member of Congress

David Rouzer
Member of Congress

Rudy Yakym
Member of Congress



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Member of Congress

Michael Cloud
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W. Gregory Steube
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Brad Finstad
Member of Congress

Joe Wilson
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John J. McGuire III
Member of Congress

Sheri Biggs
Member of Congress

Pat Harrigan
Member of Congress

Jeff Hurd
Member of Congress

Jefferson Shreve
Member of Congress

Abraham Hamadeh
Member of Congress

Addison McDowell
Member of Congress

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION ENERGY VIRGINIA, *et al*., Plaintiffs, v. UNITED STATES DEPARTMENT OF THE INTERIOR, *et al*., Defendants.	Case No. 2:25-cv-830

PROPOSED *AMICUS CURIAE* PJM INTERCONNECTION, L.L.C.'S
MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

PJM Interconnection, L.L.C. seeks leave to file an *amicus curiae* brief to be considered in connection with Plaintiff Virginia Electric and Power Company d/b/a Dominion Energy Virginia's request for a preliminary injunction in this case. In support of its motion, PJM states the following:

This "Court has broad discretion in deciding whether to allow a non-party to participate as an *amicus curiae.*" *Tafas v. Dudas*, 511 F. Supp. 2d 652, 659 (E.D. Va. 2007) (citations omitted); *see also Bryant v. Better Bus. Bureau of Greater Md., Inc.*, 923 F. Supp. 720, 728 (D. Md. 1996) ("The decision to grant leave to proceed as amici at the trial court level is discretionary.") (citations omitted). Accordingly, briefs by *amici curiae* are routinely accepted at the trial court level where, for example, "they provide helpful analysis of the law" or the *amici* "have a special interest in the subject matter of the suit." *Bryant*, 923 F. Supp. at 728 (citations omitted); *see also Neonatology Assocs. v. Comm'r of Internal Revenue*, 293 F.3d 128, 131–33 (3d Cir. 2002) (Alito, J., in chambers) (explaining that motions for leave to file *amicus* briefs should be granted liberally when

the proposed briefs meet Federal Rule of Appellate Procedure 29's criteria "as broadly interpreted").

PJM is the independent Federal Energy Regulatory Commission ("FERC")-designated regional transmission organization ("RTO") for a multi-state region covering many of the Mid-Atlantic states, including Virginia, and the District of Columbia. There are more than 67 million people in the region PJM serves. As part of its federally mandated RTO responsibilities,[1] PJM administers a highly regulated process to assess the amount of electrical generation needed to operate the interstate transmission grid in PJM's region in a reliable fashion. This process is described more fully in the proposed *amicus curiae* brief. PJM also oversees the interconnection of electric generators to the transmission grid in its region. As relevant here, PJM oversaw an extensive study process that assessed the impact that interconnecting the offshore electric generation project at issue here will have on the grid's operation and reliability.

PJM's experience as an RTO gives it unique insights into the need for new electric generation in its region. As explained in the proposed brief, the offshore electric generation project at issue in this case will provide much-needed power to Virginia and the interstate electric grid. PJM has an interest in the project coming online.

The proposed brief is both useful and desirable. It provides context relevant to the proceedings from an entity with unique experience administering the transmission grid in Virginia. PJM believes that the information in the proposed brief will assist the Court as it considers the balance of the equities and the nature of the public interest in Dominion's offshore generation project.

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[1] As the FERC-designated RTO for its region, PJM has a FERC-approved tariff and is regulated by FERC.

PJM's proposed *amicus curiae* brief is timely because briefing on Dominion's request for a preliminary injunction is ongoing. PJM contacted the parties' attorneys seeking consent for PJM's motion for leave to file the proposed brief. Dominion consented to the relief PJM requests. The government did not respond.

PJM respectfully requests that the Court enter an order granting it leave to participate as *amicus curiae* and directing the clerk to file the accompanying brief on the docket in this matter.

January 9, 2026

Respectfully submitted,

/s/

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**Pro hac vice* motion pending

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION ENERGY VIRGINIA, *et al*., Plaintiffs, v. UNITED STATES DEPARTMENT OF THE INTERIOR, *et al*., Defendants.	Case No. 2:25-cv-830

***AMICUS CURIAE* BRIEF OF PJM INTERCONNECTION, L.L.C. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

STATEMENT OF *AMICUS* INTEREST[1]

PJM Interconnection, L.L.C. is the federally regulated regional transmission organization ("RTO") for an area spanning the District of Columbia and all or parts of 13 states in the Mid-Atlantic region, including Virginia. The Federal Energy Regulatory Commission ("FERC") has authorized PJM to provide transmission service and otherwise administer the bulk power system—otherwise known as the interstate electric transmission grid—in its region pursuant to its FERC-approved tariff. *See* PJM Open Access Transmission Tariff ("Tariff"), https://agreements.pjm.com/oatt; *see generally Old Dominion Elec. Coop. v. PJM Interconnection, L.L.C.*, 24 F.4th 271, 275–76 (4th Cir. 2022) (discussing "PJM's FERC-approved tariffs").

As an RTO, PJM oversees the process of interconnecting new electrical power generation to the interstate transmission grid. This process is critical: PJM has a mandate to operate a stable, reliable electrical grid under its FERC-approved tariff. *See* 18 C.F.R. § 35.34(a). Because there is rapidly growing demand for electricity in PJM's region, there is an acute need for new power generation to meet demand and maintain the reliability of a transmission grid that serves more than 67 million people.

Because of its decades of experience administering a reliable transmission grid and overseeing interconnection of new power generation, PJM has unique experience and insight that will assist the Court in this case, which involves a much-needed power-generation project. PJM thus submits this brief as *amicus curiae* to provide information that will assist the Court in

[1] No party's counsel authored this brief in whole or part. No party, party's counsel, or person other than *amicus* PJM contributed money to fund the brief's preparation or submission.

understanding the need for Dominion Energy's Coastal Virginia Offshore Wind ("CVOW") project implicated in these proceedings to be completed and operational as soon as possible.

ARGUMENT

I. Dominion's CVOW project is important to meet a rapidly increasing demand for electric power in PJM's region.

In the past few years, the demand for electric power has grown at an unprecedented pace in the US. This demand is driven, to a large degree, by new data centers that provide the computational muscle required to deliver artificial intelligence as well as more traditional web services. Such data centers consume considerable amounts of electricity. Virginia, and particularly Northern and Central Virginia, is experiencing rapid increase in demand attributable to large-scale data center development and associated infrastructure expansion. Accordingly, the need for new power generation has become increasingly important in Virginia.

As part of its duties to ensure the reliability of the regional electric grid, PJM conducts annual auctions to secure commitments from generator-owning entities to deliver power to the grid in future years. *See Hughes v. Talen Energy Mktg., LLC*, 578 U.S. 150, 155–57 (2016) (describing PJM's capacity auctions). Among other things, these capacity auctions identify when there is need for new generation to meet growing demand. Owners of capacity to produce electricity in three years' time then bid that capacity into the auction for sale to PJM at rates the sellers set in their bids. "PJM accepts bids . . . until it has purchased enough capacity to satisfy projected demand." *Id*. at 155–56. Generally, all accepted capacity sellers receive the highest accepted rate, called the "clearing price." "FERC extensively regulates the structure of the PJM capacity auction to ensure that it efficiently balances supply and demand, producing a just and reasonable clearing price." *Id*. at 157.

Recently, in the auction PJM cleared for commitments for the 2027/2028 Delivery Year, the total capacity of the resources PJM secured in its auction fell short of the level of electricity reliability that people in the PJM region—including the citizens of Virginia—have come to expect and rely upon. The total capacity of the resources PJM secured in the latest auction fell short of the level set in reliability requirements. The shortfall in commitments exceeded 6,517 megawatts.[2] The shortfall means that there is an increased risk that there will be insufficient generation to meet power demand under extreme conditions.

New generation capacity is necessary to ensure the grid has enough power to meet expected demand under various stressful scenarios such that loss of load events are projected to happen no more than once every 10 years. It takes many years for new generation to be constructed and connected to the transmission system. PJM's own analysis has demonstrated that the PJM region requires substantial new generation to avoid ever-increasing threats to the reliable operation of the grid in coming years.

The CVOW project, with a nameplate rating of 2,489 megawatts, is an integral component of needed new generation that PJM has been relying upon to timely achieve commercial operation. The CVOW project's continued development and ability to produce 2,489 megawatts for the interstate grid will help mitigate the capacity shortfall PJM is now experiencing, which is projected to continue into the future. Given the long lead times associated with the development of any alternative new generation, let alone delay of this project, extended delay of construction and operation of the CVOW project will cause irreparable harm to the 67 million Americans served by

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[2] *See* PJM Interconnection, L.L.C., 2027/2028 Base Residual Auction Report at 3 (Dec. 17, 2025), https://www.pjm.com/-/media/DotCom/markets-ops/rpm/rpm-auction-info/2027-2028/2027-2028-bra-report.pdf.

PJM given this region's (including Virginia's) critical need for new generation resources to achieve commercial operation in the next few years.

II. PJM has sufficient operational flexibility to collaborate with Dominion, relevant regulators, and the Department of War to address potential national security concerns.

There are national security benefits in the form of a stronger and more reliable electric grid in this region that will accrue once the CVOW project is operational and able to contribute power to the interstate grid. Working with generation owners, PJM already has a proven array of tools available to curtail output from generators when needed to address environmental restrictions as well as, in this case, national security concerns. PJM is working with the Department of War and Dominion to put into place protocols for curtailing output from the CVOW project, and other mitigations, under certain conditions where national security concerns are present.

III. The CVOW project has already advanced through prerequisites that must be met to supply power to the transmission grid.

The CVOW project has gone through interconnection processes that required a considerable investment of time and resources both by Dominion Energy and PJM. CVOW has passed through PJM's study process. Before a generator can connect to the transmission grid, PJM, Transmission Owners, and the entity offering generation cooperate to complete an involved study. That process assesses whether the proposed connection of the generator to the grid will adversely affect the reliability and operation of the grid under various conditions, and whether any system enhancements are necessary to mitigate potential issues. The study process requires considerable input from PJM, the Transmission Owner, and the entity that owns the generator. After negotiation of various details, Dominion Energy has recently returned fully executed generator interconnection agreements to PJM. PJM anticipates filing those agreements with FERC imminently for the required regulatory review.

Given that Dominion has returned fully executed generation interconnection agreements to PJM, the project intends to proceed towards commercial operation. As a result, delays of this project's construction and commencement of commercial operation will also adversely affect the planning of future needed transmission infrastructure throughout the multistate PJM region, including in Virginia and the District of Columbia.

CONCLUSION

It is widely recognized, including by the current administration,[3] that there is a pressing need for additional electric generation in PJM's region to meet rising demand and ensure the reliability of the interstate transmission grid. CVOW is a large project in the PJM region that will provide such generation. It has been in planning and development for many years. Given the size of the project and the long lead times associated with development of alternatives, further delay of the project will cause irreparable harm to the 67 million residents of this region that depend on continued reliable delivery of electricity. Accordingly, PJM supports Dominion's motion for a preliminary injunction so as to allow the project to move forward.

[3] Exec. Order No. 14262, *Strengthening the Reliability & Security of the United States Elec. Grid*, 90 Fed. Reg. 15,521, at 15,521 (Apr. 14, 2025); Exec. Order 14156, *Declaring a National Energy Emergency*, 90 Fed. Reg. 8,433 (Jan. 20, 2025).

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Respectfully submitted,

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**Pro hac vice* motion pending