



State of West Virginia
Office of the Attorney General
John B. McCuskey
Attorney General

May 22, 2025

The Honorable Christopher A. Wright
Secretary
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

The Honorable Mark Christie
Chairman
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Dear Secretary Wright and Chairman Christie:

The Nation's energy grid is headed towards a reliability crisis. A Strategic Electricity Reserve can prevent it, and we ask the Administration to consider establishing one.

For years, energy demand in the United States has been steady and predictable. But not anymore. The North American Reliability Corporation projects that energy demand will double over the next decade. Electric utilities have likewise doubled, tripled, and even quadrupled their consumption forecasts.¹ PJM Interconnection—the Nation's largest grid operator—has already nearly doubled its energy load from 1.4% to 2.3%.² And by 2030, PJM expects an additional 10,000 megawatts of demand—equivalent to adding a second New York City to its transmission system.³ Altogether, experts anticipate that America will significantly accelerate its electricity demand for the first time in a decade.⁴

It's easy to see why this jump in energy consumption is happening. Tax credits and other incentives pushed Americans to adopt electric vehicles, even as those vehicles may not be ready for such

¹ See NAT'L MINING ASS'N, THE GRID RELIABILITY CRISIS COLLIDES WITH SURGING POWER DEMAND (2024), available at <https://bit.ly/4mlJBV8>.

² See U.S. DEPT. OF ENERGY, THE FUTURE OF RESOURCE ADEQUACY (2024), available at <https://bit.ly/4d8xM0h>.

³ See Brad Plumer & Nadja Popovich, *A New Surge in Power Use is Threatening U.S. Climate Goals*, N.Y. TIMES (Mar. 14, 2024), <https://nyti.ms/42Q3OL4>.

⁴ See JOHN D. WILSON & ZACH ZIMMERMAN, GRID STRATEGIES, THE ERA OF FLAT POWER DEMAND IS OVER (2023), available at <https://bit.ly/4iS0nbq>.

widespread use.⁵ Federal legislation also drove a wave of industry investments in battery and semiconductor manufacturing.⁶ And increased demand for artificial intelligence is rapidly driving construction of new data centers across the United States.⁷ Indeed, data centers alone consumed 4.4% of total U.S. electricity in 2023. And by 2028, their consumption is expected to triple up to 12%⁸—the equivalent to powering 40 million homes.⁹

Renewable energy alone won't be enough to meet this new demand. Power-hungry data centers can be built in a year, but it can take over five years to connect a renewable source to the grid.¹⁰ Even then, those sources require long-distance power lines, and it can take a decade to build those.¹¹ In the end, data centers need 24-hour power, and renewables simply can't produce that kind of consistency alone. Beyond that, wind, solar, and other renewables also depend on the weather. Many regions have experienced a significant increase in both frequency and severity of weather events. Heat waves, droughts, and intense cold already challenge the nation's energy infrastructure, and the situation will only worsen if the infrastructure becomes overly dependent on renewables.¹²

Traditional energy resources like coal and gas industries provide critical baseload power to the Nation's grid—but America could stand to benefit from even more. The targeted suppression of coal and gas industries by prior administrations has shuttered generators.¹³ And across the board, environmental regulations and energy policies have been too rigid. They've even lacked provisions for electric grid reliability despite projected risk. As a result, capacity deficits are now projected in areas where generator retirements are expected, and they are all but certain to occur before replacement resources are in service to meet rising demand.¹⁴

All things considered, it comes as no surprise that President Trump has both declared a National Energy Emergency and issued an Executive Order to strengthen the Nation's grid. And rightfully so. For one, our "ability to remain at the forefront of technological innovation depends on a reliable supply of energy and the integrity of our Nation's electrical grid."¹⁵ For another, "[w]e need a reliable, diversified, and affordable supply of energy to drive our Nation's manufacturing, transportation, agriculture, and defense industries, and to sustain the basics of modern life and

⁵ See U.S. DEPT. OF ENERGY, *supra* note 2.

⁶ See *Building America's Clean Energy Future*, U.S. DEPT. OF ENERGY, <https://www.energy.gov/invest>.

⁷ See IEA, *ELECTRICITY 2024: ANALYSIS AND FORECAST TO 2026* (Jan. 2024), *available at* <https://bit.ly/3RXdux4>.

⁸ See 2024 UNITED STATES DATA CENTER ENERGY USAGE REPORT, BERKELEY LAB ENERGY ANALYSIS & ENV'T IMPACTS DIV. (2024), *available at* <https://bit.ly/4d4vWNQ>.

⁹ See Plumer & Popovich, *supra* note 3.

¹⁰ *Id.*

¹¹ *Id.*

¹² See U.S. DEPT. OF ENERGY & U.S. ENV'T PROT. AGENCY, JOINT MEMORANDUM ON INTERAGENCY COMMUNICATION AND CONSULTATION ON ELECTRIC RELIABILITY (2023), *available at* <https://bit.ly/3Sr4qAx>.

¹³ See NERC, 2023 LONG-TERM RELIABILITY ASSESSMENT (2023), *available at* <https://bit.ly/4d88dwn>.

¹⁴ *Id.*

¹⁵ Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025), *available at* <https://bit.ly/43g0qcp>.

military preparedness.”¹⁶ Even more, “insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.”¹⁷

The recent Memorandum of Understanding between the Department of Energy and the Environmental Protection Agency is an encouraging start to moving towards grid security.¹⁸ And we applaud how the Administration has acknowledged that environmental policies must carefully consider grid reliability.¹⁹ But regulators and policymakers must do more than consider the effects of their rules and policies on the grid—they must also actively design measures to safeguard it.

A Strategic Electricity Reserve could be one such measure to safeguard America’s future. We can conceive of many ways to develop one. For instance, the government could “deploy[] significant amounts of grid-scale storage in strategic locations, such as near Washington, D.C.[,] ... near key strategic governmental and military sites[,] ... major cities, military installations, communications choke points, [or] key transportation hubs.”²⁰ Or the government could keep certain baseload generators at the ready in the event that other generators on the grid fail to meet demand for any reason—a model similar to that already implemented in international markets like Germany.²¹ Or the government could simply buy up the fuels themselves, like coal.²² Either way, we expect that this strategic reserve would be driven by traditional baseload fuels like coal and natural gas. After all, “[w]ith months of fuel on site and the world’s largest coal reserves,”²³ America’s coal generators are already positioned to fill the reliability gap.

We have seen this model work before here in the United States. We faced a similar resource crisis with oil 50 years ago. The federal government established a Strategic Petroleum Reserve in response, but only after the oil deficit sent our economy into a recession.²⁴ The Petroleum Reserve paid dividends later, protecting the Nation from a host of economic shocks caused by weather, natural disasters, labor strikes, industry failures, and political disputes.²⁵ Though it was prompted by economic calamity, the Petroleum Reserve has ultimately become a critical American energy asset.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See U.S. DEPT. OF ENERGY & U.S. ENV’T PROT. AGENCY, *supra* note 12.

¹⁹ See Exec. Order No. 14156, *supra* note 15.

²⁰ See Bill Derasmo, *The Time Has Come for a Strategic Electricity Reserve*, SECURITY (May 19, 2022), available at <https://bit.ly/4j0lkB3>.

²¹ See Federal Ministry for Economic Affairs and Climate Action, *What Do Grid Reserve, Capacity Reserve and Security Stand-by Actually Mean?*, BMWK ENERGIEWENDE (Oct. 8, 2020), available at <https://bit.ly/4mcbG10>.

²² ColdButtonIssues, *The Case for a Strategic U.S. Coal Reserve for Climate and Catastrophes*, EFFECTIVE ALTRUISM F. (May 4, 2022), available at <https://bit.ly/4kbWoaB>.

²³ Rich Nolan, *The Coal Fleet Can Underpin the Energy Abundance Agenda*, REALCLEAR ENERGY (Mar. 6, 2025), available at <https://bit.ly/4dcdFyj>.

²⁴ See STRATEGIC PETROLEUM RESERVE FACT SHEET, U.S. DEPT. OF ENERGY (2024), available at <https://bit.ly/4d5rkHr>.

²⁵ *Id.*

The Strategic Electricity Reserve we ask the Administration to consider is no different. And it is necessary to protect the health of our power grid, service the explosive demand from new industries, and provide our renewable energy sources with operational security. Luckily, power plants—both operational and retired—offer valuable infrastructure that can be repurposed. And local communities are well positioned—with some downright eager—to support reinvestments.²⁶ Indeed, even California—a state often hostile to traditional energy resources—has recognized the value of such efforts by creating its own Electricity Supply Strategic Reliability Reserve Program.²⁷

We hope you'll engage with the States and other key stakeholders to begin the process of creating such a Strategic Electricity Reserve as soon as possible. A similar proposal was considered during the last Trump Administration,²⁸ and the need for such measures has only increased since then. What's more, President Trump just recently stressed his intent to support all “domestic energy resources — particularly oil, natural gas, coal, hydropower, geothermal, biofuel, critical mineral, and nuclear energy resources.”²⁹ We thus stand ready to help this Administration implement proposals supporting domestic energy in whatever way we can.

Sincerely,



John B. McCuskey
West Virginia Attorney General



Treg Taylor
Alaska Attorney General



James Uthmeier
Florida Attorney General

²⁶ See e.g., Leah Willingham & John Raby, *Trump's Push to Save the Fading Coal Industry Gets a Warm Embrace in West Virginia*, ASSOCIATED PRESS (Apr. 27, 2025), available at <https://bit.ly/4m8riCB>.

²⁷ ELECTRICITY SUPPLY STRATEGIC RELIABILITY RESERVE PROGRAM UPDATE, CAL. DEP'T OF WATER RES. (2025), available at <https://bit.ly/4kcHase>.

²⁸ Gavin Bade, *Plant Bailout Back on Tap as Perry, Coal Interests Reportedly Derail FERC Nomination*, UTILITYDIVE (Mar. 20, 2019), available at <https://bit.ly/42RvzCR>.

²⁹ Exec. Order No. 14,260, 90 Fed. Reg. 15,513 (Apr. 8, 2025).

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Todd Rokita
Indiana Attorney General

A blue ink signature of Liz Murrill, written in a cursive style.

Liz Murrill
Louisiana Attorney General

A purple ink signature of Austin Knudsen, written in a cursive style.

Austin Knudsen
Montana Attorney General

A black ink signature of Drew H. Wrigley, written in a cursive style.

Drew H. Wrigley
North Dakota Attorney General

A blue ink signature of Dave Yost, written in a cursive style.

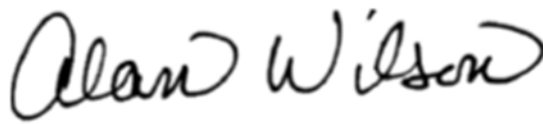
Dave Yost
Ohio Attorney General

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Gentner F. Drummond
Oklahoma Attorney General

A blue ink signature of Dave Sunday, written in a cursive style.

Dave Sunday
Pennsylvania Attorney General

A black ink signature of Alan Wilson, written in a cursive style.

Alan Wilson
South Carolina Attorney General

A black ink signature of Marty J. Jackley, written in a cursive style.

Marty J. Jackley
South Dakota Attorney General

A blue ink signature of Derek Brown, written in a cursive style.

Derek Brown
Utah Attorney General



Jason S. Miyares
Virginia Attorney General



Bridget Hill
Wyoming Attorney General