Trump’s forced coal plant extensions thrown out by judge

The use of coal to generate electricity on the US grid has been plunging for nearly two decades, and the first Trump administration was unable to affect the trend. So his second administration has attempted more aggressive interventions to prop up coal use. One of its most direct means of doing so is to order coal plants that were scheduled to close to remain open, even if there is no need for them.

The administration’s justification for these orders is a statute that allows the Department of Energy (DOE) to declare an emergency in the case of wartime or a sudden shortfall in generation. A number of parties, including states where coal plants have been slated to close, have challenged this declaration. And on Friday, in the first of these cases to make its way through the courts, the declaration was judged to be contrary to the statute. While this only affects a single coal plant in Michigan, the reasoning of the decision will apply to every coal plant closure that has been blocked by the DOE.

No emergency

The decision was issued by a unanimous three-judge panel from the DC Circuit’s Court of Appeals. It focuses on the J.H. Campbell Generating Plant, which was scheduled to close last year but has been kept open by a total of five emergency declarations by the DOE, each limited to 90 days by the Federal Power Act. At issue was section 202(c) of that Act, which allows the DOE to declare emergencies when the US is at war or when “an emergency exists by reason of a sudden

increase in the demand for electric energy, or a shortage of electric energy.”

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