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February 18, 2025

VIA EMAIL

The Honorable Mike Lee, Chairman
The Honorable Martin Heinrich, Ranking Member
U.S. Senate Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, D.C. 20510
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Dear Chairman Lee and Ranking Member Heinrich:

As Attorneys General in our respective states, we write to respectfully urge the Committee to give full consideration and support to S.J. Res. 10 and terminate the national energy emergency that President Trump declared in Executive Order 14156 (“Emergency Declaration”).¹ There is no energy emergency. American energy production is at an all-time high and our electricity grid is resilient.

We strongly agree that our Nation must have a “reliable, diversified, and affordable supply of energy.”² But the evidence shows that we already have an abundant and reliable energy system, and are well-equipped to maintain, diversify, and expand this reliable energy supply in the future, even as energy needs increase. The Emergency Declaration is unsupported by the evidence and contradicts our Nation’s goal of promoting reliable, diverse, and affordable energy. We, therefore, urge you to approve S.J. Res. 10 and terminate the Emergency Declaration.

A. Our energy supply is abundant and increasing.

The Emergency Declaration claims that the United States lacks an adequate supply of domestic energy resources to meet our Nation’s needs. In reality, our domestic energy

¹ Executive Order 14156, *Declaring a National Energy Emergency*, 90 Fed. Reg. 8433 (Jan. 20, 2025).

² *Id.*, sec. 1.

production is at an all-time high. American energy production is thriving due to a diverse mix of both fossil and non-fossil fuel resources.

The United States is producing record quantities of crude oil and natural gas; experts predict additional production growth this year and the next.³ Indeed, the United States is the world's largest exporter of liquefied natural gas, exports millions of barrels a day of crude oil, and has been a net energy exporter since 2019.⁴

Given this ample production, it is not surprising that oil prices fell for the third consecutive year in 2024 and are forecast to decline again in 2025.⁵ Nor is it surprising that natural gas prices were lower in 2023 and 2024 than they were during President Trump's first term before the Covid-19 pandemic.⁶

In fact, the United States produces so much oil and natural gas that companies have said that they will not increase output in response to President Trump's Emergency Declaration because it is not economical to do so.⁷

B. Renewable energy makes the Nation's energy supply and electrical grid more reliable and affordable, not less.

The Emergency Declaration's assertion that we have an "inadequate and intermittent energy supply, and an increasingly unreliable grid" is likewise unsupported by the facts. The North American Electric Reliability Corporation, responsible for ensuring the reliability and resiliency of America's power grid, reports that the bulk power system is resilient, and that the single biggest reliability risk factor is extreme

³ U.S. Energy Information Admin., Short-Term Energy Outlook (Feb. 11, 2025), <https://www.eia.gov/outlooks/steo/data/browser>.

⁴ U.S. Energy Information Admin., In-Brief Analysis: The United States was the world's largest liquefied natural gas exporter in 2023 (Apr. 1, 2024), <https://www.eia.gov/todayinenergy/detail.php?id=61683>; U.S. Energy Information Admin., U.S. Exports of Crude Oil (Jan. 31, 2025), <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcexus1&f=a>; U.S. Energy Information Admin., U.S. Energy Facts Explained (July 15, 2024), <https://www.eia.gov/energyexplained/us-energy-facts/imports-and-exports.php>.

⁵ U.S. Energy Information Admin., Short-Term Energy Outlook (Feb. 11, 2025), <https://www.eia.gov/outlooks/steo/data/browser/>.

⁶ *Id.*

⁷ Wall Street Journal, U.S. Frackers and Saudi Officials Tell Trump They Won't Drill More (Feb. 3, 2025), https://www.wsj.com/business/energy-oil/trump-oil-drilling-saudi-arabia-71c095ff?reflink=desktopwebshare_permalink.

weather induced by climate change.⁸

Renewable resources are “domestic energy resources.”⁹ They improve the reliability and affordability of our Nation’s energy supply by tempering the impact of international commodity price swings on crude oil and natural gas prices and reducing grid operators’ reliance on interruptible natural gas deliveries.¹⁰ Even the Department of Energy has acknowledged that “[t]he rise of renewable power, which comes from unlimited energy resources, like wind, sunlight, water, and the Earth’s natural heat, has the potential to vastly improve the reliability of the American energy system.”¹¹ Solar and wind generated more than 15% of all electricity and 8% of all energy consumed in the United States last year.¹² Yet the Emergency Declaration omits solar and wind production from the definition of “energy” entirely.¹³

Electricity generated by renewables is surging. Nationwide, zero-carbon generation—encompassing nuclear, wind, solar, and geothermal resources—jumped by more than 350 billion kilowatt hours (27.6%) from 2014 to 2023 and is forecast to surge another 217 billion kilowatt hours (12.8%) in the next two years alone due primarily to tens of gigawatts of new wind and solar capacity.¹⁴ Indeed, nearly all new electricity capacity added last year (94%) was wind, solar, and batteries.¹⁵ Wind and solar power are consistently among the cheapest sources of electricity, costing less than new coal, gas,

⁸ N. Amer. Elec. Reliability Corp., 2024 State of Reliability, (June 2024), at 5, https://www.nerc.com/pa/RAPA/PA/Performance%20Analysis%20DL/NERC_SOR_2024_Overview.pdf.

⁹ Executive Order 14156 at sec. 1.

¹⁰ U.S. Dep’t of Energy, Energy Reliability and Resilience (last accessed February 13, 2025), <https://www.energy.gov/eere/energy-reliability-and-resilience>; U.S. Fed. Energy Reg. Comm’n et al., The February 2021 Cold Weather Outages in Texas and the South Central United States (Nov. 2021), at 172 <https://www.ferc.gov/media/february-2021-cold-weather-outages-texas-and-south-central-united-states-ferc-nerc-and> (“Natural gas fuel supply issues alone caused 27.3 percent of the generating unit outages” during Winter Storm Uri).

¹¹ U.S. Dep’t of Energy, Energy Reliability and Resilience (last accessed February 13, 2025), <https://www.energy.gov/eere/energy-reliability-and-resilience>.

¹² U.S. Energy Information Admin., Short-Term Energy Outlook (Feb. 11, 2025), <https://www.eia.gov/outlooks/steo/data/browser/>; U.S. Energy Information Admin., Monthly Energy Review (Jan. 28, 2025), <https://www.eia.gov/totalenergy/data/browser/xls.php?tbl=T01.01&freq=m>.

¹³ See Executive Order 14156, sec. 8(a) (energy “means crude oil, natural gas, lease condensates, natural gas liquids, refined petroleum products, uranium, coal, biofuels, geothermal heat, the kinetic movement of flowing water and critical minerals[.]”).

¹⁴ *Id.*

¹⁵ U.S. Energy Information Admin., In Brief Analysis: U.S. power grid added 20.2 GW of generating capacity in the first half of 2024 (Aug. 19, 2024), <https://www.eia.gov/todayinenergy/detail.php?id=62864>.

and nuclear capacity—even without tax credits.¹⁶ Most importantly, renewable energy resources are abundant. The Department of Energy estimates that the United States has enough renewable energy potential to meet 100 times the annual nationwide energy demand.¹⁷

Burning fossil fuels only increases the instances of severe extreme weather that damages our Nation’s infrastructure and threatens human life. Experts agree that it is extreme weather—not the underproduction of fossil fuels—which poses the most urgent challenge to our Nation’s grid.¹⁸ Discouraging the development of a diverse portfolio of generation sources that includes home-grown, renewable energy sources such as solar and wind will only increase that risk.¹⁹ For this additional reason, the Emergency Declaration will undermine—not enhance—grid reliability.

Finally, Congress has created and appropriated funds to implement programs that are designed to assist Americans living on low- and fixed-incomes pay for their energy bills, including, for example: (i) the Low Income Home Energy Assistance program, 42 U.S.C. § 8621(a), which is designed to help States ensure that low-income residents are able to obtain heat and power in the winter, (ii) the Solar for All program, 42 U.S.C. § 7434(a)(1), which funds rooftop solar panels and storage systems for installation in low-income and disadvantaged communities, and (iii) the High-Efficiency Electric Home Rebate Act, 42 U.S.C. § 18795(a), which provides rebates for low- and moderate-income households for heat pumping and cooling and electrification projects. Freezing funding for these programs hurts those Americans struggling to pay their heating and electricity bills, a problem which the Emergency Declaration purportedly aims to solve. The Administration should promote energy affordability by carrying out the programs that Congress has already authorized to promote that aim, not by declaring an energy emergency designed to increase fossil fuel production.

¹⁶ Lazard, *Levelized Cost of Energy* (June 2024), at 9, <https://www.lazard.com/media/xemfey0k/lazards-lcoeplus-june-2024-vf.pdf>.

¹⁷ U.S. Dep’t of Energy, *Renewable Energy Resource Assessment Information for the United States* (Mar. 2022), at 57 <https://www.energy.gov/sites/default/files/2022-03/Renewable%20Energy%20Resource%20Assessment%20Information%20for%20the%20United%20States.pdf>

¹⁸ Congressional Res. Serv., *Natural Gas Reliability: Issues for Congress* (July 15, 2024), at 16-17, <https://sgp.fas.org/crs/misc/R48127.pdf>; National Aeronautics and Space Administration, *The Causes of Climate Change* (last accessed Feb. 13, 2025), <https://science.nasa.gov/climate-change/causes/>.

¹⁹ Moreover, a diverse portfolio that include renewables will help to insulate certain regions of the country that heavily rely on the import of fuels – e.g., natural gas, oil, hydro – for generation and, therefore, are more exposed to price volatility and the reliability risks inherent in the transportation of such fuels.

C. The Nation’s Northeast and West Coast regions have thriving energy sectors.

The Emergency Declaration also states that the Nation’s energy challenges are “most pronounced” in our Nation’s Northeast and West Coast. Nothing could be further from the truth.

Northeastern and West Coast states have cut harmful emissions from the power sector while growing their economies at a greater rate than the national average.²⁰ As one example, Washington State has some of the lowest energy prices in the Nation (and also some of the cleanest energy).²¹ New York has the most energy-efficient state economy in the Nation and consumes less total energy per capita than every state but Rhode Island.²²

The transition to a clean energy economy has resulted in well-paying jobs for millions of Americans in every state.²³ Conversely, ratepayers in states that continue to rely on coal for electricity are footing the bill for expensive bailouts to increasingly uneconomic and unreliable coal-fired power plants.²⁴ Even setting aside the social costs

²⁰ See e.g., Analysis Group, *The Economic Impacts of the Regional Greenhouse Gas Initiative on Ten Northeast and Mid-Atlantic States* (May 2023), at 12 (over 12-year period, program resulted in 46% reduction in greenhouse gas emissions, raised \$3.8 billion in allowance revenues, generated net economic benefits of \$5.7 billion, and added about 48,000 jobs), <https://www.analysisgroup.com/Insights/publishing/the-economic-impacts-of-the-regional-greenhouse-gas-initiative-on-ten-northeast-and-mid-atlantic-states2/#:~:text=The%20study%20also%20found%20that,and%20added%2048%2C000%20job%2Dyears.>

²¹ U.S. Bureau of Labor Statistics, Western Information Office, *Average Energy Prices, Seattle-Tacoma-Bellevue–December 2024* (December 2024), (“The 13.9 cents per kWh Seattle households paid for electricity in December 2024 was 21.0 percent less than the nationwide average of 0.176 cents per kWh. Last December, electricity costs were 24.9 percent lower in Seattle compared to the nation. In the past five years, prices paid by Seattle area consumers for electricity were less than the U.S. average by 16.2 percent or more in the month of December.”), [https://www.bls.gov/regions/west/news-release/averageenergyprices_seattle.htm#:~:text=The%2013.9%20cents%20per%20kWh,\(See%20chart%202.](https://www.bls.gov/regions/west/news-release/averageenergyprices_seattle.htm#:~:text=The%2013.9%20cents%20per%20kWh,(See%20chart%202.)

²² U.S. Energy Information Admin., *New York State Energy Profile*, (last updated Jan. 16, 2025), <https://www.eia.gov/state/analysis.php?sid=NY>.

²³ Clean Jobs America 2024, *E2’s Ninth Annual Analysis of U.S. and State Clean Energy Sector Employment* (Sept. 17, 2024), https://cleanjobsamerica.e2.org/wp-content/uploads/2024/09/E2-2024-Clean-Jobs-America-Report_September-17-2024.pdf.

²⁴ See, e.g., Ohio Capital Journal, *Ohio ratepayers are subsidizing coal plants. Report says owners long knew they warmed the globe* (Dec. 11, 2024) <https://ohiocapitaljournal.com/2024/12/11/ohio-ratepayers-are-subsidizing-coal-plants-report-says-owners-long-knew-they-warmed-the-globe/>; W. Va. Pub. Serv. Comm’n, *Final Order, Case No. 23-0377-EENEC* at 10, 20, 26, 30 (Jan. 9, 2024) (describing how rising coal costs and

of carbon, it is simply untrue that fossil fuels production always yields cheaper energy for ratepayers.

D. There is no national energy emergency.

America's energy system has always faced challenges. Hurricanes can disable refineries; blizzards can freeze natural gas wells and disable coal, natural gas, and renewable generators.²⁵ To be sure, some of these short-term, dangerous events may warrant narrowly tailored emergency declarations, as in Texas during Winter Storm Uri.²⁶ But that is not what this Nation is facing today. A predictable, ever-increasing need for energy is a sign of the prosperity of our great Nation, not a sudden emergency to be "fixed" by executive overreach.

We have the tools we need to shape our Nation's energy infrastructure to meet rising demand. Nationwide, stakeholders are already studying these issues, planning new infrastructure, and making the necessary investments to support new economic growth and keep energy reliable and affordable. But they are doing so within the confines of a carefully considered regulatory system—honed by decades of experience—that is designed to promote safe, responsible domestic energy production. There is no reason to doubt that these same planning processes can be adapted and deployed to meet future demand on America's energy system, such as projected increases in demand from data centers.²⁷

The Emergency Declaration is unsupported by the evidence. If left unchecked, the Emergency Declaration and the swift deregulation it invites will make our Nation's energy and electricity supply less reliable and less affordable. We urge you to approve S.J. Res. 10.

inadequate stockpiles at West Virginia coal plants led to \$500 million in excess fuel costs and power purchases, along with \$1.2 billion in still unrecovered investments).

²⁵ Reuters, A short history of U.S. oil refining losses due to hurricanes, (June 30, 2022), <https://www.reuters.com/business/energy/short-history-us-oil-refining-losses-due-hurricanes-2022-06-30/>; U.S. Fed. Energy Reg. Comm'n et al., The February 2021 Cold Weather Outages in Texas and the South-Central United States (November 2021), at 16, <https://www.ferc.gov/media/february-2021-cold-weather-outages-texas-and-south-central-united-states-ferc-nerc-and>.

²⁶ U.S. Fed. Emergency Mgmt. Agency, President Joseph R. Biden Approves Emergency Declaration for Texas (Feb. 14, 2021), <https://www.fema.gov/press-release/20210214/president-joseph-biden-approves-emergency-declaration-texas>.

²⁷ N. Amer. Elec. Reliability Corp., 2024 Long-Term Reliability Assessment, (December 2024), at 8-9, https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_Long%20Term%20Reliability%20Assessment_2024.pdf.

Please let us know if our Offices can provide any additional resources to inform your deliberations.

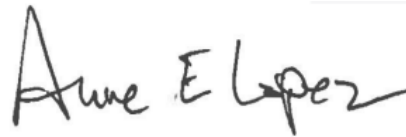
Sincerely,



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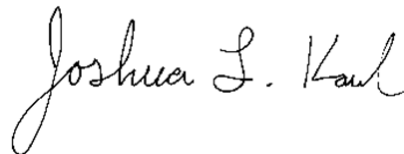
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