

# STATE OF INDIANA

## EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER \_\_\_\_\_ 26-18

**FOR: CHALLENGING IMPRUDENT AND UNNECESSARY CONSENT DECREES TO ENSURE ECONOMIC GROWTH AND RATEPAYER DRIVEN STATEWIDE ENERGY STRATEGY**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

**WHEREAS,** on April 10, 2025, I issued Executive Order 25-50 for “Ensuring Economic Opportunity and Indiana's Energy Future by Supporting Life Extensions for Coal Energy Generation and Assessing Natural Gas Supplies;”

**WHEREAS,** Executive Order 25-50 observed that “after decades of flat or modest increase in demand for electricity in Indiana, demand is now increasing significantly due to data center deployments related to the Artificial Intelligence race, reshoring of manufacturing, and greater consumer electrification”;

**WHEREAS,** since the issuance of Executive Order 25-50, Indiana has continued to experience significant economic growth in all sectors, including manufacturing, and continued record growth for business is expected in Indiana;

**WHEREAS,** Executive Order 25-50 observed “in its 2024 Long-Term Reliability Assessment, the North American Electric Reliability Corporation identified Indiana being in the Regional Transmission Footprint that “falls below established resource adequacy criteria in the next five years”, thus access to reliable electricity is at risk if changes are not made”;

**WHEREAS,** adequate current and future electric generation capacity is critical for Hoosier ratepayers and businesses;

**WHEREAS,** for the period of 2026 to 2038 over 7 gigawatts of Indiana coal electricity generation is projected to retire or transition to another fuel source;

**WHEREAS,** the average age for electric generation unit retirement in Indiana is over 50 years;

**WHEREAS,** these closures of coal electricity generation are nearly all due to the financial burden of meeting U.S. Environmental Protection Agency (“EPA”) regulations;

**WHEREAS,** certain coal electricity generation units were scheduled for closure not because they are out-of-date or obsolete, but often due to federal environmental regulations, consent decrees, and settlement agreements entered into with the EPA, the U.S. Department of Justice, and other environmental groups;

**WHEREAS,** the State of Indiana was not a party to some of these consent decrees and settlement agreements;

**WHEREAS,** these consent decrees and settlement agreements should be re-evaluated in light of the current and future need for energy to power existing demand as well as future economic development in Indiana;

**WHEREAS,** the EPA is currently reviewing and revising its environmental rules;

**WHEREAS,** in December 2025, the United States Department of Energy (“USDOE”) issued emergency orders pursuant to section 202(c) of the Federal Power Act to ensure that certain coal-fired electric generating units in Indiana are available to operate, despite planned retirement dates, and USDOE has subsequently extended these orders to the facility owners and affected regional transmission organizations;



**WHEREAS,** the Indiana Department of Environmental Management (“IDEM”) and the Indiana Utility Regulatory Commission (“IURC”) may have the authority to evaluate such agreements and situations in light of changing circumstances;

**WHEREAS,** Indiana Code section 13-13-5-2 was recently updated to direct IDEM to “actively engage with its federal counterparts through comments, petitions, letters, advisory committees, rulemaking activities, and other means, to ensure federal environmental laws and their implementation serve the state of Indiana....”; and

**WHEREAS,** in June 2026, President Trump and USDOE announced actions under the Defense Production Act to provide \$850 million in support for new and existing coal-fired generation assets, including in Indiana.

**NOW, THEREFORE, I, MIKE BRAUN,** by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order the following:

1. Based on the information generated in response to Executive Order 25-50, the Secretary of Energy and Natural Resources shall identify opportunities to reopen or revisit consent decrees or settlements that closed or threaten to close coal-based electric generation power plants in Indiana, especially:
  - a. consent decrees or settlements where the State of Indiana was not a party;
  - b. consent decrees or settlements that include coal electricity generation units scheduled for closure before 50 years of service; and
  - c. consent decrees or settlements where there was no allegation or finding of wrongdoing by the generating unit.
2. In conducting the analysis required above, the Secretary of Energy and Natural Resources shall consider informal and/or formal investigations regarding upcoming electric generation retirements, the impact to ratepayers of extending the operation of those plants, and what legal and regulatory actions may be appropriate and necessary if extending the operation of these plants is warranted.
3. All relevant state agencies shall advocate for Hoosiers and the goals of affordable, reliable baseload electric generation during all relevant federal energy and environmental rulemaking processes, including under the federal Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Federal Power Act.
4. Relevant state agencies shall seek to benefit Hoosier ratepayers by maximizing the federal resources directed to supporting new and existing coal-fired electricity and other baseload generation in Indiana.
5. Relevant state agencies shall continue to collaborate with USDOE and regional transmission organizations regarding all applicable federal orders, including pursuant to Section 202(c) of the Federal Power Act, to maximize the benefit to Indiana ratepayers, including the economic dispatch of coal-fired electricity.



**IN TESTIMONY WHEREOF,**

I, Mike Braun, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 24<sup>th</sup> day of July, 2026.

  
Mike Braun  
Governor of Indiana

  
ATTEST: Diego Morales | Secretary of State