US Data Center Daily Briefing

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KEY THEMES

- D.C. Circuit denies petitions, upholds FERC Order 2023 interconnection reforms
- Study-delay late fees ruled Section 206 rate terms, not civil penalties
- India MeitY reports data-center capacity 375 MW to 1,575 MW since 2020
- Fluence secured ~$850M data-center orders vs $649.8M Q3 FY26 revenue

D.C. Circuit upholds FERC Order 2023 — the study-delay fees are rate terms, not penalties

On July 31, 2026, the D.C. Circuit denied the petitions for review in *Advanced Energy United v. FERC* and upheld FERC's Order No. 2023 as a lawful exercise of the agency's remedial authority. The rule forced every jurisdictional transmission provider off serial, project-by-project interconnection studies and onto a clustered process backed by withdrawal fines and firm study deadlines. The court held that the study-delay late fees are not civil penalties but rate terms FERC could adopt under Section 206. The opinion reviewed here does not turn Order No. 2023 into a data-center or load-serving holding; co-location language in the rule governs multiple generating facilities sharing a point of interconnection.

- D.C. Circuit upholds FERC Order 2023 interconnection reforms – The court sustained the withdrawal-penalty ladder and firm 150-day study deadlines with automatic late fees as Section 206 ratemaking, not penalties.
- Withdrawal-fine threshold and late-fee framework survive review – FERC's 100% cost-increase threshold for fine-free withdrawal at the facilities-study stage was held not arbitrary and capricious.
- MeitY tells Lok Sabha India data-center capacity rose from 375 MW to ~1,575 MW – An August 5, 2026 written reply reports roughly 4.2x growth since 2020 and cites the SHANTI Act as a clean-power route including small modular reactors.
- Fluence secured ~$850M of data-center business through July – The figure is business secured, not Q3 revenue; Fluence reported ~$649.8M revenue for the quarter ended June 30, 2026.
- BIS and BEE codes cited for India data-center efficiency – The reply points to LITD 31 standards on PUE, CUE, CER and WUE and BEE's ECBC 2017 / ECSBC 2024, without adding

a new mandatory compliance regime.

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