**14-840 FERC V. ELECTRIC POWER SUPPLY**

DECISION BELOW: 753 F.3d 216

LOWER COURT CASE NUMBER: 11-1486, 11-1489, 12-1088, 12-1091, 12-1093

QUESTION PRESENTED:

Whether the Federal Energy Regulatory Commission reasonably concluded that it has authority under the Federal Power Act, 16 U.S.C. 791a *et seq*., to regulate the rules used by operators of wholesale--electricity markets to pay for reductions in electricity consumption and to recoup those payments through adjustments to wholesale rates.

GRANTED LIMITED TO THE FOLLOWING QUESTIONS: 1) WHETHER THE FEDERAL ENERGY REGULATORY COMMISSION REASONABLY CONCLUDED THAT IT HAS AUTHORITY UNDER THE FEDERAL POWER ACT, 16 U.S.C. 791a *et seq.,* TO REGULATE THE RULES USED BY OPERATORS OF WHOLESALE ELECTRICITY MARKETS TO PAY FOR REDUCTION IN ELECTRICITY CONSUMPTION AND TO RECOUP THOSE PAYMENTS THROUGH ADJUSTMENTS TO WHOLESALE RATES. 2) WHETHER THE COURT OF APPEALS ERRED IN HOLDING THAT THE RULE ISSUED BY THE FEDERAL ENERGY REGULATORY COMMISSION IS ARBITRARY AND CAPRICIOUS.

CONSOLIDATED WITH 14-841 FOR ONE HOUR ORAL ARGUMENT.

JUSTICE ALITO TOOK NO PART.

CERT. GRANTED 5/4/2015