

14-841 ENEROC, INC. V. ELECTRIC POWER SUPPLY ASSOCIATION

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's jurisdiction over interstate markets for wholesale sales of electric energy under sections 201, 205 and 206 of the Federal Power Act, 16 U.S.C. §§ 824(b)(1), 824d and 824e, provides the Commission with authority to regulate participation in those markets by demand response resources?

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 14-840 FOR ONE HOUR ORAL ARGUMENT.

JUSTICE ALITO TOOK NO PART.

CERT. GRANTED 5/4/2015