

**FOR IMMEDIATE RELEASE**  
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## **EPSA APPLAUDS TODAY'S U.S. SUPREME COURT DECISION TO AGAIN UPHOLD CONTRACT CERTAINTY**

WASHINGTON, D.C. – Electric Power Supply Association (EPSA) President & CEO John E. Shelk today made the following statement in response to the Supreme Court's favorable 8-1 decision issued today reaffirming the importance of contract stability in energy markets in the case of *NRG Power Marketing v. Maine PUC*:

We appreciate the overwhelming majority of the Court supporting the continuing need to provide certainty for contracting entities in electricity and other energy transactions. Contract certainty is a fundamental element of well-functioning competitive electricity markets. This significant decision following on 2008's Court decision in the Morgan Stanley case will help support competitive suppliers to continue to develop and operate the electricity infrastructure necessary to meet consumer needs in a reliable, clean and cost effective manner.

The issue in today's case was whether the Mobile-Sierra doctrine's presumption of contract stability applies to non-contracting parties. This case involved ISO New England's Forward Capacity Market. The U.S. Court of Appeals for the D.C. Circuit had previously ruled that states and other third parties could bring contract challenges without having to meet the higher burden Mobile-Sierra places on contracting parties seeking to alter contract terms before the Federal Energy Regulatory Commission (FERC). Today's Supreme Court opinion reverses the D.C. Court's decision and upholds the Mobile-Sierra doctrine regardless of which party brings a challenge to FERC.

EPSA led a coalition of 13 other trade associations in filing a friend of the court brief supporting Supreme Court review of this case and later on the merits of the case after the Court granted review. Other signatories included Colorado Independent Energy Association, Electric Power Generation Association, Independent Energy Producers Association, Independent Petroleum Association of America, Independent Power Producers of New York, Interstate Natural Gas Association of America, Natural Gas Supply Association, New England Power Generators Association, Northeast Energy and Commerce Association, Northwest & Intermountain Power Producers Coalition, PJM Power Providers Group and Western Power Trading Forum.

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*EPSA is the national trade association representing competitive power suppliers, including generators and marketers. These suppliers, who account for nearly 40 percent of the installed generating capacity in the United States, provide reliable and competitively priced electricity from environmentally responsible facilities. EPSA seeks to bring the benefits of competition to all power customers. For more information about EPSA, please visit [www.epsa.org](http://www.epsa.org).*