



N A R U C
National Association of Regulatory Utility Commissioners

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NARUC Responds to Supreme Court Ruling in Maryland Generation Case

Travis Kavulla, President of the National Association of Regulatory Utility Commissioners, has issued the following statement in response to today's Supreme Court decision in *Hughes v. Talen Energy Marketing*:

"The Court issued a narrow ruling in this matter. Indeed, following the Supreme Court's logic, it seems possible that the State of Maryland could have accomplished substantially the same result of obtaining new generating capacity in the state, just so long as it did not condition the generator's compensation on the wholesale market's clearing price for capacity.

"The line between the federal and state jurisdictions appears largely unaltered by this ruling. As the Supreme Court reiterated today, the 'need for new power facilities, their economic feasibility, and rates and services are areas that have been characteristically governed by the States.'

"This narrow ruling, however, inevitably will result in further litigation of these issues by leaving many open questions. Someday soon, consumers, utilities, power generators, and regulators alike will need greater certainty about what is and is not permissible on the part of federal and state regulators. But today is not that day."

—NARUC President Travis Kavulla of Montana

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NARUC is a non-profit organization founded in 1889 whose members include the governmental agencies that are engaged in the regulation of utilities and carriers in the fifty States, the District of Columbia, Puerto Rico and the Virgin Islands. NARUC's member agencies regulate telecommunications, energy, and water utilities. NARUC represents the interests of State public utility commissions before the three branches of the Federal government.