



FOR IMMEDIATE RELEASE
April 15, 2019

CONTACT: John E. Shelk
202-628-8200

EPSA STATEMENT ON SUPREME COURT DENIAL OF CERTIORARI IN ZEC CASES

WASHINGTON, DC - Electric Power Supply Association (EPSA) President & CEO John E. Shelk released the following statement in response to today's orders from the U.S. Supreme Court declining to accept EPSA's petitions for review of circuit courts of appeals decisions involving the New York and Illinois nuclear subsidy schemes:

"EPSA regrets the Supreme Court chose not to grant EPSA's petitions to review the appeals court cases involving the New York and Illinois nuclear subsidy schemes."

"The focus now shifts back to the Federal Energy Regulatory Commission. FERC joined a brief in the Illinois case filed with the Seventh Circuit on May 29, 2018 arguing against EPSA's claim for federal preemption of the Illinois law. FERC told the court that '[i]f such programs, in fact, impair FERC jurisdictional wholesale capacity markets, the solution lies with the Commission, not with the courts'."

"Even though one month later, on June 29, 2018, FERC determined state nuclear subsidies and others impair the integrity of PJM's wholesale market, FERC has yet to fashion a solution. That is hardly what FERC told the court it would do to protect markets."

"The problem has only gotten worse since the June 29, 2018 order, with emboldened nuclear subsidy seekers now pounding on the doors of state legislatures in Ohio, Pennsylvania and again in Illinois for a second helping. FERC told the appeals court the solution lies with FERC; the time for FERC to live up to that promise is now."

-EPSA-

Launched over 20 years ago, EPSA is the national trade association representing leading independent power producers and marketers. EPSA members provide reliable and competitively priced electricity from environmentally responsible facilities using a diverse mix of fuels and technologies. Power supplied on a competitive basis collectively accounts for 40 percent of the U.S. installed generating capacity. EPSA seeks to bring the benefits of competition to all power customers.