



National Energy Marketers Association

NEWS RELEASE

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**Contact: Craig Goodman
Telephone: (202) 333-3288**

Retail Energy Industry Earns Victory from New York Court *NYPSC Market Reset Order Deemed Irrational and Capricious*

Washington, DC (August 2, 2016) - "The National Energy Marketers Association (NEM) and its members are pleased with the decision issued by the New York Supreme Court on July 22, 2016. "The Court vacated specific anti-competitive provisions in the New York Public Service Commission's (NYPSC's) February 23rd Market Reset Order," said Craig Goodman, President of the National Energy Marketers Association (NEM) and former high ranking energy policy official under three presidential administrations of both parties.

"The NYPSC's Market Reset Order sought to cause competitive offers to appear uncompetitive when compared to utility rates which contain charges that are normally hidden from the public," said Goodman. The anticompetitive restrictions on competitive NY electricity markets were ordered to take effect in ten days, prompting NEM, NEM members, and other industry groups to seek emergency relief from the Court.

In the decision, the Court agreed with arguments advanced by NEM that "the Reset Order appears to be irrational, arbitrary and capricious." "In addition to a lack of due process, forcing competitive suppliers to sell retail energy supplies at or less than wholesale prices would have effectively undermined nearly two decades of work by the current and past Administrations in NY to build a retail energy market that led the country in both design and benefits to consumers," said Goodman.

"This is an important victory for consumers in New York and across the country. It properly recognizes the importance of utility Commissions adhering to proper administrative procedures when adopting rules that impact competitive energy suppliers as well as the millions of consumers they serve," said Goodman.

A week prior to the Court's decision, the NYPSC issued another Order that would effectively prohibit low income consumers from shopping for energy. "Low income consumers are hurt the worst when energy prices rise, prohibiting them from shopping for better prices," Goodman noted. The Court decided that the matter should be returned to the NYPSC for further proceedings. "We are committed to working cooperatively with the NYPSC going forward to craft reasonable standards to govern ESCO marketing and retail sales to consumers," added Goodman.

About NEM

The National Energy Marketers Association (NEM) is a national, non-profit trade association representing wholesale and retail marketers of natural gas, electricity, as well as energy and financial related products, services, information and advanced technologies throughout the United States, Canada, and the European Union. Additional information about NEM is available from NEM's Washington, DC headquarters at (202) 333-3288 or its website at www.energymarketers.com.