

ELCON *PRESS RELEASE*

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CONTACT: Marc Yacker/202-682-1390

Statement of John Anderson, President and CEO of the Electricity Consumers Resource Council (ELCON), in Response to FERC's Decision to Seek a Rehearing "En Banc" of the DC Circuit Court's Recent Decision to Invalidate FERC Order 745 on Demand Response

FERC – and especially its acting chair, Cheryl LaFleur – is to be commended for taking quick and decisive action to seek a rehearing “en banc” of the DC Circuit Court’s recent decision to invalidate Order 745 on Demand Response.

ELCON members are actively involved in Demand Response programs all across the country. We know that by reducing demand, all electricity users benefit. Demand Response means that fewer inefficient alternatives are needed when people are using the most electricity. That results in lower prices for large and small ratepayers.

In its decision, the Court created a new definition for retail service that bears little resemblance to reality. The RTOs and ISOs are wholesale markets by definition. Logic dictates that the Demand Response programs they implement are also part of the wholesale markets. We are hopeful that a rehearing will result in the reinstatement of Order 745 which will be good news for both Demand Response participants and all electricity consumers.

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ELCON, established in 1976, is the national association of large industrial users of electricity from virtually every manufacturing sector. ELCON members seek a reliable supply of electricity at competitive prices and have long supported federal and state efforts to achieve that objective. More information about ELCON is available at ELCON’s website, www.elcon.org.

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