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## **PUBLIC UTILITIES - MARYLAND**

### **PPL Energyplus, LLC v. Nazarian**

**United States District Court, D. Maryland - September 30, 2013 - F.Supp.2d - 2013 WL 5432346**

Utility companies filed action against Commissioner of Maryland Public Service Commission (PSC), alleging that order directing Maryland utilities to enter into Contract for Differences with generator involving construction of new generation facility violated Supremacy Clause, Commerce Clause, and § 1983.

The District Court held that:

- PSC order was preempted by Federal Power Act (FPA) and void under Supremacy Clause;
- Order did not fall within the market participant exception to dormant Commerce Clause; and
- Locational requirement in order was not facially discriminatory.

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