

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: July 27, 2017

523993

In the Matter of NATIONAL ENERGY
MARKETERS ASSOCIATION,
Appellants-
Respondents,
et al.,
Petitioners,

v

MEMORANDUM AND ORDER

NEW YORK STATE PUBLIC SERVICE
COMMISSION,
Respondent-
Appellant.

(And Two Other Related Proceedings.)

Calendar Date: June 8, 2017

Before: Garry, J.P., Egan Jr., Lynch, Mulvey and Aarons, JJ.

Boies Schiller & Flexner, LLP, Armonk (Jason C. Cyrulnik of
counsel), for appellants-respondents.

Paul Agresta, Public Service Commission, Albany (Jonathan
D. Feinberg of counsel), for respondent-appellant.

Lynch, J.

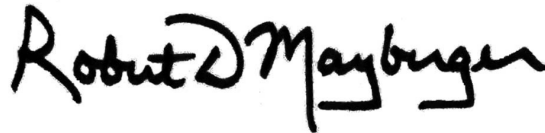
Cross appeal from a judgment of the Supreme Court (Zwack,
J.), entered July 26, 2016 in Albany County, which, among other
things, partially granted petitioners' application, in a combined
proceeding pursuant to CPLR article 78 and action for declaratory
judgment, to review a determination of respondent resetting
retail energy markets and establishing further process.

We affirm Supreme Court's judgment for the reasons set forth in Matter of Retail Energy Supply Assn. v Public Serv. Commn. (___ AD3d ___ [decided herewith]).

Garry, J.P., Egan Jr., Mulvey and Aarons, JJ., concur.

ORDERED that the judgment is affirmed, without costs.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court