

Regulation of Solar Panel Production

The constitutional issue in the question presented is whether the regulation of solar panel production violates the commerce clause. It is my opinion that the regulation of this action by Congress is not a violation of the commerce clause because Congress is not exceeding the scope of power granted to them under the clause, and because the production of solar panels does indeed affect interstate commerce. Therefore, the jurisdiction of Congress is within the powers delegated under the commerce clause. I believe the cases cited support my theory.

1. F.W.E. Stapenhorst, Inc. v. Public Service Com'n of State

555 N.Y.S.2d 24

N.Y.,1990.

April 26, 1990.

The Court of Appeals, Bellacosa, J., held that neither state statute nor federal regulations imposing minimum prices for purchase of electricity from alternate source and providing for incentive payments applied to contract entered into prior to their effective date ([146 A.D.2d 422](#), [541 N.Y.S.2d 280](#).) (Ruling reversed**)

This case is important in regards to the research of the proposed question because the final ruling in this case contends that Congress has the power to regulate prices on electricity and alternate sources.

2. Freehold Cogeneration Associates, L.P. v. Board of Regulatory Com'rs of State of N.J., C.A.3 (N.J.) 1995, 44 F.3d 1178

The ruling by the United States District Court for the District of New Jersey, granted the defendant a motion to dismiss, holding it lacked subject matter jurisdiction. This ruling was reversed on the grounds that the federal government did not violate its scope of jurisdiction.

3. Connecticut Light & Power Co. v. South Eastern Connecticut Regional Resources Recovery Authority

822 F.Supp. 888

D.Conn.,1993.

May 27, 1993

This case is important to the research because it gives a dissenting view to the powers of commerce delegated through the commerce clause

4. F. E. R. C. v. Mississippi

102 S.Ct. 2126

U.S.Miss.,1982.

Decided June 1, 1982

This case is important because it implicitly states that Congress did not exceed its scope of commerce clause powers in enacting Titles I and III and section 210 of Title II of Public Utility Regulatory Policies Act.

5. Consolidated Edison Co. of New York, Inc. v. Public Service Com'n of State

This case is important because it deals with a conflict between state and federal government on the topic of price regulation in regards to the development of alternate energy sources. The Public Utility Regulatory Policies Act of 1978 gives the federal government jurisdiction in this matter.

6. Kansas City Power & Light Co. v. State Corp. Com'n

676 P.2d 764

Kan.,1984.

Feb. 18, 1984.

This case also deals with the Public Utility Regulatory Policies Act, and once again the power is delegated to Congress in regards to the regulation of the sale of electricity.

7. Greensboro Lumber Co. v. Georgia Power Co.

643 F.Supp. 1345

N.D.Ga.,1986.

Aug. 29, 1986.

This case deals with the principle of primary jurisdiction, and this doctrine states that it has evolved to: “proper relationship between the courts and administrative agencies charged with particular regulatory duties.”