

ENERGY REGULATION & DISPUTE RESOLUTION

Our energy clients include investor owned public utilities providing natural gas and electric service to the public, governmental entities, large industrial energy consumers, oil companies, independent power producers, project developers, and investors in energy infrastructure and projects. Our services have typically fallen into one of several categories: regulatory representation, project development, project finance, and end user/industrial customer representation.

Energy Regulation

Members of our regulatory practice team have broad experience representing investor owned natural gas and electric public utilities before the Federal Energy Regulatory Commission as well as multiple state Public Service Commissions. This experience includes active and ongoing representation of multiple utility clients at every phase of the administrative litigation process including appeals of FERC and State Public Service Commission decisions to the United States Circuit Courts of Appeal and to state appellate courts. Our experience also includes a broad array of proceedings before federal and state regulatory commissions including certification of natural gas transmission and storage facilities, rate proceedings (as petitioners and interveners), complaints, compliance audits, investigations, and enforcement actions. Our lawyers also assist utility clients with compliance planning, contract review and negotiation, upstream supply and capacity negotiations, secondary market transactions, and legislative drafting and strategy, to name a few. One of the unique characteristics about this aspect our Energy group is that it bridges the gap between federal and state regulatory structures, thereby allowing our practitioners to understand the full regulatory context in which our public utility clients operate.

Energy Regulation Representative Cases

Project Development

We have extensive experience in advising and assisting clients with the myriad tasks associated with the development and construction of major energy infrastructure projects, including electric generation facilities and major natural gas transmission and liquefied natural gas storage facilities. This work has included negotiation of power sales agreements, construction agreements, steam sales agreements, fuel purchase

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and natural gas transportation agreements, operation and maintenance contracts, and assistance in obtaining regulatory approvals, environmental permits, and site acquisition.

Our experience in this area began in the late 1970s with the passage of the Public Utility Regulatory Policies Act of 1978, which initiated a wave of project development by independent power producers, where we assisted with the incorporation of one of the first and largest IPPs. We have since assisted in the development of dozens of electric coal and gas-fired generation and cogeneration facility projects which collectively produce more than 4,000 megawatts of electricity to the wholesale market. We have also assisted in the development of utility affiliated merchant plants and have participated in numerous overseas generation and distribution projects, including facilities in Iraq as part of the reconstruction effort in that country.

Our project development lawyers have assisted natural gas utilities with development of transmission and liquefied natural gas projects and have assisted independent developers and vendors on a broad range of energy project development activities including on-site industrial steam and power facilities, hydroelectric facilities, and the acquisition of numerous existing energy infrastructure facilities.

End User/Industrial Customer Representation

Our attorneys also provide counsel and legal assistance to a number of large industrial and retail consumers of energy primarily in the area of energy acquisition and consumption strategies. Recent examples of these services include significant and ongoing representation of a large national steel producer with facilities throughout the United States in all facets of its energy needs, development of energy strategies and the negotiation of supply contracts on behalf of several large national retailers, and negotiations with power marketers and producers on behalf of other industrial clients.