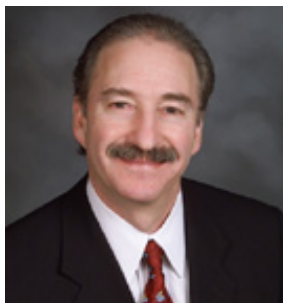


Kenneth L. Wiseman



Partner

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Ken is a member of the Policy Committee and Chair of the Energy Regulatory Section. Ken's practice focuses on regulation of the electric and natural gas industries. He has been with the firm since 1986 and has concentrated on the field of energy regulation since 1979. Prior to joining the firm, Ken was an Associate Solicitor for the U.S. Department of Energy and subsequently served as in-house legal counsel for a major interstate natural gas pipeline. Ken regularly serves as lead counsel in litigated proceedings before the Federal Energy Regulatory Commission (FERC) and other administrative bodies. Those proceedings have included, among other things, rate of return, depreciation, cost-of-service, rate design and cost allocation issues. Ken also has represented clients in enforcement proceedings. Ken has argued cases before the Florida Supreme Court, the Maryland Court of Appeals (the highest court in Maryland) as well as before other state and federal courts. Ken also regularly serves as lead counsel in arbitrations.

Electric Regulatory Experience

Ken counsels market participants on the interpretation and application of the market rules, terms and conditions of service and settlement procedures under the tariffs of Regional Transmission Organizations (RTOs). He has represented and counseled electric clients in ISO-NE, CAISO, ERCOT, NYISO, PJM and SPP, as well as clients in regions not included in any RTO. Ken has also assisted numerous clients in the negotiation of interconnection and transmission agreements.

Ken played a prominent role in the proceedings and settlement negotiations that led to the Forward Capacity Market in New England. On behalf of a client, he also was instrumental in initiating proceedings that led to the amendment of "Cold Weather Procedures" in New England that better aligned scheduling of gas and electric MWh price cap. Ken has successfully defended clients against claims of market manipulation in California and the Pacific Northwest and has obtained a money judgment in a private arbitration on behalf of a generator against an RTO.

A significant portion of Ken's practice also has involved providing regulatory advice concerning the transfer of FPA-jurisdictional facilities as a result of sales and mergers. In the course of providing that advice, Ken conducts due diligence to identify regulatory issues associated with the facilities to be transferred. Ken also has been extensively involved over the last decade in agency and court proceedings arising out of the restructuring of the electric industry.

In addition, Ken played a prominent role in the lead bankruptcy case concerning issues related to the relationship of the bankruptcy code to the Federal Power Act.

INDUSTRIES

Alternative Energy
Electric
Energy
Energy Regulatory
Energy Services
Energy Transactions
Federal Regulatory
Liquefied Natural Gas (LNG)
Natural Gas
Oil and Gas
State Regulatory
Wind Energy

PRACTICES

Energy
Energy Disputes and Litigation

EDUCATION

JD, 1977, Catholic University of America
BA, 1971, University of Wisconsin

ADMISSIONS

District of Columbia
1977
US Court of Appeals for the First Circuit
US Court of Appeals for the Fifth Circuit
US Court of Appeals for the Ninth Circuit
US Court of Appeals for the District of Columbia

Kenneth L. Wiseman

Natural Gas Experience

Ken has represented interstate natural gas pipeline companies since 1985. He has extensive experience in litigating major rate cases under Sections 4 and 5 of the Natural Gas Act (NGA). He also has counseled pipelines on matters involving significant construction projects and authorizations required under NGA Section 7. The construction projects have ranged from major long-line pipeline expansions to supply and market laterals and storage facilities. Those projects have involved the spectrum of regulatory issues such as compliance with open season procedures, development of open access tariffs, leveled, market-based and performance-based rates, capacity allocation, market power, bypass and capacity turnbacks.

Ken's pipeline experience commenced as an in-house attorney for United Gas Pipe Line Company (United). Ken was the in-house attorney charged with overall responsibility for United's litigation. In that capacity, Ken had direct involvement in United's judicial litigation, as well as prosecution of United's rate cases and other litigated proceedings before the FERC.

Ken joined Andrews Kurth in 1986. Since joining the firm, Ken has worked on behalf of numerous interstate pipelines. An illustrative list of those pipelines includes: El Paso Natural Gas Company, Guardian Pipeline, L.L.C., Mojave Pipeline Company, Northern Border Pipeline Company, Portland Natural Gas Transmission System, Southern Natural Gas Company, Tennessee Gas Pipeline Company, Transcontinental Gas Pipe Line Corporation and Viking Gas Transmission Company.

Ken has been involved in cutting-edge issues that have affected the natural gas pipeline industry. He helped draft one of the first natural gas pipeline open access tariffs. He also was the lead attorney responsible for negotiating and drafting an agreement among multiple unaffiliated interstate pipelines for the construction of a combined offshore/onshore pipeline that led to FERC's first-ever approval of leaseback arrangements among multiple pipeline sponsors. Additionally, over the course of Ken's experience in certificate matters, he has worked extensively with engineering, marketing, rate and regulatory personnel to develop strategies to maximize pipeline performance, while striving to obtain FERC approval in an expeditious manner, even for new types of service offerings for which there was no FERC precedent. Ken also has had substantial involvement with cultural resource issues related to pipeline construction projects.

REPRESENTATIVE EXPERIENCE

Electric

- Litigated FERC proceedings concerning development of RTO capacity markets involving claimed costs of \$20 billion
- Litigated FERC proceedings concerning development of RTO cold weather pricing rules and \$1000/MWh price cap
- Arbitration concerning interpretation and application of ISO congestion management pricing rules
- Represented industry participant in investigation by a state attorney general concerning allegations of exercise of market power and price manipulation by industry participants
- Arbitration concerning ISO dispatch and settlement procedures
- Conducted due diligence for almost 12,000 MW of gas, coal, wind and/or hydroelectric generating facilities associated with potential acquisitions by major energy companies, global investment firms and/or private equity firms
- Provided regulatory advice and prosecuted FERC applications associated with sales of over 8,000 MW of generating capacity

Natural Gas

- Served as first chair in numerous litigated rate and certificate proceedings on behalf of various interstate pipelines
- Served as first chair in litigated enforcement proceedings
- Served as first chair on behalf of pipeline marketing affiliates in arbitrations concerning gas contract pricing disputes
- Negotiated and obtained FERC approval for innovative agreements involving the lease of interstate pipeline capacity
- Negotiated settlement of almost decade-long dispute between two interstate pipelines
- Experience in coordinating complex, multi-jurisdictional litigation strategies

Kenneth L. Wiseman

PUBLICATIONS

- In Pursuit Of Fair Compensation For Grid Reliability *Law360* (July 6, 2010)
- "Can an RTO's Performance Be Measured?" *Law360* (March 30, 2010)
- "FERC's Proposed Disclosure of the Names of Office of Enforcement Targets" *Law360* (March 15, 2010)

PROFESSIONAL RECOGNITION

- Profiled as one of the leading Electricity lawyers in the District of Columbia (2009) and the United States (2010-2012) and one of the leading Oil & Gas lawyers in the United States (2010-2012), *Chambers USA: America's Leading Business Lawyers*
- *Guide to the World's Leading Energy and Natural Resource Lawyers* (2007 & 2009)
- DC Super Lawyers (2011)

BRIEFINGS, SEMINARS & SPEECHES

- 2009 Leadership in Utilities Forum (December 2, 2009)
- Anti-Market Manipulation Rules under FERC Order No. 670 (April 19, 2007)

AFFILIATIONS

- Energy Bar Association

PRESS RELEASES

- Three Andrews Kurth Partners Named in Washington, DC Super Lawyers 2012 (April 26, 2012)
- Andrews Kurth Announces 2011-2012 Policy Committee Election (August 2, 2011)
- Andrews Kurth Announces 2010-2011 Policy Committee Election (August 10, 2010)
- Andrews & Kurth Represents Conoco and SRW in Project Finance Deal (November 30, 2000)