

Mark F. Sundback



Partner

1350 I Street, NW
Suite 1100
Washington, DC 20005
P: 202.662.2755
F: 202.974.9519
msundback@andrewskurth.com

Mark is a Partner in the Energy section of the Washington, DC office. Since 1981 he has been extensively engaged in the representation of energy industry participants before federal and state agencies charged with jurisdiction over energy markets and their participants. His representations have focused on the rates, terms and conditions associated with gaining access to regulated energy transmission systems, transactions involving changes in ownership of jurisdictional assets and unbundling matters.

Particularly, Mark's practice includes a wide array of issues under the Natural Gas Act, the Federal Power Act and related federal and state statutes involving the regulation of energy industry participants. He has been involved in counseling and representing before the Federal Energy Regulatory Commission multiple merchants of electric power in the Southeast United States and New England. He is defending entities doing business in California and the Pacific Northwest that have been accused of charging rates for electricity and capacity inconsistent with the standards of the FPA. He also has appeared before the regulatory commissions of numerous states on behalf of end users and coalitions of market participants.

His work frequently requires the integration of both transactional and regulatory goals. Over the past three years, Mark has forged durable, commercially-resilient agreements to transactional and regulatory disputes arising between energy market participants. Some of the disputes had been underway for 10 years before resolution. In like fashion, Mark has addressed commercial challenges in negotiating arrangements for new projects, allocating capacity, and designing and implementing open seasons with creative, commercially-viable solutions.

REPRESENTATIVE EXPERIENCE

Pipelines

- Served in first chair capacity involving on the record proceedings for pipelines in over a dozen NGA Section 4 proceedings involving rates, and has represented other market participants in rate cases as well
- Has counseled and litigated cases involving innovative pipeline project transactions, including interconnection disputes, contested certificate matters, issues arising from pipeline facilities shared by two pipelines and financing
- Litigated seminal cases involving application of the Outer Continental Shelf Lands Act to oil and natural gas pipelines

INDUSTRIES

Energy
Energy Regulatory
Energy Transactions

PRACTICES

Energy
Energy Disputes and
Litigation
Litigation

EDUCATION

JD, 1981, Columbia
University School of
Law, *Columbia Journal
of Transnational Law*,
Editor
BA, 1978, *magna cum
laude*, Dickinson
College, Omicron Delta
Kappa, William Lenox
Avis Prize

ADMISSIONS

District of Columbia
1981
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 Tenth Circuit

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Electric

- Successfully represented entities engaged in generation and marketing against ISO claims in arbitration
- Involved in Commission proceedings in numerous states, including California, Pennsylvania, Texas, Florida and Maryland
- Served as chief energy regulatory counsel in numerous bankruptcy proceedings, including for bankrupt electric generators and their creditors
- International energy arbitrations involving pricing of natural gas supplies and power plant fuels

Pipelines & Electric

- Reorganizations/restructuring of regulated energy enterprises

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 Oil & Gas (Regulatory & Litigation) attorneys in the United States, *Chambers USA: America's Leading Business Lawyers* (2012)
- Profiled in "Leaders in their Field" in Energy: Oil & Gas (Regulatory & Litigation) by *Chambers Global* (2012)
- Washington, D.C. Super Lawyer in Energy & Natural Resources, *DC* magazine (2010)
- Profiled as one of the leading Energy Litigation lawyers, *The US Legal 500* (2010)
- Profiled as one of the leading Energy lawyers in the District of Columbia (2005-2009) and in the United States (2010-2011), *Chambers USA: America's Leading Business Lawyers*
- Profiled as one of the leading Energy lawyers in the United States in *Chambers Global Guide to Leading Lawyers* (2006-2007)
- Profiled in Legal Media Groups Expert Guides, Energy and Natural Resource Attorneys
- "AV" Martindale-Hubbell Peer Review Rating, indicating "very high to preeminent" legal ability

BRIEFINGS, SEMINARS & SPEECHES

- Anti-Market Manipulation Rules under FERC Order No. 670 (April 19, 2007)

AFFILIATIONS

- Federal Energy Bar Association

PRESS RELEASES

- Three Andrews Kurth Partners Named in Washington, DC Super Lawyers 2012 (April 26, 2012)
- Andrews Kurth Partner Named in DC Super Lawyers 2010 (March 4, 2010)
- Andrews Kurth Receives High Rankings in Chambers USA Guide (June 25, 2007)
- Andrews Kurth Adds to its 2005 Chambers USA Ranking (June 16, 2005)