

## Federal Regulatory

### Navigating Federal Energy Regulations with Straight Talk

Complex and changing sets of federal and state regulatory laws govern the energy industry. To help our clients meet these requirements and remain competitive, Andrews Kurth lawyers offer complete counsel to clients facing oversight and regulatory compliance challenges.

We are known as a leading law firm for the energy industry, particularly regarding electricity and natural gas matters. We counsel energy consumers and companies such as:

- Natural gas and oil producers and developers
- Interstate and intrastate pipelines
- Gas and power marketing companies
- Electric power generating and transmission companies
- Regional Transmission Organizations (RTOs)
- A state commission

We guide and advocate clients' interests before federal governing bodies such as the Federal Energy Regulatory Commission (FERC) and the U.S. Departments of Commerce, Energy, Interior and Treasury. Andrews Kurth also provides related advisory counsel before state public utility regulatory commissions. The range of our representation includes:

- Comprehensive Regulatory Counsel
- Bankruptcy Counsel
- Unbundling and Restructuring
- Environmental Regulations
- Antitrust

A cornerstone of our experience includes working with clients on matters involving the following federal energy statutes and issues:

- Natural Gas Act
- Natural Gas Policy Act
- Outer Continental Shelf Lands Act
- Pipeline Safety Act
- Interstate Commerce Act
- Federal Power Act
- Public Utility Holding Company Act
- Public Utility Regulatory Policies Act
- Power Plant and Industrial Fuel Use Act
- Export Administration Act
- Foreign Corrupt Practices Act
- Federal and state public utility codes and regulations
- Foreign asset control
- Anti-boycott laws

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### Comprehensive Regulatory Counsel

Our legal guidance ranges from general public policy counseling to practical compliance strategies regarding the most complex energy statutes and regulations. Representative issues and work include:

- **FERC Proceedings**—Appear before FERC in natural gas and electric proceedings representing entities such as pipelines, LNG project sponsors, electricity generators, RTOs, marketing companies and natural gas gatherers.
- **PUC**—Appear before state public utility commissions in electric and natural gas proceedings, advocating to implement policies and demonstrate how our clients' proposals further important policy goals.
- **Agency and Judicial Representation**—Represent crude oil and natural gas production and pipeline companies in agency and judicial proceedings, including before FERC and federal trial and appellate courts. Issues include rates and tariffs, pipeline construction, transportation services, enforcement actions, market power assessments and conformity with open access pipeline requirements.
- **Pleadings**—Prepare and file pleadings with state and federal regulators on behalf of electric entities seeking to build new power plants, negotiate interconnection agreements, obtain exempt wholesale generator or qualifying facility status, sell power at market-based rates and transfer ownership interests in power facilities.
- **Electric Power**—Advance the interests of generators, merchants and customers of electric power in regulatory proceedings concerning transmission access, market rates, tariffs, billing disputes and power operations of such regional managers as the California Independent System Operator, the Electric Reliability Council of Texas and the Independent System Operator - New England. We also represent the Midwest Independent Transmission System Operator in energy market, transmission expansion and reliability proceedings.

### Bankruptcy Counsel

Bankruptcy is a fact of life in some sectors of the energy industry. Andrews Kurth lawyers have been involved in several high-profile energy bankruptcy cases during the last several years. The cumulative strength of our Energy and Bankruptcy practice groups is an asset to our clients. Our lawyers work to develop strategies and adopt a broad and cohesive perspective to efficiently and effectively meet clients' needs. We address such concerns as individual statutes which can impact corporate programming actions and regulatory proceedings.

### Unbundling and Restructuring

Energy unbundling and restructuring present extremely complex legal issues. Our lawyers have substantial experience in these matters, particularly in California, Illinois, the Pacific Northwest, Pennsylvania and Texas.

We advise clients on electric industry restructuring proceedings before all state agencies. Andrews Kurth has been involved in industry restructuring proceedings affecting virtually all states that have unbundled services and restructured their retail electric industries, and we are actively involved in proceedings before regional independent system operators.

### Environmental Regulations

Our lawyers include former regulators and prosecutors with the EPA and U.S. Department of Justice as well as the Solicitor for the U.S. Interior Department. Andrews Kurth lawyers work with those agencies, and many others, ranging from the U.S. Corps of Engineers and the National Park Service to OSHA and the U.S. Department of Energy.

We work to keep energy clients in compliance with the law and to help them secure permits and respond to investigations. Our Climate Change lawyers provide guidance on emerging issues involving alternative energy and project development involving sustainable and renewable energy sources.

**Permits.** We create permit-tracking services that help clients verify all required environmental permits, authorizations and notices and provide a solid foundation for contested permitting and nonattainment cases. We have extensive experience with the electric power industry and recently secured permits for 15 power plants in seven states.

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***Transaction and Dispute Counsel.*** Our lawyers evaluate the environmental risks and liabilities in connection with billion-dollar mergers, acquisitions and asset sales annually. Many of these are energy industry asset securitizations involving multiple properties.

For example, we addressed state regulators' concerns over control technology to complete the disposition of six Midwestern peaker power plants. We also handle inspection and compliance reviews and resolve disputes about them, as in our settlement of a contamination and fraud claim in the sale of a manufactured gas plant on behalf of a property seller.

### Antitrust

Andrews Kurth's integrated team of energy, corporate and antitrust lawyers has helped electric utilities, natural gas and oil producers and pipelines, and propane marketers and distributors achieve their business objectives in compliance with antitrust laws.

For example, we provided antitrust and financing advice to the largest methanol plant joint venture in the world, and Hart-Scott-Rodino clearances for the sale of billions of dollars of pipeline assets in Texas.