

Electric

Straight Talk Illuminates the Electric Industry

Andrews Kurth represents participants in the electric industry before both the Federal Energy Regulatory Commission (FERC) and state public utility commissions. Our broad experience includes navigating the wide array of statutes and regulations that affect our clients including:

- Power project developers
- Independent power producers
- Power marketers
- Regional transmission organizations (RTOs)
- Electric transmission providers
- A state utility commission
- Financial institutions
- A national demand response provider

Andrews Kurth lawyers regularly prepare and file pleadings with state and federal regulators on behalf of electric entities on such issues as:

- Obtaining authorization to transfer ownership interests in electric facilities as a result of mergers or acquisitions
- Obtaining and maintaining authority to sell power at market-based rates
- Obtaining exempt wholesale generator or qualifying facility status
- Obtaining state authorizations to build new power plants, including permitting
- Revising RTO tariff terms and conditions to facilitate more competitive energy markets

We help our clients interpret, comply with, and where necessary or desirable, advocate changes to open-access transmission tariffs (OATTs). We also assist our clients in negotiating interconnection and transmission agreements. Our background includes representing numerous buyers and sellers of electric facilities, providing counseling on environmental, permitting and antitrust issues, helping clients finance electric assets, and advising one of the nation's largest RTOs to enhance its energy markets and develop improved network transmission upgrades.

Electric Industry Representative Matters

Among our achievements for the electric industry are:

- Litigated FERC proceedings concerning the development of RTO capacity markets
- Led the litigation in FERC proceeding that achieved changes to cold-weather pricing rules in New England
- Conducted due diligence associated with the potential acquisition of generating facilities with capacity in excess of 18,000 MW
- Led Anti-Market Manipulation workshops to help clients comply with FERC Order No. 670
- Obtained FERC approval for an innovative RTO resource adequacy program, emergency demand response procedures and a program for equitable compensation of blackstart facilities

When working with our generator and power marketing clients to develop regulatory strategies to help them maximize revenues, we advise them on maintaining compliance with applicable tariffs, market rules and FERC policies.