

Mark F. Sundback



Partner

1350 I Street, NW
Suite 1100
Washington D.C. 20005

P: 202.662.2755
F: 202.974.9519
msundback@andrewskurth.com

Mark is a partner in the Energy Section of the Washington, D.C. 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 U.S., and New England. He is defending entities doing business in the 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

INDUSTRIES

Energy
Energy Litigation
Energy Regulation
Energy Transactions

PRACTICE AREAS

Energy

EDUCATION

JD, 1981, Columbia University School of Law, Editor, *Columbia Journal of Transnational Law*

BA, 1978, Dickinson College, *magna cum laude*, Omicron Delta Kappa, William Lenox Avis Prize

ADMITTED

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

Mark F. Sundback

- Litigated seminal cases involving application of the Outer Continental Shelf Lands Act to oil and natural gas pipelines

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

Briefings, Seminars & Speeches

Anti-Market Manipulation Rules Under FERC Order No. 670

BRIEFINGS, SEMINARS & SPEECHES

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

PROFESSIONAL/CIVIC AFFILIATIONS

Member

- Federal Energy Bar Association

Honors and Listings

- Profiled as one of the leading Energy lawyers in [Chambers USA, America's Leading Business Lawyers](#) (2005)
- Profiled as one of the leading Energy lawyers in [Chambers USA, America's Leading Business Lawyers](#) (2006)
- Profiled as one of the U.S.A.'s leading Energy lawyers in [Chambers Global](#) (2006)
- Profiled as one of the leading Energy lawyers in [Chambers USA, America's Leading Business Lawyers](#) (2007)
- Profiled as one of the U.S.A.'s leading Energy lawyers in [Chambers Global](#) (2007)
- Profiled in [Legal Media Groups Expert Guides](#), Energy and Natural Resource Attorneys
- Profiled as one of the leading Energy Lawyers in [Chambers USA, America's Leading Business Lawyers](#) (2008)

Rated

- "AV" Martindale-Hubbell Peer Review Rating, indicating "very high to preeminent" legal ability

HEADLINE NEWS

- Andrews Kurth Receives High Rankings in Chambers USA Guide (June 25, 2007)
- Andrews Kurth Adds to its 2005 Chambers USA Ranking (June 16, 2005)