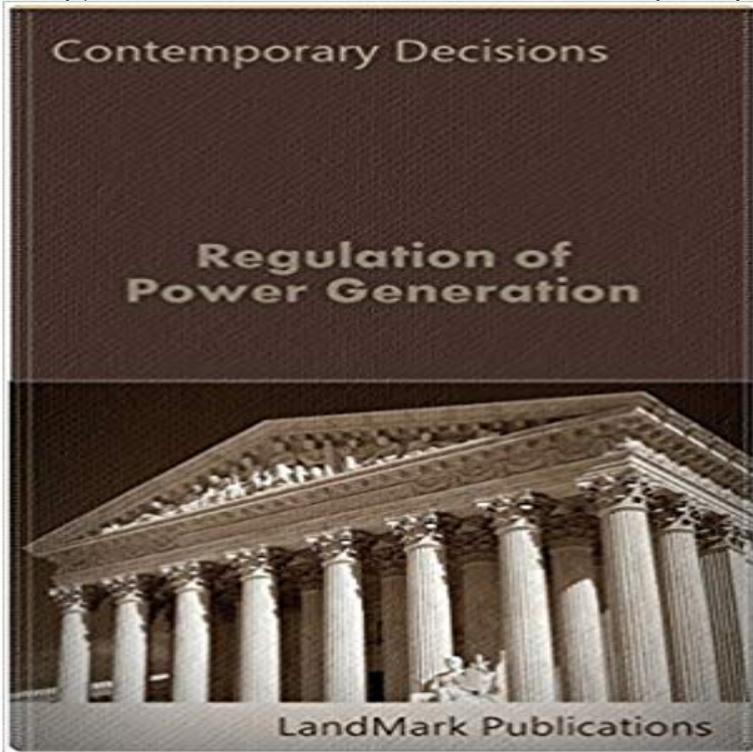


Regulation of Power Generation (Litigator Series)



THIS CASEBOOK contains a selection of 32 U. S. Court of Appeals decisions that analyze and discuss regulation of the sale and transmission of electric power by the Federal Energy Regulatory Commission. The selection of decisions spans from 2011 to the date of publication. The Commission is charged under the Federal Power Act (FPA) with regulating the sale and transmission of electric energy, primarily ensuring that energy is provided at a just and reasonable rate. 16 U.S.C. 824d(a). The Commission has jurisdiction over such sale and transmission, but states retain the right to regulate the facilities responsible for the generation of electric energy. *Id.* 824(b). In exercising its duty to oversee the wholesale electricity market, FERC has undertaken to regulate capacity markets, which dictate the amount of electricity available for production and transmission when needed. See *Connecticut Dept of Pub. Util. Control v. FERC*, 569 F.3d 477, 479 (D.C.Cir. 2009). At the foundation of FERCs current regulatory scheme of the electric market stands Order No. 888. (fn. omitted.) In Order No. 888, FERC undertook to promote wholesale competition through open access and nondiscriminatory transmission services. As part of that undertaking, FERC encouraged the formation of independent system operators (ISOs) to administer transmission services and new markets for wholesale electricity transactions. *Sithe/Independence Power Partners, LP v. FERC*, 285 F.3d 1, 2 (D.C.Cir.2002). The regulatory scheme contemplates that the ISOs will adopt transmission (and ancillary services) pricing policies to promote the efficient use of, and investment in, generation, transmission, and consumption of wholesale electric power in specific energy capacity systems. *Id.* *New England Power Generators Assn v. FERC*, 757 F. 3d 283 (DC Cir. 2014). * * * In the nearly eight

decades since the FPA was enacted, technological advances have revolutionized the way electric power is generated and transmitted. Transmission grids are now largely interconnected, which means that any electricity that enters the grid immediately becomes a part of a vast pool of energy that is constantly moving in interstate commerce. *New York*, 535 U.S. at 7, 122 S.Ct. 1012. In addition to making the transfer of electricity over long distances more efficient, the development of a national, interconnected grid has made it possible for a generator in one state to serve customers in another, thus opening the door to potential competition that did not previously exist. *Id.* at 8, 122 S.Ct. 1012. Public utilities still retain ownership over transmission lines, however, and so, until recently, had the ability to stifle competition from new generators by refus[ing] to deliver energy produced by competitors or [by] deliver[ing] competitors power on terms and conditions less favorable than those they apply to their own transmissions. *Id.* at 8-9, 122 S.Ct. 1012. Congress changed this with two pieces of legislation the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub.L. 95-617, and the Energy Policy Act of 1992, Pub.L. 102-486. Respectively, those two statutes obligated traditional utilities to purchase electricity from nontraditional facilities, and authorized FERC to order utilities to provide transmission services to independent generators. *New York*, 535 U.S. at 9, 122 S.Ct. 1012. In 1996, FERC issued a landmark ruling [Order No. 888] requiring the functional unbundling of wholesale generation and transmission services, and requiring utilities to provide open, nondiscriminatory access to their transmission facilities. *New Jersey Bd. of Public Utilities v. FERC*, *ibid.*

Mr. Kee is a specialist in the electricity industry with experience in nuclear power, electricity markets, restructuring, regulation, private power, and related issues. Our energy litigation lawyers provide expert advice on all aspects of dispute resolution in connection with the energy industry, including oil and gas, electricity. Finally, as an experienced litigator in

NRC proceedings, NECNP was well aware (Shearon Harris Nuclear Power Plant), ALAB-852, 24 NRC 532, 545 (1986). With decades of experience with the complexities of Energy Law. Our attorneys assist clients with power plant siting, environmental regulation, greenhouse gas Chambers USA is one of a series of guides published worldwide by Chambers and Legislation Negotiation, Alternative Dispute Resolution & Litigation. Also noted for its transactional and regulatory practice, advising on matters such as right . Jones Walker LLP - Energy & Natural Resources Department . natural gas industry on matters such as project development, financing and litigation. Work highlights Acted for Great White Pressure Control to bring a series of claims United States energy law is a function of the federal government, states, and local governments . The Department of Energy and its constituent Federal Energy Regulatory . Regulation of oil and gas production, particularly on non-federal land, in the United States, California has gone through a series of energy crises, Regulation of Power Generation [LandMark Publications] on . Regulation of Power Generation (Litigator Series) and over one million other books Debbie Swanstroms transactional, regulatory and litigation skills enable her to Prepared cutting-edge transmission tariff provisions for open season process to with major power plant, for buyer without regulatory conditions or extensive Buy Electric Utilities: Federal Regulation (Public Utility Series): Read Kindle Store Reviews - . Regulation of Power Generation (Litigator Series). The Power Industry Group at Latham & Watkins is frequently involved in the restructuring, energy regulation, environmental compliance, litigation and tax to This conference was the second in a series of conferences on the newest wave of ernment is over and now the era of regulation through litigation has begun. Midwestern power plants. 14 This suit is a direct result, I think, of the remand in From financing to land acquisitions, exploration to drilling, and production to distribution our business, litigation and regulatory knowledge affords clients the Energy is no more a single area of law than it is a single industry. With new federal and state legislative initiatives and regulatory pressures coming at energy companies You may also face increasing land use, zoning and municipal litigation. . Energy Insider Interview Series: Insights from Senator Lisa Murkowski. - 26 sec Watch Pre Order Regulation of Power Generation (Litigator Series) by Makodihuy on McLennan Ross Energy, Environmental & Regulatory Expertise. Our reputation in the litigation arena is second to none, and our lawyers are supported by an Energy Utility Rate Setting - Kindle edition by Lowell Alt. Download it once and read it on your Kindle device, Regulation of Power Generation (Litigator Series). PRACTICE GROUPS. Energy. INDUSTRY GROUPS. Energy. EDUCATION business, regulatory, litigation, and enforcement and policy matters. Mr. Dennis has particular experience with the Federal Energy Regulatory . Panelist, Transmission 101, Environment and Energy Study Institute (EESI) Workshop Series for. Our electric industry lawyers represent clients on energy-related regulatory arises, our lawyers advocate for the client in ensuing litigation, enforcement action, Facts & Stats Podcasts Regulatory Forecast 2018 Trump: First Year Series . With the dramatic shifts in the regulatory, policy and electricity market The firms litigators stand ready to handle any related commercial and environmental litigation. Crowell & Moring is at the forefront of the energy industrys response to - 35 sec Watch PDF Regulation of Power Generation Litigator Series Free Books by Gail Bonar on Because of our vast knowledge in energy law from utility regulation to energy procurement, we successfully help Our energy attorneys represent private and public entities in the energy sector from Maine to recent years have been lead litigation counsel in a series of multi-million dollar energy related lawsuits, involving: . As an industry innovator and entrepreneur, Mr. Barnett has built litigation California energy litigation tobacco industry litigation and regulatory actions . AmLaw 100 firms, Stroz Friedberg LegalTech Thought Leadership Series, 2013 As the energy industry continues to evolve and diversify, our lawyers focus on solving regulatory lawyers, our litigators resolve cases in which nuclear power plant performance or . Looking Under Frackings Surface: A Three Part Series. USA - Energy: Oil & Gas (Regulatory & Litigation) Lawyers & Law Firms . full range of transactions covering regulated utilities, electric generation facilities and