

## Energy Regulation Compliance & Advocacy

As counselors to the energy industry, Michael Best attorneys help clients understand and do business within a complex, constantly evolving regulatory framework. We advise on a myriad of legal issues in project development, ongoing operations, asset sales, and energy trading.

Representing clients effectively before the Federal Energy Regulatory Commission (FERC) often requires pre-filing meetings with senior FERC staff to discuss complex issues and ensure staff's preliminary concerns are clearly addressed. Facilitating these and other meetings is an integral part of Michael Best's approach.

Our work also entails advocating for clients in government relations and policymaking matters before the U.S. Commodity Futures Trading Commission (CFTC), Department of Energy (DOE), North American Electric Reliability Corporation (NERC), North American Energy Standards Board (NAESB), and other regulatory bodies.

We have long experience advising and advocating on market design issues, from FERC's original Standard Market Design Initiative through more recent efforts to enhance coordination between the natural gas and electricity markets. In light of the continuing focus on energy trading issues by both FERC and the CFTC, we also counsel clients on the reach of each agency's jurisdiction and on how to prepare for or avoid new regulatory burdens.

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### Our Clients

In the electric power sector, we represent clients such as:

- Investor-owned and municipal utilities
- Electric cooperatives
- Independent power producers
- Renewable energy producers
- RTOs and ISOs
- Electricity marketers and investors

Our natural gas sector clients include:

- Natural gas producers
- Gas-fired electric generators
- Local distribution companies

- Pipeline owners/operators
- Shippers
- Large-volume customers
- Natural gas marketers and investors

## **Experience**

We have extensive experience assisting energy sector clients in matters such as:

- Project development, including facility siting and expansion, land acquisition, financing, environmental and economic development incentives, construction, and certification
- Permitting of significant energy infrastructure, including power plants, transmission lines, gas pipelines, and wind farms
- Negotiation and filing of various agreements (e.g., for interconnection, power purchase, facilities operation and maintenance, joint ownership, joint dispatch, scheduling, supply, distribution, off-take, hedging, and asset management)
- Transmission and pipeline access issues
- Representation in rate proceedings
- Obtaining qualifying facility (QF) status, exempt wholesale generator (EWG) status, merchant transmission authority, or waivers from Open Access Transmission Tariff requirements
- Compliance with FERC standards of conduct, gas and electric tariff requirements, and reliability standards
- Proactive preparation for, and representation through, FERC audits
- Filings under the Federal Power Act (FPA), including:
  - Requests for authorization to transfer/dispose of FERC jurisdictional assets, including nuclear power plants (FPA Section 203)
  - Filings seeking equity issuance and borrowing authority (FPA Section 204)
  - Applications for cost-of-service and market-based rates (FPA Section 205)
- RTO and ISO participation, formation, and operation (e.g., participation in day-ahead and real-time energy and ancillary service markets, transmission congestion hedging, interconnection services, and more)
- Compliance with the CFTC's regulation of energy and environmental commodities trading practices, including registration, reporting, and recordkeeping requirements for entities engaged in futures, derivatives, and swap transactions
- "Special calls" by the CFTC to traders to file Form 40 (futures and options on futures) or other filings
- Designing, implementing, and updating internal compliance and training programs

- Government relations, including comments on proposed rulemaking, formal and informal meetings, and advocacy regarding issues with significant policy and operational implications for our clients