

Practices & Industries

Energy Law

Overview

For nearly a century, Day Pitney lawyers have been nationally recognized for their Energy and Utilities practice. Representing a diverse group of clients across the nation and around the world, we develop and implement innovative solutions to the complex challenges confronting the energy and utility industries. Our clients include electric, gas and water utilities; debt and equity investors; generators, transmitters and marketers; equipment contractors; and other energy and utility market participants.

Day Pitney's Energy and Utilities lawyers utilize the full range of our firm's resources to meet the diverse needs of our clients. As required, we assemble teams of lawyers with experience in energy development and regulation, mergers, acquisitions and joint ventures, corporate, tax, finance, antitrust, litigation, real estate, and environmental law.

Our lawyers have extensive knowledge of the energy and utility industries, the regulatory environment in which they operate and their highly competitive landscapes. Our team includes lawyers who have held senior executive positions in the energy industry and in government. Members of the team serve, or have served, as general counsel to the New England Power Pool (NEPOOL), special nuclear general counsel to a utility during the time its plants were on the Nuclear Regulatory Commission (NRC) watch list, and general counsel for two nuclear plants during their decommissioning. Several of our lawyers have extensive prior experience as members of the in-house law departments of major utilities or energy companies.

We assist our clients in navigating critical business issues that define the ever-changing energy and utility industries, including matters involving:

- Federal and state regulation and compliance
- Infrastructure development and investments
- Mergers, consolidations and divestitures
- Renewable energy
- Nuclear energy
- Water companies
- Trial and appellate litigation
- Bankruptcy, reorganization and restructuring
- Siting, both environmental and real estate
- Natural gas, including Liquefied Natural Gas (LNG) and Compressed Natural Gas (CNG)
- Administrative hearings and alternative dispute resolution

Day Pitney's clients continue to be at the forefront of both the retail and wholesale utility sectors. We have created new organizational vehicles to drive industry restructuring, such as Independent System Operators (ISOs), Regional Transmission Organizations (RTOs), stakeholder boards and Renewable Energy Certificate (REC) tracking systems. We have also

assisted entities with major divestitures, corporate reorganizations, new product offerings and related issues arising out of electric industry restructuring. Our clients have retained us to represent them before the Federal Energy Regulatory Commission (FERC), the NRC, the Department of Energy (DOE), the Bureau of Ocean Energy Management, the Environmental Protection Agency (EPA), and other state and federal regulatory bodies across the country. We routinely work with executive and legislative officials at the highest state and federal levels. We also have worked with the North American Energy Reliability Corporation (NERC) and have advised clients on NERC-related matters.

Transmission Development

We have provided strategic counsel to clients in the FERC's transmission reform efforts to facilitate the development of new transmission assets, as directed in FERC's Order No. 1000. In addition to working with public utilities in developing tariff language to meet that Order, our attorneys have also worked with new transmission-focused entities across the country in transmission formula and incentive rate applications that are designed to support their effective participation in the competitive solicitation processes administered by the RTOs. We have also assisted merchant transmission developers in their efforts to obtain negotiated rate authorizations and other project development regulatory approvals.