



Electric

FERC REGULATION AND COMPLIANCE

Van Ness Feldman's Electric Practice assists utilities, power marketers, generators, developers, and investors in understanding and complying with applicable FERC regulatory requirements. We also counsel clients on the potential effect of FERC policy initiatives and proceedings on their operations and businesses.

Regulatory Compliance

Van Ness Feldman's representations span the full array of FERC electric regulatory issues. We assist sellers of electricity in obtaining and retaining market-based rate authority, reporting changes in status, filing triennial updates, preparing Electric Quarterly Reports (EQRs), and complying with FERC's market behavior rules and price reporting regulations. Our attorneys also advise clients on: Open Access Transmission Tariff (OATT) and Open Access Same-Time Information System (OASIS) administration, implementation, and compliance; Standards of Conduct requirements; restrictions on affiliate transactions and cross-subsidization; and prohibition against market manipulation. Additionally, Van Ness Feldman helps officers and directors of public utilities navigate FERC's interlocking directorate requirements. As part of our services, we design and conduct employee training programs, participate in internal reviews and audits, and assist clients in developing compliance programs and procedures.

ISO/RTO Participation

Participation in organized markets requires an understanding of the specific rules of each Independent System Operator (ISO) or Regional Transmission Organization (RTO). Van Ness Feldman advises clients operating in ISO-NE, NYISO, PJM, MISO, SPP, and CAISO. Our attorneys counsel clients on the development of new market rules and tariff provisions, and advise them on the requirements for participation in energy and capacity markets and demand response programs. We also negotiate interconnection agreements and help structure energy management agreements and other complex transactions in organized markets.

Policy Initiatives

Van Ness Feldman attorneys have participated in virtually every major FERC rulemaking over the past two decades. We help clients develop policy positions, build industry coalitions, create effective comments, participate in public conferences and meetings, and meet with FERC Commissioners and staff.

Administrative Litigation and Appellate Review

Van Ness Feldman represents clients in trial-type hearings before FERC and in cases before state courts, federal district courts, U.S. Courts of Appeals, and the

U.S. Supreme Court. Our attorneys have extensive experience litigating complaint proceedings, including complex FERC multi-party litigation regarding market-wide remedies and technical rate cases. We also help clients reach successful settlements.

Recent Representations

- Advised a Pacific Northwest utility on a request for a FERC declaratory order regarding the proper classification of locational exchanges under the OATT.
- Conducted employee training on FERC's rules prohibiting market manipulation, Standards of Conduct, and EQR requirements.
- Provided ongoing strategic advice and regulatory counsel to a large integrated utility in the Northeast on its participation in three organized markets.
- Provided strategic counsel for parties commenting on FERC's Transmission Planning and Cost Allocation NOPR.
- Successfully defended clients in FERC litigation against alleged violations of market-based rate quarterly reporting requirements.
- Helped several clients with settlement negotiations to resolve market-wide refund litigation.

If we can provide you with additional information, please contact us at electric@vnf.com.