

## Natural Gas & Oil

### FERC RATE & TARIFF REGULATION

#### *Negotiating and Litigating Successful Outcomes*

Van Ness Feldman regularly participates in rate and tariff proceedings under Sections 4 and 5 of the Natural Gas Act. The firm serves as lead counsel for pipelines seeking rate increases or defending existing rates in complaint proceedings. In other proceedings, the firm represents customers of pipelines. In addition, Van Ness Feldman regularly counsels clients on tariff matters, including assisting clients through the technical conference process.

Our attorneys:

- Serve both as the lead litigation counsel and as the lead negotiators in the settlement process.
- Have the primary responsibility of developing case strategy.
- Assist in drafting testimony.
- Prepare and respond to discovery requests.
- Formulate and implement settlement strategy.

#### *Selected Rate and Tariff Case Experience*

- The firm currently serves as counsel to Kinder Morgan Interstate Gas Transmission Company in responding to a complaint under Section 5 of the Natural Gas Act.
- Van Ness Feldman was counsel to Natural Gas Pipeline Company of America in responding to a Section 5 proceeding initiated by the Federal Energy Regulatory Commission (FERC). The matter was resolved by an uncontested settlement.
- The firm represented Dominion Cove Point LNG, LP in a Natural Gas Act Section 4 rate proceeding. The firm was instrumental in developing strategy, managing discovery, and helping the client reach an uncontested settlement with FERC staff and all active parties.
- The firm represented Texas Gas Transmission, LLC in its Natural Gas Act Section 4 rate proceeding before FERC, including providing comprehensive legal and regulatory counseling with respect to expert rate testimony and strategic FERC litigation matters. The case was settled without a requirement that the company file another rate case.

- On behalf of the Trailblazer Pipeline Company, the firm was instrumental in developing a strategy which resulted in a settlement with FERC staff and most parties and which severed the interests of those parties who would not settle. The severed parties chose to litigate the case before an Administrative Law Judge, and the decision by the presiding Administrative Law Judge would have resulted in a rate higher than the rate filed by the company. Following that decision, the severed parties withdrew their opposition to the settlement.
- The firm represented Canyon Creek Compression Company in a Section 4 rate proceeding with a highly unusual and successful outcome. Because of the unique nature of the applicant, the company was able to negotiate a settlement that provides for a cost of service rate tracked through annual filings instead of a stated rate tariff.
- The firm has represented pipelines in tariff proceedings dealing with natural gas quality, interchangeability and hydrocarbon dew point. In 2006, the firm successfully litigated the issue of the appropriate dew point safe harbor on behalf of Natural Gas Pipeline Company of America.
- The firm represented the operator of natural gas pipelines in seeking judicial review of a FERC order regarding the scope of FERC's jurisdiction under the Hinshaw Amendment, Section 1(c) of the Natural Gas Act.