



## Natural Gas & Oil

### INTRASTATE PIPELINES

#### *Seasoned Natural Gas Regulatory, Commercial and Policy Experience*

Intrastate natural gas pipelines transport a substantial amount of the gas consumed in the United States. Though primarily regulated by the states in which they operate, intrastate pipelines also are subject to certain regulations and the enforcement authority of the Federal Energy Regulatory Commission (FERC), as well as the Department of Transportation's (DOT) federal pipeline safety regulations.

#### *Advising Intrastate Pipelines on a Comprehensive Range of Issues*

Van Ness Feldman's attorneys bring their experience, including regulatory backgrounds in industry and government service, to their counseling of owners and operators of intrastate natural gas pipelines. The firm advises intrastate pipelines on:

- the requirements of the Natural Gas Policy Act (NGPA) and Energy Policy Act of 2005 – key statutes affecting intrastate pipelines
- FERC regulatory policies
- strategic corporate counseling
- facility siting and environmental review and permitting requirements
- safety and operational matters
- commercial transactions
- legislative and policy matters.

#### *Broad Based Perspective on Complex Issues*

Van Ness Feldman brings multidisciplinary resources and depth of expertise to understanding the complexities of how federal regulations and policies affect intrastate natural gas pipelines. In particular, the firm has experience counseling clients with respect to:

#### *NGPA Section 311 Transportation*

- Understanding how federal undue discrimination policies apply to Section 311 transportation services
- Litigating rate cases filed under Section 311

### *Regulatory Compliance and Corporate Counseling*

- Counseling on the impact of FERC's standards of conduct on intrastate pipelines affiliated with interstate pipelines, and the requirements holders of blanket marketing certificates prohibiting energy market manipulation
- Developing and implementing internal corporate compliance programs regarding FERC regulations, environmental requirements, and DOT's pipeline safety program
- Litigating enforcement proceedings, and responding to governmental investigations, audits, and noncompliance matters.

### *Facility Siting, Environmental Review and Permitting Requirements*

- Obtaining approvals and permits from federal, state, and local governmental agencies
- Negotiating environmental permits and working with federal and state land management agencies
- Assisting and advising in working with private and public stakeholders

### *Safety Requirements*

- Developing pipeline safety programs and risk management policies
- Counseling on interpretation of regulatory requirements
- Preparing and filing documents and responses to notices of proposed violations and comments on notices of proposed rulemakings

### *Commercial Transactions*

- Negotiating supply and transportation agreements, capacity release arrangements, tolling arrangements, and facilities precedent agreements

### *Legislative and Regulatory Policy Matters*

- Designing and implementing strategies affecting oil and gas pipelines, and monitoring agency and legislative developments
- Advocating on behalf of clients in all major rulemakings and policy statements affecting pipelines
- Participating in appellate litigation involving review of FERC orders and other administrative agency determinations

### *Experience and Depth*

Recent gas regulatory matters in which the firm is actively involved include:

- Evaluated application of FERC's regulatory and enforcement policies to large intrastate pipeline and provided advice on developing an internal corporate compliance program
- Prepared and litigated NGPA Section 311 pipeline rate filings

- Counseled client with respect to intrastate pipeline construction under the NGPA
- Evaluated the applications of FERC's undue discrimination requirements and standards of conduct apply to an intrastate pipeline affiliated with an interstate pipeline and provided employee training on those requirements
- Assisted client in developing statement of operating conditions for Section 311 interstate transportation and in understanding permitted terms and conditions
- Successfully negotiated resolution of FERC enforcement action
- Represented client in appellate litigation involving FERC and other agency decisions
- Evaluated pipeline safety compliance and risk management programs for large pipeline client and provided counsel to corporate management
- Developed best practices and trained clients on environmental and safety regulatory compliance and enforcement matters
- Prepared responses to accounting and financial reporting questions.
- Advised investors and lenders concerning the acquisition of natural gas pipeline facilities including the negotiation of partnership agreements, due diligence reviews, and documentation for project financing of facilities.
- Served as regulatory co-counsel for major natural gas pipeline in a lawsuit involving compliance with federal pipeline safety standards

### *Energy Legislation*

Van Ness Feldman personnel have worked on every major piece of federal energy legislation affecting domestic gas production over the last two decades.

Clients call upon us to design and implement legislative strategies to affect policies favorable to gas producers and pipelines, as well as to monitor crucial agency or legislative developments.