



Natural Gas & Oil

LITIGATION & APPELLATE REVIEW

The depth of Van Ness Feldman's litigation practice reflects many years of practical experience, extensive expertise on a broad range of issues, and a variety of perspectives. The firm's attorneys have experience practicing before federal district and appellate courts, the United States Supreme Court, as well as state courts and administrative agencies. The firm has successfully litigated issues and cases arising under the U.S. Constitution, the Administrative Procedure Act, and all energy-related statutes, including the Natural Gas Act, the Federal Power Act, and the Natural Gas Policy Act. In addition, VNF attorneys have extensive expertise litigating issues under all environmental statutes, including the National Environmental Policy Act, Endangered Species Act, Clean Water Act, Clean Air Act, and Coastal Zone Management Act. Van Ness Feldman attorneys also have extensive experience in legal issues involving antitrust and merger jurisprudence.

Van Ness Feldman attorneys bring to its litigation practice a wealth of practical, technical, and legal experience that is cultivated by a breadth of experiences in both the public and private sectors. Van Ness Feldman's attorneys have backgrounds in governmental service that include positions in the FERC Solicitor's office, including the Solicitor; FERC's Office of General Counsel (including a former General Counsel); the Department of Justice, the Federal Trade Commission, the Department of Interior. The firm's attorneys also have extensive private sector experience serving as corporate in-house counsel, where they managed and litigated many types of complex and multi-faceted cases. Taken together, this range of experience enables Van Ness Feldman to draw on varied perspectives and experiences in developing creative strategies for advocating on behalf of its clients.

Representative Matters

- 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 Commission Staff and all active parties.
- The firm represented Texas Gas Transmission, LLC in its Natural Gas Act Section 4 rate proceeding before the 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.
- We 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.