



Energy Regulation & Compliance

CFTC REGULATIONS AFFECTING ENERGY COMPANIES

With the passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), risk management practices for energy companies face a new regulatory landscape. Van Ness Feldman represented end-user clients during the Congressional process and is well-positioned to provide strategic counsel and regulatory advocacy before the Commodity Futures Trading Commission (CFTC).

Compared to legal advisors that work on securities and commodities law, Van Ness Feldman's practice predominantly focuses on the energy industry. Our experience with energy and environmental commodities trading matters and related legislative and regulatory issues uniquely position us to advise affected clients.

In the Congress

As policy experts, Van Ness Feldman monitors and interprets Congressional developments; provides strategic counsel on company-specific impacts and potential responses; and designs and advances legislative advocacy campaigns (*e.g.*, facilitates Hill meetings, explores industry coalitions, *etc.*).

Before the CFTC

Van Ness Feldman monitors and interprets CFTC developments; provides strategic counsel on company-specific impacts and potential responses; drafts and submits comments on proposed CFTC rulemakings; and arranges meetings with CFTC officials.

Background

On June 21, 2010, President Obama signed the Dodd-Frank Act into law. The Dodd-Frank Act is a comprehensive piece of legislation aimed at restructuring the regulatory framework of the U.S. financial system. As end-users, one of the key titles of the Act for energy companies is Title VII, the Wall Street Transparency and Accountability Act of 2010, which addresses derivatives – specifically the over-the-counter swaps market. Some of the key elements addressed in Title VII include: definitions of new categories of market participants called “Swap Dealers” and Major Swap Participants;” clearing and exchange requirements for swaps; the end-user exemption; position limits; and reporting requirements. In general, the CFTC must issue its regulations for the Dodd-Frank Act 360 days after enactment, but some regulations, such as reporting requirements, will be established sooner.

Van Ness Feldman is closely following these events and can provide strategic counsel as well as regulatory and legislative services to clients impacted by these financial reform developments.