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Practice Areas

*Energy Project Development,
Transactions, & Finance*

*Energy Regulation & Compliance
Environment, Natural Resources, &
Public Lands*

Government Relations & Public Policy

Education

*LL.M., George Washington
University, 1983*

LL.B., University of Toronto, 1978

B.A., University of Michigan, 1973

Bar and Court Admissions

District of Columbia

*U.S. Court of Appeals for the D.C.
Circuit*

*U.S. Court of Appeals for the Ninth
Circuit*

John H. Clements

Of Counsel

John Clements counsels and represents the firm's clients before administrative agencies and the courts in matters pertaining principally to regulation of hydroelectric facilities under the Federal Power Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act and National Environmental Policy Act. Mr. Clements is currently involved in major hydroelectric relicensing proceedings before the Federal Energy Regulatory Commission, as well as development of new projects, license implementation and compliance, and annual charges regulation. In addition, Mr. Clements is a regular speaker at conferences and seminars concerning the hydropower industry. Recent or ongoing representations include:

- Provide Exelon Corporation with relicensing and compliance counsel for the 130 MW Conowingo conventional and 1,100 MW Muddy Run Pumped Storage projects.
- Provide counsel to the California Department of Water Resources on compliance issues relating to the Department's 1,406 MW California Aqueduct and 762 MW Oroville Facilities Project, both of which include conventional and pumped storage developments, and litigation of a complaint regarding the Oroville Facilities Project.
- Advise PacifiCorp regarding several matters pertaining to implementation of a comprehensive settlement agreement for relicensing of the Klamath Project, including negotiation for leases of state lands for project facilities, risk analysis and negotiations for transfer of PacifiCorp facilities and lands to the federal government, and analysis of claims regarding the federal Indian trust responsibility in relation to the settlement agreement.
- Provide counsel to American Municipal Power, Inc. regarding development of five new hydroelectric projects on the Ohio River, including competition from other developers, compliance with FERC license requirements, water quality certification under the Clean Water Act, and gaining approval of the first license transfer from a municipality to a non-municipality without a competitive proceeding.
- Provide licensing counsel to the Utah Board of Water Resources for development of the Lake Powell Pipeline Project, a water supply project that will include a 140-mile pipeline crossing federal, state, and private lands in Utah and Arizona and will include a pumped storage project and several conventional hydroelectric developments.
- Advise several developers of new pumped storage projects with respect to FERC jurisdictional matters and license application practices and procedures.

- Advise licensee regarding compliance with FERC's dam and project safety requirements and property rights requirements for small projects in Michigan and serve as the same entity's counsel in competitive original license application proceeding.
- Serve as FERC and appellate litigation counsel for a coalition of licensees contesting FERC's establishment of a new methodology for determining annual charges for licensee use of federal lands.
- Advise MeadWestvaco in complex license transfer proceeding involving instantaneous back-to-back transfers.

Professional Background

Prior to joining the firm, Mr. Clements had a distinguished career at FERC. He served as the Office Director and in other senior executive positions in the Office of Hydropower Licensing during an unprecedented wave of over 200 relicensing proceedings. He also served as the legal and policy advisor on wholesale electric power sales and transmission regulation and on hydroelectric matters for three Commission Chairs. In addition, he has served as advisory counsel and trial counsel for FERC in electric, natural gas pipeline certification, and hydroelectric proceedings. In the latter capacity, Mr. Clements wrote FERC Order No. 2002 and the accompanying regulations which established the Integrated Licensing Process, FERC's default licensing process.

Government Service

Federal Energy Regulatory Commission:

- Senior Attorney, Energy Projects, 1997-2006
- Director, Office of Hydropower Licensing, 1996-1997
- Director, Division of Project Review Office of Hydropower Licensing, 1994-1996
- Deputy Director Office of Hydropower Licensing, 1990-1994
- Legal and Policy Advisor to Chairman Martin Allday, 1989-1990
- Legal and Policy Advisor Chair Martha Hesse, 1989
- Legal and Policy Advisor to Chairman Anthony Sousa, 1986-1988
- Trial and Advisory Attorney
 - Electric Rates, 1982-1986
 - Natural Gas Pipeline Certificates, 1980-1982

Professional and Civic Affiliations

- American Bar Association
- Energy Bar Association
- National Hydropower Association

Publications

"A Primer on Making Amendments to Federal Energy Regulatory Commission Licenses," XXV *Hydro Review* 8 (2007).