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**Practice Areas**

*Climate Change, Clean Technology, & Renewable Energy*

*Energy Project Development, Transactions, & Finance*

*Energy Regulation & Compliance*

*Environment, Natural Resources, & Public Lands*

*Government Relations & Public Policy Litigation*

**Education**

*J.D., cum laude, Gonzaga University Law School, 1993*

*B.A., Economics, University of Washington, 1989*

**Bar and Court Admissions**  
*Washington*

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

*U.S. Court of Appeals for the District of Columbia Circuit*

*U.S. District Courts for the Eastern and Western Districts of Washington*

## Malcolm C. McLellan

*Member*

Malcolm McLellan practices in the areas of administrative and commercial law representing users of natural resources. His practice focuses on the regulation of electricity, transmission, and Alaskan fisheries. Malcolm has an intricate knowledge of the technical, legal and business considerations facing electric utilities, as well as a depth of practical experience gained from working with the operators of interconnected electric systems and marketers in the Western Interconnection. He has significant experience counseling on rulemakings, compliance, project development, and complex, international, multi-party agreements. Representative Energy Counseling Matters Include:

### Canadian/American Trade

- Representing Canadian and American electric utilities on issues relating to cross border trade, coordinated operations, and implementation of the Columbia River Treaty.

### Compliance

- Developing comprehensive energy compliance programs.
- Defending enforcement actions and investigations.
- Advising on Open Access Transmission Tariff and business practice compliance issues, reliability standards, standards of conduct, market behavior rules, interlocking director rules, electronic quarterly reporting, and accounting rules.
- Obtaining agency interpretations and guidance.

### Infrastructure Planning and Development

- Advising electric transmission developers and transmission planners.
- Advising solar, wind and hydroelectric generation developers in the Western Interconnection, Hawaii and Alaska.
- Performing due diligence associated with the purchase of generation facilities in the Northwest and power purchase agreements.
- Creating of the ACE Diversity Interchange tool, used in the Western Interconnection to manage area control error among participating electric balancing areas.
- Negotiating the Rocky Reach and Rock Island Hydroelectric Projects' Anadromous Fish Agreements and Habitat Conservation Plans, and associated biological options for the protection of salmon and steelhead in the Columbia River.

### Market Formation

- Counseling the Idaho Power Company in plans to form a regional transmission organization in the Pacific Northwest known as RTO West and Grid West.
- Counseling the Public Utility District No. 1 of Chelan County, Washington in a process intended to form an independent system operation in the Pacific Northwest known as Indego.
- Counseling on the creation of the Mid-C trading hub.

### Power Trading

- Negotiating custom bilateral power sales agreements, and power purchase agreements, for transactions in the Western Interconnection, and negotiating transactions based upon the Western System Power Sales Agreement.
- Negotiating customized real-time hydroelectric marketing agreements.
- Negotiating the Mid-Columbia Hourly Coordination Agreement to enhance coordination of hydroelectric projects in the area.

### Fisheries Matters

- Counseling the Alaska Crab Processors Arbitration Organization, and the Alaska Affiliated Crab Harvester Arbitration Organization, in the implementation of National Marine Fisheries Service's Bering Sea and Aleutian Island Crab Rationalization Program.
- Counseling the At Sea Processors Association on the development of a program consistent with National Marine Fisheries Service regulations limiting Chinook salmon bycatch in the harvest of pollock in the Eastern Bering Sea.
- Representing Nippon Suisan (U.S.A.), Inc. in an exchange of limited partnership ownership interest in the fishing vessel *Alaska Ocean*, for stock in the Glacier Fish Company.

### *Professional and Civic Affiliations*

- USO Council for the Puget Sound Area (Chairman of the Board)
- Boy Scout Troop 647, Mercer Island, WA (Scoutmaster)
- Cub Scout Pack 624, Mercer Island, WA (Former Cubmaster)
- Washington State Apple Blossom Festival Association (Legal Consultant)
- Mercer Island Presbyterian Church
- Mercer Island Beach Club
- Seattle Yacht Club

### *Honors & Distinctions*

- *Best Lawyers in America*; Energy Law; 2012

*Publications*

Malcolm McLellan & Carol Opatrny, Maintaining a Balance: Innovation in Power System Balancing Authorities, 1 Washington Journal of Environmental Law & Policy 1 (July 2011).