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Practice Areas

*Climate Change, Clean Technology, &  
Renewable Energy  
Energy Regulation & Compliance  
Litigation*

Education

*J.D., George Washington Law School,  
1977 (with honors)  
B.A., Johns Hopkins University, 1974*

Bar and Court Admissions

*District of Columbia  
Virginia*

## David P. Yaffe

*Member*

David Yaffe's energy practice focuses on federal regulation of the electric utility industry by the Federal Energy Regulatory Commission (FERC), electricity supply transactions, and litigation before the FERC and state courts and arbitration involving energy issues. He has substantial experience in addressing the unique needs of, and challenges facing, public agencies. Mr. Yaffe currently serves as managing partner of the firm's Electric Practice.

Mr. Yaffe's experience includes:

- Representing electric utilities and renewable energy developers (primarily wind) and previously, natural gas local distribution companies and industrial end users, in FERC transmission policy, electric and natural gas rate and certificate matters, rulemakings, etc.
- Negotiating numerous power sale contracts and off-take agreements from merchant transmission facilities and wind projects.
- Negotiating interconnection agreements and counseling on the interaction of wind developers and the organized (RTO/ISO) markets.
- Negotiating fundamental tariff of the New York Independent System Operator (NYISO) for a New York transmission owner, continually representing the client in numerous NYISO and ISO-NE proceedings, and representing other clients in matters involving the Midwest Independent Transmission System Operator and Southwest Power Pool.
- Served for more than twenty years as outside general counsel to a multi-state municipal joint action agency.
- Serving as lead trial counsel in protracted Minnesota state court power sale contract litigation and as current trial counsel in state court tort/equity litigation in Iowa's state court.
- Serving as lead counsel in litigated arbitrations under long term power sale agreements.
- Negotiating joint venture electric generating facility arrangements.
- Providing representation in public power bond offerings.
- Experience with numerous matters involving federal power marketing program.

Mr. Yaffe is an adjunct professor of energy law at The George Washington University Law School. He is a frequent speaker on a wide range of energy issues and has published numerous articles in that area.

Mr. Yaffe was an exchange student in The Netherlands from 1969 to 1970, and he speaks conversational Dutch.

*Professional and Civic Affiliations*

- American Bar Association
- Energy Bar Association
- Member and former chair of various non-profit boards

*Publications*

"Are State Renewable Feed-in Tariff Initiatives Truly Throttled by Federal Statutes After the FERC California Decision?" *The Electricity Journal* [Vol 23, Issue 8] (October 2010)

"Power Administrations Seek Increased Role: Restrictions on the Bonneville Power Administration and the Western Area Power Administration Have Complicated Transmission and Integration Procedures," *North American Windpower* (co-author) (December 2008)

"Limiting Energy Imports to 2005 Levels: A Goal of National Self Reliance," *The Energy Daily* (ED Volume 33, Number 121, June 27, 2005)

"Can Joint Action Agencies Thrive in a Restructured Electric Utility Industry?" *Public Power* (lead article) (January/February 1995)

"Bargaining for Entry to the Bulk Power Market," *The Electricity Journal* (co-author) (November 1988)

"The Requirement to Provide Wholesale Service Under the Federal Power Act: A Remedy of Continuing Vitality to Promote Efficiency and Prevent Discrimination," *Energy Law Journal* (1988)

"Economic Considerations in Power Plant Siting in the Chesapeake Bay Region: Phase III Report," *Maryland Department of Natural Resources* (co-authored with Dr. John J. Boland and Dr. John C. Geyer, of The Johns Hopkins University) (1975)