

*With over 90 lawyers and government relations professionals focused on energy, environment, and natural resources, our firm offers clients significant depth of expertise and superior value on day-to-day engagements as well as bet-the-company matters.*

## Firm Overview

Founded in 1977 and now with over 90 professionals in Washington, D.C. and Seattle, WA, Van Ness Feldman provides strategic business advice, legislative and policy advocacy, legal and regulatory compliance counsel, representation in administrative proceedings and litigation, and support for project development, permitting, and transactions in the inter-related areas of energy, the environment, natural resources, public lands, health care, and infrastructure.

We have developed some of the largest gas and electric practices in the country, augmented by a full network of complementary energy and environment-related disciplines, and have been described by *Chambers USA* as "the best energy boutique in the USA." In addition, *U.S. News-Best Lawyers* ranked the firm in the top tier nationally for energy law, and in the top tier in Washington, D.C. for energy, environmental, and government relations.

A diverse range of clients – including leading electric utilities, natural gas and oil production and pipeline interests, renewable energy project developers, manufacturing and industrial concerns, financial institutions and investment funds, clean technology companies, health care services companies, federal lands concessioners, municipalities, trade associations, coalitions, and many others – rely on the firm's professionals for their substantive expertise and their practical, collaborative approach to complex, cutting-edge issues.

### *Delivering Value to Clients*

Van Ness Feldman was founded by former Congressional and Executive branch staff. Since then, our bipartisan professionals have been involved in every major energy and environmental policy debate. Our professionals' rich history of prior government and industry service differentiates us from other firms, and enriches our ability to serve clients' needs on a wide range of issues.

We have successfully represented clients in the development of major energy infrastructure projects, in administrative proceedings, court litigation, and agency rulemakings, and in sophisticated transactions. We also excel at providing comprehensive "day-to-day" support for operations, including ongoing regulatory and compliance counseling.

Clients benefit from our depth and breadth of experience, our perspective and thought leadership on emerging issues, our creativity in solving complex problems, our ability to develop and implement effective business strategies, and the accessibility of senior-level practitioners.

### *Multi-Faceted Experience and Capabilities*

Among Van Ness Feldman's core strengths is the availability in one firm of a comprehensive suite of inter-related services and subject-matter expertise. Our professionals use an efficient, teaming approach to deliver seamless service in any

area our clients need assistance.

***FERC Regulation and Compliance Counseling***

A large component of our practice involves “day-to-day” counseling, advice, and representation before the Federal Energy Regulatory Commission on regulations and policies implicit in the construction and operation of electric generation and transmission projects and natural gas and oil production, pipeline and storage infrastructure, as well as energy trading and marketing operations. The firm assists clients in developing effective regulatory compliance and risk assessment strategies, and in responding to enforcement actions, investigations, and audits. We represent clients on issues such as standards of conduct, affiliate transactions, and compliance with NERC reliability standards. The firm also provides transactional and regulatory counsel in corporate mergers, acquisitions, and reorganizations, as well as energy asset acquisitions and sales.

***Environmental and Natural Resources Regulation, Permitting, and Policy***

The firm assists electric utilities, natural resource developers, municipalities, manufacturing companies, and industry coalitions on a wide range of regulatory and policy issues arising under the Clean Air Act, Clean Water Act, Endangered Species Act, National Environmental Policy Act, and other federal statutes. We advise clients on federal legislation and policy, EPA rulemakings and administrative proceedings, and we provide complete environmental support for project development and permitting matters. We also represent clients in litigation and enforcement proceedings, as well as in matters before the U.S. Department of the Interior and its agencies relating to federal lands, Indian law, and offshore energy development.

***Natural Gas and Oil Production and Pipelines***

The firm has provided comprehensive regulatory counseling and project development and certificate services to clients in the natural gas, LNG, oil, and refined products industries for several decades. Recently, we have acted in leading roles in the successful development over \$11 billion in new interstate pipeline, intrastate pipeline, gathering system, import terminal, and storage infrastructure—including two of the largest, longest interstate gas pipelines in North America. Our clients are active in all major U.S. gas-producing basins, including the Marcellus Shale. We also represent clients on rate and tariff matters before FERC, and on pipeline safety compliance matters before PHMSA. In the legislative area, we advise numerous natural gas industry leaders and industry associations on a range of emerging federal policy issues, including climate change and EPA regulation, financial derivatives, hydraulic fracturing, and transportation and sequestration of CO<sub>2</sub>.

***Electric Power***

The firm’s comprehensive electric practice represents investor owned utilities, independent power producers, and other owners of power generation and transmission facilities in all aspects of regulatory and policy counseling, permitting and project development, compliance, and litigation (including appellate litigation). The firm also assists electric utilities with environmental compliance and permitting matters, in asset transactions, and in the development of legislative proposals in areas such as transmission access and climate change policy.

***Renewable Energy***

The firm represents several leading project developers and independent power producers who are developing wind (including offshore wind), solar, geothermal, hydrokinetic and incremental hydropower, and waste-to-energy projects. The firm advises these clients on FERC and other regulatory issues, project permitting, and transactions. Our clients in this area also include large industrial users of electricity who are generating power at their manufacturing facilities from waste heat and other sources. In recent years, the firm has served as transactional and due diligence counsel for over \$3 billion in renewable energy project acquisition and development.

***Energy Efficiency, Smart Grid and Clean Technology***

We advise product manufacturers, electric utilities, and non-governmental organizations on policy, regulation, and federal incentives related to energy efficient products and services. We also advise clean technology companies and their investors on the impacts federal policies will have on their developing markets.

***Hydropower***

The firm counsels a number of the largest and most high-profile hydroelectric projects in the U.S. on project development, licensing, relicensing, regulatory compliance, permitting, and operational issues. These projects involve a broad range of sizes and configurations of conventional and pumped storage projects, (including multi-unit developments), run-of-river and conduit facilities, and new hydrokinetic technologies (such as wave, ocean current, and tidal technologies). Current and recent firm clients in the hydropower sector account for over 50% of the installed hydropower capacity in the U.S. licensed by the FERC.

***Public Lands***

Since its founding, the firm has assisted clients in the energy, mining, resource and real estate development, hospitality, commercial fishing, and other industries in their interactions with the U.S. government relating to use of and access to federal lands (including National Parks, National Forests, and other public lands). The firm also advises a number of Indian tribes and Alaska Native Corporations on these issues, and we are intimately familiar with the unique issues presented in transactions involving the exchange of lands in Alaska under the Alaska National Interest Lands Conservation Act. We have facilitated a number of major land exchanges and transfers on behalf of our clients, including those requiring special Congressional legislation, and we are known for building and fostering strong partnerships between private sector entities (including federal land concessioners) and the National Park Service, U.S. Forest Service, U.S. Bureau of Reclamation, and other federal land management agencies.

***Climate Change Policy and Emissions Trading***

The firm was among the first to have an active climate change and greenhouse gas regulatory practice, beginning in the mid-1990s. Our significant climate legislative, policy, and transactional engagements have resulted in the firm being honored three times by *Environmental Finance* as a leading U.S. law firm for emissions trading transactions, and being cited as a top-ranked climate change firm by *Chambers USA 2010* and *Chambers Global 2010*. Among our many representations, the firm helped form, and provides complete organizational support and policy guidance to, the Coalition for Emission Reduction Projects, a group of leading companies from the energy, manufacturing, agriculture, financial services, and emissions reduction project development sectors, formed to educate policymakers and the general public about the benefits of using offsets from domestic and international greenhouse gas emission reduction projects.

***Biofuels***

The firm represents participants throughout the entire value chain of alternative and renewable fuels, with an emphasis on cellulosic and algal feedstocks. These include companies engaged in development of new high-yield energy crops; research, development, and demonstration of biotechnology processes to extract energy from these crops; biofuel production and refining; and distribution and delivery infrastructure.

***Health Care***

Health care issues repeatedly top the agenda of both Congress and the Executive Branch, whether relating to Medicare or Medicaid funding, access to health coverage for the uninsured, health information technology, or ensuring that the nation's drug supply is safe. These matters frequently entail large federal programs, ensuring adequate funding and, importantly, distribution to service providers. On behalf of clients, including one of the world's largest health care services companies, the firm has worked on these issues on Capitol Hill and with the Executive Branch for several decades.

***Transportation***

The firm represents automobile and light-duty truck manufacturers, manufacturers of engines for heavy-duty trucks and equipment, and manufacturers of recreational marine and small off-road equipment on tailpipe emission controls before the U.S. Environmental Protection Agency and the California Air Resources Board. In addition, the firm maintains an active rail shipper advocacy practice. The firm represents rail shippers in commercial contract matters, negotiations, litigation, and arbitration, and provides legislative counsel for industry associations on issues including “captive” rail shipment and railroad antitrust law and policy.