

OIL, GAS, & LNG



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As a recognized leader in the Natural Gas & Oil industry, Van Ness Feldman provides comprehensive services to the companies operating in the areas natural gas, LNG, oil, and refined products. We advise clients at every stage of the oil and natural gas infrastructure development process, including pre-development, project structuring, development, permitting, construction, operation, expansion, continuing regulatory compliance, and ongoing transactional services.

Van Ness Feldman brings a deep bench and the breadth of experience, knowledge and resources to helping clients manage the complex legal, policy, and grass roots issues affecting the development, construction and operation of energy infrastructure. We represent clients in rate, tariff, certificate, and enforcement proceedings at FERC; pipeline safety compliance and enforcement at PHMSA; energy transactions; state and federal environmental permitting and litigation; tribal consultations; energy import and exports, regulation of energy derivatives trading, climate change issues, and greenhouse gas emissions.

"Van Ness Feldman spots the problems no one else sees and the team finds solutions." - Firm Client

"Van Ness Feldman has a deep bench and is able to tackle all of the various tasks we have sent its way. The team offers thorough and well founded recommendations." - Firm Client

"Van Ness Feldman's attorneys are very knowledgeable about the regulatory scheme and have good relationships with agency staff." - Firm Client

FERC RATE & TARIFF REGULATION

Van Ness Feldman's pipeline attorneys have extensive rate case experience that includes representing clients under both Sections 4 and 5 of the Natural Gas Act (NGA) and under Section 311 of the Natural Gas Policy Act, from the perspective of the pipeline as well as the customers. As a result, the firm brings an appreciation of multiple perspectives to the representation of clients in rate proceedings. Because of Van Ness Feldman's extensive experience in both rate cases and other regulatory matters impacting natural gas pipelines, attorneys possess unique insight into the business of running a pipeline, including extensive knowledge of Master Limited Partnerships (MLPs), which allows the firm to deal successfully not only with the typical rate case issues, but also with larger policy issues that may arise in the course of a rate case. Van Ness Feldman is respected as a forceful but fair advocate that can litigate effectively but also negotiate reasonable settlements of proceedings.

A list of our recent rate case successes can be accessed [here](#).

PIPELINE CERTIFICATE & PROJECT DEVELOPMENT

The firm's pipeline attorneys advise clients at every stage of the pipeline infrastructure development process, including pre-development, project structuring, tribal and other stakeholder consultation, permitting, construction, operation, expansion, continuing regulatory compliance, and ongoing transactional services.

Each project presents unique challenges in financing, permitting, construction, political considerations, and stakeholder management. Van Ness Feldman approaches each project strategically, bringing to bear unparalleled substantive legal expertise, a results-oriented understanding of our client's business goals, and intimate familiarity with the impacts of energy and environmental policy and regulation on energy projects of every size and scope.

PIPELINE SAFETY

Van Ness Feldman provides a full range of pipeline safety services for operators of gas and liquid pipelines and LNG facilities. Attorneys with extensive experience in the pipeline industry and with key regulatory agencies, including the Pipeline and Hazardous Materials Safety Administration (PHMSA), provide guidance on day-to-day compliance questions; defend operators in federal and state enforcement proceedings; advise in litigation proceedings; provide post-incident counseling; counsel on regulatory and legislative policy matters; coordinate with consultants and other technical professionals to review or draft compliance plans; help prepare for audits and inspections; lead internal investigations; assist with special permit applications and implementation; and help develop regulatory strategies for using new materials and technologies.

Our advice to clients is multi-faceted, taking into consideration big-picture safety objectives and an appreciation of business, regulatory, and legal risks facing companies. In response to enforcement actions, we team with client's engineering and business personnel to develop case strategies; prepare strong response documents, and develop and implement creative solutions. When necessary, the firm represents clients in civil pipeline safety litigation in the federal and state courts.

LIQUEFIED NATURAL GAS

Van Ness Feldman is home to one of the most experienced and seasoned LNG practices in the country, and the firm's professionals have been at the forefront of every major development in the LNG industry since the 1970s. Van Ness Feldman's clients are involved in virtually all aspects of the LNG industry and include LNG project developers, terminal operators and owners, suppliers, natural gas pipelines and storage companies, trading companies, investors, and lenders.

LNG attorneys advise clients on various parts of the LNG value chain, including pre-development, project structuring, development, permitting, construction, operation, and expansion. The firm also provides due diligence review for prospective lenders and investors, and offers a full range of transactional services. In addition to regulatory and transactional experience, the LNG team also provides strategic advice on public policy affecting LNG projects as well as legislative advocacy.

OIL & PRODUCTS PIPELINES

Van Ness Feldman maintains one of the leading oil, refined products and liquids infrastructure practices in the United States. We advise clients at every stage of the oil, refined products, and liquids infrastructure development process, including pre-development, project structuring, development, permitting, construction, operation, expansion, continuing regulatory compliance, and ongoing transactional services.

The firm's professionals assist clients by:

- Assisting with jurisdictional analyses
- Developing open season documents and processes
- Negotiating transportation and interconnection agreements
- Drafting tariffs

- Counseling on terms of service and compliance issues
- Preparing and filing changes to tariff rates and services
- Developing and implementing litigation and corporate strategies in rate cases and appellate proceedings, and in response to protests and complaints filed under the Interstate Commerce Act
- Counseling on dispute resolutions at FERC
- Tracking federal, state and local environmental laws and regulations
- Drafting comments and participating in rulemakings and policy initiatives
- Navigating public right-of-way issues
- Tribal engagement and consultations.

INCIDENT RESPONSE

Van Ness Feldman's team of former agency officials and industry experts has extensive experience handling safety and environmental incidents that occur on many different types of facilities, including: oil and gas pipelines; LNG facilities; offshore oil and gas rigs and platforms; electricity generation plants and transmission lines; hydropower projects; nuclear reactors; chemical plants; and many others. Our team stands ready—24 hours a day, 7 days a week—to quickly and effectively respond to incidents to manage safety, environmental, legal, financial and reputational risks. Our professionals' deep knowledge of agency investigative strategies and potential enforcement actions is critical from the early uncertain moments following an incident, through the conclusion of any related regulatory or legal proceedings.

Our attorneys represent clients in investigations and enforcement actions involving the following federal agencies: the Department of Justice; the U.S. Environmental Protection Agency; PHMSA; the Bureau of Safety and Environmental Enforcement; the Bureau of Ocean Energy Management; FERC; the U.S. Chemical Safety Board; the U.S. Coast Guard; the National Oceanic and Atmospheric Administration; the Nuclear Regulatory Commission; and other federal and state agencies.

Our team can provide detailed advice on the following types of post-incident tasks, including:

- Making required notifications to the National Response Center and regulatory agencies
- Counseling Senior Management and Boards of Directors
- Preserving physical and electronic evidence
- Initial employee interviews
- Structuring the internal investigation to be protected by attorney/client privilege, if appropriate
- Determining the need for forensic experts
- Communicating and coordinating with investigating agencies
- Media engagement and related crisis management
- Communicating with employees and affiliates.

Van Ness Feldman's team also recognizes the importance of conducting a thorough internal investigation following an incident to identify potential root causes and potential operational and safety management system improvements that can reduce the risk of incident recurrence. In many circumstances, these investigations can be protected by attorney/client privilege, which allows for a complete assessment of potential causes and the conduct of a company's employees, contractors, and other affiliates. Our team has extensive experience handling internal investigations, which includes:

- Collection and analysis of evidence

- Retention and management of technical experts
- Interviews with company personnel/affiliates
- Review of electronic communications and data
- Fact-finding, including a chronology of events leading to the incident
- Evaluation of enforcement risks (including potential criminal exposure)
- Forensic analyses
- Interaction with government investigators and other regulatory agencies.

EXPLORATION, PRODUCTION & DECOMMISSIONING

Van Ness Feldman's integrated practice of federal oil and gas law, natural resources law, and environmental law allows us to provide strategic and effective legal advice to clients engaged in oil and gas exploration, development, production, and decommissioning activities on federal and Indian lands—both onshore and on the federal Outer Continental Shelf. Comprised of individuals who have decades of collective government and industry experience, our team has the knowledge and experience to guide oil and gas companies through complicated, high-stakes matters, including investigations, enforcement actions, and litigation.

Our professionals recognize that successful development of oil and gas resources demands not only a deep understanding of both the legal and technical components of a project, but also of the highly nuanced practical, political, and public relations aspects often associated with complex, large-scale projects. Our attorneys and policy professionals combine industry perspective with unique insight and understanding of local, state, and federal agency policies and practices affecting oil and gas development, allowing us to quickly analyze the implications of contemplated oil and gas activities, manage legal risks, and provide clear advice on government oversight issues and challenges.

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