

CONTACT

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PRACTICES

Electric
Litigation & Investigations
Oil, Gas, & LNG

EDUCATION

Georgetown University Law
Center
Syracuse University

BAR AND COURT ADMISSIONS

District of Columbia Bar
U.S. Supreme Court
U.S. Court of Appeals for the
District of Columbia Circuit
U.S. Court of Appeals for the
Second Circuit
U.S. Court of Appeals for the Fifth
Circuit
U.S. Court of Appeals for the
Eighth Circuit
U.S. Court of Appeals for the
Ninth Circuit

LAWRENCE G. ACKER
SENIOR COUNSEL



Professional Background

Lawrence Acker has extensive experience representing natural gas and electric power industry participants in regulatory, commercial, and transactional matters, including independent investigations of company operations, infrastructure development, proceedings before the Federal Energy Regulatory Commission (FERC), civil litigation, and related appeals. Larry works closely with company counsel and senior executives, as well as experts in related fields of law and other disciplines. He frequently manages the work of groups of lawyers in complex matters.

He has also conducted live, video and webcast seminars within the U.S. and abroad on sources of regulatory and litigation exposure, market manipulation, enforcement and compliance matters, LNG projects and other infrastructure development.

Representative Experience

Larry has served as lead outside counsel assisting clients with a variety of matters that involve energy regulation, including:

- Appeals of FERC Orders. Recent examples:
 - Challenges in the D.C. Circuit to FERC orders assessing RTEP costs to NYPA in *Consolidated Edison Co. v. FERC*, 45 F.4th 197 (2022) (petition for review of FERC Orders regarding cost allocation by PJM; remanded);
 - Challenges in *New Jersey Board of Public Utilities v. FERC*, 45 F.4th 197 (2022), denial of appeal of FERC orders permitting change in contract between client and PJM;
 - Challenges in the D.C. Circuit to FERC hydropower orders respecting federal pre-emption of state regulation for Idaho Power Co., (pending);
 - Argument in *MRES v. FERC* (D.C. Circuit), 918 F.3d 954 (2019);
 - Argument in *Portland General Electric Co. v. FERC*, 854 F.3d 629 (2017); and
 - Argument in Ninth Circuit in *Idaho Power Co. v. FERC*, 801 F.3d 1055 (2015).
- The regulatory and commercial component of due diligence for potential investors in infrastructure projects;
- Negotiation of precedent and other commercial and operating agreements;
- Authorizations for LNG, pipeline, and hydropower projects, some of which have been contested;
- Internal and enforcement investigations and compliance planning;
- Agency evidentiary proceedings; and
- Acting as regulatory counsel in civil litigation in which FERC issues are present.

Larry's work encompasses natural gas, electric, and appellate matters. He was lead rate and tariff counsel for the Panhandle Eastern family of interstate pipelines, an active participant in the development

of LNG terminals for a variety of companies and investors, regulatory counsel in the multi-party Louisiana coastal wetlands civil litigation against the oil and gas industry, and was lead FERC counsel for the Hells Canyon hydropower project. He also was lead counsel for more than four years for the power marketers in FERC's California refund proceedings, and related appeals, including presenting oral argument before the Ninth and D.C. Circuits; and he was in the leadership group of the Marketers in FERC's Pacific Northwest refund proceedings, including arguments challenging FERC before the Ninth Circuit, resulting in the remand of FERC's Orders.

He represented the California ISO in connection with prominent market manipulation matters and to block interference with the ISO's efforts to prevent load shedding during summer peak periods in Southern California.

Awards and Honors

"Best Lawyers in America" by *Best Lawyers*

Energy Law, 2005-2024

Energy Regulatory Law, 2018-2024

Natural Resources Law, 2013-2024

Oil and Gas Law, 2018-2024

Chambers USA

Energy: Electricity (Regulatory & Litigation), 2003-2024

Energy: Oil & Gas (Regulatory & Litigation), 2003-2024

"Lawyer of the Year" by *Best Lawyers*

Energy Regulatory Law, 2020

Legal 500 - Recommended Attorney

Energy Regulation - Oil & Gas, 2017-2021

Super Lawyers

2008-2024

Profiled in *Euromoney Guide to the World's Leading Energy Lawyers*

Articles and Presentations

- 2021 FERC's Capacity Release Rules, 10/01/2021
- 2020 FERC Jurisdiction, Capacity Release Rules, Market Manipulation, Operation of Company Compliance Plan, 01/01/2020
- 2019 Fall FERC Regulatory Committee Meeting, 09/13/2019
- Evaluating a Compliance Program, Association of Corporate Counsel, 01/28/2019
- AGA FERC Manual: A Guide for Local Distribution Companies (2010-2019), Principal Author American Gas Association, First Through Ninth Editions , 01/01/2017
- AGA Energy Market Regulation Conference 2016, American Gas Association, Washington DC, 12/08/2016
- U.S. Based Small Scale LNG Projects, Euromoney Expert Guides, 02/01/2016
- Webinar: Recent Developments in the Regulation of Small-Scale Liquefaction Facilities, 11/19/2014
- AGA Energy Market Regulation Conference 2013, American Gas Association, New York NY, 10/03/2013