Van Ness Feldman LLP

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GARY D. BACHMAN

PARTNER

CONTACT

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PRACTICES

Electric

Hydropower

EDUCATION

American University, Washington College of Law

Bucknell University

BAR AND COURT ADMISSIONS

District of Columbia Bar

U.S. Supreme Court

U.S. Court of Appeals for the Ninth Circuit

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

U.S. District Court for the District of Columbia

U.S. Court of International Trade

Professional Background

Gary Bachman represents a wide array of participants in the electric industry and has a long history with hydroelectric licensing and transmission regulation and ratemaking. He is also actively engaged in regulatory matters concerning corporate structure, contracts, tariffs, compliance, and reliability. Gary has significant experience in litigation, finance, and transactional matters pertaining to electric utility and hydroelectric operations. He frequently advises developers in all aspects of project development, including ownership structure, regulatory treatment, permitting, siting, and the environmental and natural resource issues which often arise. Gary's clients are a diverse mix of investor-owned and municipal utilities, as well as independent generation and transmission developers, with interests in the electricity sector spanning from traditional fossil fuels, nuclear, and hydroelectric generation sources to emerging technologies, such as geothermal, solar and wind.

Gary serves as Treasurer and previously served as a member of the firm's Executive Committee.

Representative Experience

- Provides regulatory counsel and strategic assistance to project developers of a number of proposed transmission lines to move location constrained renewable power.
- Provides regulatory counsel on transmission tariff rate cases for both formula and stated rates.
- Provides licensing counsel on numerous original licenses and relicensings, including negotiating major settlements for three of the largest and controversial projects in the country.
- Successfully represented an electric utility client in a FERC investigation regarding compliance with the Federal Power Act, the Commission's regulations, and the utility's Open Access Transmission Tariff.
- Crafted an innovative settlement involving renewable resource credits for a client involved in the California Refund Litigation, arising out of the California electricity crisis of 2000 and 2001.
- Crafted the initial settlement of the MISO/PJM seams elimination charge litigation on behalf of a Midwest investor owned utility.
- Successfully prosecuted a Complaint at FERC over the structure of capacity market mitigation rules.
- Assists numerous clients with reliability compliance matters before the Federal Energy Regulatory Commission (FERC), North American Electric Reliability Council (NERC), and Regional Reliability Entities, including registration, employee awareness training, audit preparation and follow-up, compliance documentation, investigations, requests for interpretations of reliability standards, settlement negotiations, and appeals before NERC and FERC of alleged compliance violations.
- Lead counsel of a group of utilities and power marketers in the multi-party Pacific Northwest litigation regarding California's energy crisis.
- Successfully defended several firm clients in a FERC litigation proceeding filed by the State of California against allegations that sellers in California organized markets violated the Commission's market-based rate quarterly reporting requirements.
- Represents new entrants into the emerging EIM market

Awards and Honors

Super Lawyers

Van Ness Feldman LLP
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2007-2011, 2013-2015, 2019-2020, 2023-2025

"Best Lawyers in America" by *Best Lawyers*

Energy Law, 2020-2027

Legal 500 - Recommended Attorney

Energy Regulation - Conventional Power, 2019

Chambers USA

Energy: Electricity (Regulatory and Litigation), 2005-2019, 2021-2026

Articles and Presentations

- Buying & Selling Electric Power in the West 2014, Law Seminars International, Seattle WA, 01/14/2014
- 2nd Annual Electric Transmission in the West, Law Seminars International, Seattle WA, 05/20/2013
- VNF Presents a Reliability Compliance Roundtable, 06/14/2011

Alerts

- FERC Reforms Generator Interconnection Procedures, 08/09/2023
- FERC Revisiting its ROE Policy for Public Utilities , 03/22/2019
- FERC Proposes Rule Requiring Transmission Providers to Revise Rates Following Tax Rate Change, 11/16/2018
- FERC Acts to Support Storage Deployment, 02/21/2018
- D.C. Circuit Decision Creates Significant Uncertainty Concerning PJM Capacity Auction Results, 07/12/2017
- FERC Rejects PacifiCorp's Proposed Wind Integration Charge, 08/20/2013
- FERC Judge Issues Initial Decision Reducing Transmission Owners' Return on Equity, 08/08/2013