

CONTACT

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PRACTICES

Hydropower
Oil, Gas, & LNG

EDUCATION

Pace University School of Law
Colby College

BAR AND COURT ADMISSIONS

District of Columbia Bar
New York State Bar
U.S. Court of Appeals for the
Second Circuit
U.S. Court of Appeals for the
District of Columbia Circuit

MICHAEL R. PINCUS

PARTNER



Professional Background

Michael Pincus advises clients on all aspects of the siting and operation of interstate natural gas pipelines and liquefied natural gas (LNG) terminals before the Federal Energy Regulatory Commission (FERC). As an attorney at Van Ness Feldman, and previously at FERC, Michael has an in-depth understanding with a wide range of issues under the Natural Gas Act (NGA), including pipeline certificate and abandonment proceedings and LNG terminal and export authorizations. Michael also has experience with natural gas storage facility authorizations, presidential permits, limited jurisdiction certificates, blanket certificates, market-based rate determinations, and rate and tariff issues.

Michael counsels clients through every step of FERC's environmental review process for pipeline and LNG projects under the National Environmental Policy Act and with respect to applicable environmental laws, including the Clean Water Act, Clean Air Act, Endangered Species Act, and National Historic Preservation Act.

Michael also is practiced in Part I of the Federal Power Act, advising clients on a variety of hydroelectric licensing and compliance matters, including the license applications, transfers, amendments, surrenders, terminations, as well as preliminary permits.

From 2007-2012, Michael worked as an attorney-advisor in the Federal Energy Regulatory Commission's Office of the General Counsel, Energy Project Section. He was also named a "Next Generation Lawyer" by the *Legal 500* for oil and gas in both 2017 and 2018.

Michael is the co-coordinator of Van Ness Feldman's Oil, Gas, & LNG Practice and serves as one of the firm's Associate Coordinators.

Representative Experience

Select Recent Natural Gas Matters

- Representing a new natural gas pipeline company prosecuting its application before FERC for authorization to construct and operate a new 300-mile pipeline in the Mid-Atlantic region.
- Successfully represented a new natural gas pipeline company in obtaining FERC certificate authorization for a new pipeline in Florida, including drafting and implementing the pipeline's tariff.
- Successfully obtained, on behalf of a client, FERC authorization for new LNG liquefaction and export facilities at an existing LNG import terminal.
- Represent multiple pipeline companies on expansion projects to support new LNG export facilities.
- Representing a natural gas pipeline company before the U.S. Court of Appeals for the District of Columbia circuit seeking to require a state permitting to issue Clean Air Act permits.
- Successfully obtained FERC certificate authorization for a pipeline expansion project, including completion of National Historic Preservation Act Section 106 consultation process with several American Indian tribes.
- Advised multiple clients on the FERC issues related to the investment in new and existing natural gas pipeline facilities and LNG export terminals.
- Assisted several clients before FERC to abandon a portion of their interstate transportation systems in

order to convert the facilities to oil and natural gas liquids service.

- Represented a natural gas pipeline client in its FERC application to construct a new pipeline across the U.S.-Mexico border and for authorization to export natural gas to Mexico.
- Represented a natural gas pipeline company in a complaint proceeding at FERC related to landowner issues.

Select Recent Hydropower Matters

- Advises a FERC licensee preparing for a complex relicensing involving a large FERC-licensed project with multiple power developments and a co-licensee.
- Advised FERC hydropower licensees regarding the status of lands within its FERC project boundary.
- Represented a FERC license applicant for a hydropower license in a dispute over the amount and type of studies FERC required under the Integrated Licensing Process.
- Advised a FERC licensee on its responsibilities under the Clean Water Act for the expansion of its facilities.

Government Service

Federal Energy Regulatory Commission

Attorney Advisor, Office of the General Counsel, 2007-2012

Awards and Honors

Chambers USA

Energy: Oil & Gas, 2021

Legal 500 - Recommended Attorney

Energy Regulation - Oil & Gas, 2019-2021

Legal 500

"Next Generation Lawyer", Oil & Gas; 2017, 2019-2020

Super Lawyers

2017-2018

Energy Project Legal Scholar Award, Pace University School of Law

Articles and Presentations

- VNF Live - Natural Gas Pipelines: How the Biden Administration May Influence the Future of the Industry, 02/23/2021
- FERC Rescinds Pipeline Contracts and Reaffirms Capacity Posting Policy, American Bar Association, 12/01/2020
- The Basics of FERC Ratemaking for the Pipeline Industry, Albuquerque NM, 10/14/2019
- Midstream Oil & Gas from the Upstream Perspective, Rocky Mountain Mineral Law Foundation, Houston TX, 04/24/2018
- Considering the Public Convenience and Necessity in Pipeline Certificate Cases Under the Natural Gas Act, Energy Law Journal, Vol. 38 Issue 1, 05/01/2017
- 2017 EBA Annual Meeting & Conference, Washington DC, 04/03/2017
- 2016 EBA Primer Series: An Introduction to Federal Regulation of the Natural Gas Industry, The Energy Bar Association, New Orleans LA, 11/03/2016
- FERC Pipeline Siting Program Deals with Legal Challenges, Natural Resources & Environment, Vol. 30 Issue 4 pp. 44, 04/19/2016

- 2016 INGAA Planning Meeting, Arlington VA, 01/14/2016
- [Hydro Power - Environment, Energy, and Resources Law: The Year in Review 2015](#), American Bar Association, 05/02/2015
- EBA's Natural Gas Primer: An Introduction to FERC Regulation of the Natural Gas Industry, Energy Bar Association, Chicago IL, 05/19/2014
- New Hydropower Laws for Irrigators: New Challenges and Opportunities, Irrigation Leader, Vol. 4 Issue 9 pp. 26, 10/01/2013

Alerts

- FERC's Updated Certificate Policy and Interim GHG Mitigation Policy Statements: VNF's Pipeline Attorneys Weigh In, 02/22/2022
- Army Corps Finalizes 41 Nationwide Permits for Activities in Jurisdictional Waters and Wetlands, 01/13/2022
- EPA Proposes New Methane Regulations for Oil and Gas Facilities, 11/03/2021
- U.S. Supreme Court Upholds Natural Gas Pipelines' Authority to Exercise Eminent Domain Power over State Land, 06/30/2021
- Army Corps Finalizes Certain Nationwide Permits Two Years Ahead of Schedule, 01/15/2021
- FERC Rescinds Pipeline Contracts and Reaffirms Capacity Posting Policy, 10/20/2020
- DC Circuit Hands Pipelines Roadmaps to Construct Projects over Delays by Local Permitting Agencies, 07/06/2017
- FERC Issues Long-awaited Remand Order Responding to *Delaware Riverkeeper v. FERC*, 11/20/2015
- FERC Approves Pipeline Modernization Policy Statement, 04/21/2015
- FERC Offers Analytical Framework for Pipeline Recovery of Costs Related to Safety, Reliability, and Environmental Compliance Costs and Requests Comments, 11/21/2014
- FERC Issues Final Rule Clarifying Work Space Requirements for Section 2.55(a) Auxiliary Installations, 11/26/2013
- Fifth Circuit Holds that Federal Power Act Preempts Certain State Property Damage Claims, 10/17/2013