Van Ness Feldman LLP
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CONTACT

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202.298.1833

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
Pennsylvania State Bar
U.S. Court of Appeals for the Second Circuit
U.S. Court of Appeals for the District of Columbia Circuit
U.S. Court of Appeals for the Fourth 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.

Michael serves as a Practice Group Co-Chair of Van Ness Feldman's Energy Regulatory: Oil, Gas, & LNG Practice.

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.

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- 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 (Regulatory & Litigation), 2021-2026

Legal 500 - Recommended Attorney

Energy Regulation - Oil & Gas, 2019-2021; Next Generation Lawyer", Oil & Gas; 2017, 2019-2020

"Best Lawyers in America" by *Best Lawyers*

Energy Law, 2027
Energy Regulatory Law, 2027 Oil and Gas Law, 2027

Super Lawyers

Rising Stars, 2017-2018

Legal 500

Leading Attorney - 2024

Energy Project Legal Scholar Award, Pace University School of Law

Articles and Presentations

- Energy Law Academy Couse 101: FERC Regulation of Natural Gas, Energy Bar Association (EBA), New Orleans Louisiana, 12/09/2025
- The End of Chevron Deference Does Not Spell Doom for FERC's Regulation of Natural Gas, ABA Infrastructure Magazine, 08/22/2025
- The Basics of FERC Ratemaking for the Pipeline Industry, New Mexico State University Center for Public Utilities, Albuquerque NM, 05/13/2024
- 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
- Midstream Oil & Gas from the Upstream Prospective, Rocky Mountain Mineral Law Foundation, Houston TX, 04/24/2018

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- 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

- Major Changes to FERC's Blanket Pipeline Construction Program Are Coming, 05/22/2026
- FERC Takes Action to Streamline its Environmental Review of Hydropower Projects, 02/20/2026
- FERC Requests Information on Streamlining Post-Licensing Hydropower Approvals and Issuance of a Blanket Rule for Post-Licensing Amendments, 11/25/2025
- FERC Is Considering a Blanket Authorization Program for LNG Facilities, 11/21/2025
- FERC Reissues Authorization for Transco's Northeast Supply Enhancement , 09/02/2025
- Supreme Court Narrows Both Judicial Review and Scope of NEPA Reviews, 06/02/2025
- Recent D.C. Circuit Case Limits Opportunity to Assert Waiver of State Section 401 Water Quality Certification Authority, 05/23/2025
- The Future of NEPA Implementation Without CEQ Regulations, 02/24/2025
- Changes Ahead for NEPA Implementation Under President Trump's Energy Dominance Executive Order, 01/24/2025
- D.C. Circuit Throws Out Over 40 Years of NEPA Regulation, 11/14/2024
- FERC Finds Williams' Louisiana Energy Gateway System Will Not Be Jurisdictional, 09/30/2024
- FERC Issues a Notice of Inquiry Considering Natural Gas Pipelines' Packaging of Noncontiguous Capacity in Auctions, 03/25/2024
- Department of Energy Freezes Review of Applications to Export Liquefied Natural Gas, 01/26/2024
- FERC Reauthorizes Texas LNG, Rio Grande LNG Projects, 04/25/2023
- FERC Approves the Spire STL Pipeline, Ensuring Continued Operations, 12/16/2022
- 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

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- 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