

CONTACT

vfs@vnf.com
202.298.1839

PRACTICES

Electric
Litigation & Investigations
Renewable Energy

EDUCATION

Georgetown University Law
Center
Johns Hopkins University, School
of Advanced International Studies
Duke University

BAR AND COURT ADMISSIONS

District of Columbia Bar
Virginia State Bar

VAN F. SMITH
OF COUNSEL



Professional Background

Van Smith advises electric utilities and other energy sector participants on a wide variety of energy regulatory matters. He represents transmission providers and generators before the Federal Energy Regulatory Commission (FERC) in litigated proceedings under the Federal Power Act, and counsels clients on interconnection and transmission disputes, regulatory issues associated with the development of major transmission projects, compliance with tariff and organized market rules, and market-based rate authority. He also provides counsel on energy derivatives regulations under the Dodd-Frank Act, and assists market participants on transactional matters involving commodity master trading agreements such as the ISDA and NAESB agreements. He also advises appliance and other consumer products manufacturers on compliance with the Department of Energy's mandatory energy efficiency standards.

Representative Experience

- Represent generation project developers and transmission providers in interconnection and transmission disputes involving FERC's large generator interconnection procedures and open access transmission tariff (OATT) requirements.
- Represent public power entity before FERC, NYISO, and the New York Public Service Commission in connection with the development of several major transmission projects required to meet New York State clean energy mandates.
- Represent electric utilities and competitive transmission developers in litigated rate proceedings before FERC and advise on FERC regulatory issues, including large generator interconnection procedures, OATT compliance, maintenance of market-based rate authority, standards of conduct, and affiliate trading restrictions.
- Assist clients in review, drafting, and interpretation of common industry arrangements such as transmission, interconnection, power purchase, supply, exchange, and environmental commodity purchase and sale agreements.
- Draft and advise on ISDA master agreements and associated swap documentation for utilities and power producers.
- Counsel energy hedge providers/REC suppliers on CFTC/National Futures Association (NFA) registration obligations and process.
- Advise commercial swaps end-users on CFTC compliance issues including recordkeeping and reporting requirements, business conduct standards, capital and margin requirements, and position limits.
- Prepare and audit Dodd-Frank and NFA compliance manuals and documentation.
- Defend manufacturers in DOE enforcement actions alleging violations of DOE efficiency standards.
- Counsel manufacturers on compliance with applicable DOE rules and related audit program requirements.
- Draft comments for DOE efficiency standard and test procedure rulemakings.
- Represent manufacturers in appellate challenges to DOE efficiency standards and test procedures.

Government Service

U.S. Senate

Law Clerk, Committee on the Judiciary, 2011

U.S. International Trade Commission

Law Clerk, Office of General Counsel, 2009

Executive Office of the President

Trade Policy Advisor, Office of the U.S. Trade Representative, 2008-2009

U.S. Peace Corps

Water and Sanitation Engineer, Dominican Republic, 2004-2006

Awards and Honors

"Best Lawyers in America" by *Best Lawyers*

Energy Law, 2021

Environmental Law, 2021

"Ones to Watch" by *Best Lawyers*

2021

Articles and Presentations

- FERC and NERC Speed Processing of Electric Reliability Violations, *Natural Gas & Electricity*, Vol. 28 Issue 11 pp. 13, 06/01/2012
- FERC and NERC Speed Processing of Electric Reliability Violations, *Natural Gas & Electricity*, Vol. 28 Issue 11 pp. 13, 06/01/2012
- Enabling Environments or Enabling Discord: Intellectual Property Rights, Public-Private Partnerships, and the Quest for Green Technology Transfer, *Georgetown Journal of International Law*, Vol. 42 Issue 3 pp. 817, 09/01/2011

Alerts

- President Orders National Security Review for Certain Electric System Equipment, 05/05/2020
- FERC Requires Public Utilities to Address Excess ADIT in Transmission Rates, 11/26/2019
- Supreme Court Addresses Limits on State Authority to Promote New Generation Development, 04/21/2016
- EPA Issues Regulations to Control Carbon Dioxide Emissions from the Power Sector, 08/05/2015
- OUTLOOK 2014: KEY POLICY DEVELOPMENTS, 01/23/2014
- CFTC Proposes Position Limits and Aggregation Rules for Energy and Other Commodity Derivatives, 11/13/2013
- FERC Proposes to Expand Reliability Standards for Certain Generator Interconnection Facilities, 04/19/2013
- CFTC Issues Final Dodd Frank RTO/ISO and 201(f) Exemptions, 04/01/2013
- FERC Finalizes Policy for Advising EPA on Power Plant Mercury and Air Toxics Standards Compliance Extensions, 05/21/2012