

#### CONTACT

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#### PRACTICES

Electric  
Litigation & Investigations  
Renewable Energy

#### EDUCATION

The George Washington  
University Law School  
Johns Hopkins University

#### BAR AND COURT ADMISSIONS

District of Columbia Bar  
Virginia State Bar

## DAVID P. YAFFE

### SENIOR COUNSEL



### Professional Background

David's practice focuses on the issues involved with use of, interconnection with and development of the interstate transmission grid as well as wholesale electric power transactions. He represents renewable generation developers, public power authorities and utilities, and other utility clients in petitions, rulemakings, and litigation before the Federal Energy Regulatory Commission (FERC), transmission and power sale service transactions, litigation before federal and state courts, and arbitration involving energy issues.

David is an adjunct professor of energy law at The George Washington University Law School. David is also a frequent speaker on a wide range of energy issues, has lectured at Johns Hopkins University and Vermont Law School and has published numerous articles in that area. David was an exchange student in The Netherlands from 1969 to 1970, and he speaks conversational Dutch.

### Representative Experience

- Long time general counsel to a four-state public power agency regarding FERC transmission regulation, power sales, electric generation development, municipal revenue bond offerings, PURPA qualifying facility issues, and federal Power Marketing Administration (PMA) issues.
- Outside counsel to a New York State power authority in matters including the establishment and the client's subsequent interaction with the New York Independent System Operator, negotiation of a long term off-take agreement with a merchant transmission facility developer, negotiation, and representation before the FERC regarding a long term power sale off-take agreement from a bundle of electric power plants.
- Negotiation of non-standard interconnection and transmission service agreements for large wind farms in the MISO and SPP RTO areas.
- Successful representation of solar and other interests in comments to the FERC about integration of variable energy resources with the transmission grid.
- Lead trial counsel in a state court trial of a dispute about a thirty year old power sale agreement between public power agencies.
- Several arbitrations in California involving public power agencies concerning the operation and output of a federally chartered hydroelectric project.
- Successful negotiation of the first modern-era, full service interconnection agreement in California between a control area operator and an independent distribution utility in the control area.
- Representation of natural gas distributors before FERC regarding the changing relationship with pipeline suppliers during the transition of the natural gas industry.

### Articles and Presentations

- Why Capacity Markets are the Fitbits of the Electric Utility Industry, The Electricity Journal, Vol. 31 Issue 3 pp. 32-38, 04/01/2018
- All Electrons Are Not Local: A Commentary on the Interplay of Recent U.S. Supreme Court Decisions and State Efforts to Guide Local Transitions to Clean Power, The Electricity Journal, Vol. 29 Issue 5 pp. 1-6, 06/24/2016
- AGA FERC Manual: A Guide for Local Distribution Companies (2015-2016), Contributing Author

American Gas Association, 2015-2016 Edition, 06/01/2015

- Legal Essentials for Energy Professionals, Vermont Law School's Institute for Energy and the Environment and the Environmental Law Institute , Washington DC, 05/04/2015
- Variable Renewable Energy and the Electricity Grid, Contributing Author, RFF Press (Printed in the UK; to be issued in U.S. in late July), 07/01/2014
- Planning for District Energy, CHP and Microgrids: A checklist for campus administrators, District Energy, First Quarter 2014, pp. 36, 01/01/2014
- APPA Legal Seminar, 10/22/2013
- TEDx EmbryRiddle, Daytona Beach Florida, 02/08/2013
- Renewable Energy Certificates: A Patchwork Approach To Deploying Clean Technologies, Journal of World Energy Law and Business, Vol. 5 Issue 1 pp. 1, 02/01/2012
- Renewable Energy Certificates: A Patchwork Approach To Deploying Clean Technologies, Journal of World Energy Law and Business, Vol. 5 Issue 1 pp. 1, 02/01/2012
- Are State Renewable Feed-In-Tariff Initiatives Truly Throttled by Federal Statutes After the FERC California Decision?, The Electricity Journal, Vol. 3 Issue 8 pp. 9-16, 10/30/2010
- Power Administrations Seek Increased Role, North American Wind Power, 12/01/2008
- Limiting Energy Imports to 2005 Levels: A Goal of National Self Reliance, The Energy Daily, Vol. 33 Issue 121, 01/01/2005
- Can Joint Action Agencies Thrive in a Restructured Electric Utility Industry?, Public Power, 12/01/1995
- The Requirement to Provide Wholesale Service Under the Federal Power Act: A Remedy of Continuing Vitality to Promote Efficiency and Prevent Discrimination, Energy Law Journal, Vol. 9 Issue 2 pp. 459, 12/01/1988
- Bargaining for Entry to the Bulk Power Market, The Electricity Journal, Vol. 1 Issue 4 pp. 22-39, 11/01/1988
- Economic Considerations in Power Plant Siting in the Chesapeake Bay Region: Phase III Report, Co-author, prepared for the Maryland Dept. of Natural Resources (1975), 01/01/1975

## Alerts

- FERC Proposes Market Reforms for Energy Storage and Distributed Energy Resources, 11/29/2016
- Supreme Court Upholds FERC Rule on Pricing of Demand Response in Organized Electricity Markets, 01/27/2016
- D.C. Circuit Denies Order No. 1000 Appeals, Upholds FERC's Vision for Transmission Planning and Cost Allocation, 08/18/2014
- D.C. Circuit Vacates FERC Rule on Pricing of Demand Response in Organized Energy Markets, 05/27/2014
- FERC Streamlines Small Generator Interconnection Process, 11/26/2013
- Circuit Court Upholds Broad Transmission Project Cost Allocation in MISO, 06/17/2013
- CFTC Issues Final Dodd Frank RTO/ISO and 201(f) Exemptions, 04/01/2013