



Dewey & LeBoeuf

Energy Regulatory: Independent Transmission



Energy Regulatory

About Dewey & LeBoeuf

Dewey & LeBoeuf is a full-service law firm providing counsel throughout the Americas, Europe, Russia/CIS, the Middle East, Asia and Africa. With more than 1,100 lawyers in major financial and commercial centers, the firm represents national and global corporations, financial institutions and government agencies in their most complex legal matters.

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Energy Regulatory Focused on Independent Transmission Companies and Merchant Transmission

Dewey & LeBoeuf has provided regulatory advice and representation to a wide variety of clients on a broad spectrum of energy issues for over 75 years. Its diversified energy regulatory practice serves participants in the electric power, natural gas, petroleum and petrochemical power industries, as well as their financial advisors and financiers, throughout the world.

Dewey & LeBoeuf has a long-established practice in the power, oil, gas and utilities arena. Over 20 of the US-based lawyers in Dewey & LeBoeuf's Washington, DC office have a core competency in assisting clients with federal energy regulation. We have been involved in hundreds of Federal Energy Regulatory Commission (FERC) proceedings. Cases we have handled have included restructurings, new facilities construction, complex rate and refund proceedings, rulemaking proceedings, enforcement actions, complaint proceedings, non-public investigations and abandonment filings.

Our lawyers have been active in assisting clients in connection with the restructuring of the electric and natural gas industries in the United States. We have helped electric and gas utilities, as well as their customers and counterparties, to respond to constantly evolving federal and state regulatory regimes, and we work with them to ensure their compliance with regulatory requirements pertaining to such matters as participation in auctions and compliance with tariffs and market rules.

A good deal of our ongoing energy regulatory work involves the US wholesale electric power sector. We advise on transmission issues, including matters relating to Regional Transmission Organizations (RTO), Independent System Operators, independent transmission companies (ITCs) and merchant transmission companies. Our clients have included companies in the process of forming or joining an RTO, those who must transfer operational authority over transmission assets to an independent transmission entity, and investors in new enterprises, acquirers of electric utility assets and their advisors.

Dewey & LeBoeuf is serving as project counsel for the Atlantic Wind Connection (AWC) backbone transmission project. The proposed 350-mile underwater electric cable would form the backbone of a grid

carrying power from future offshore wind turbines miles off the US East Coast stretching from Virginia to New Jersey. Led by independent transmission company Trans-Elect and sponsored by Good Energies, Google and Marubeni Corporation, the AWC project will help improve consumer access to clean energy sources, help meet the Mid-Atlantic states meet their RPS targets and increase the reliability of the Mid-Atlantic region's existing power grid. As project counsel, the firm will advise on all legal aspects of the project, including state and federal regulatory applications for permits and approvals, construction and permanent financing and contracts with consultants and vendors.

Our current work also includes ongoing federal energy regulatory advice for American Transmission Company (ATC), a stand-alone transmission company with transmission assets in Wisconsin, Michigan, Minnesota and Illinois that is operated under the Midwest ISO Open Access Transmission Tariff. FERC has treated ATC in a manner similar to an ITC, even though it is technically owned by the companies that transferred assets to ATC. ATC owns transmission in Wisconsin, Michigan, Minnesota and Illinois that is operated under the Midwest ISO Open Access Transmission Tariff. Past ITC representations include representation of Michigan Electric Transmission

Company (METC), an ITC, for several years when METC was owned by a Macquarie-led investor consortium. We also represented GridAmerica, a proposed ITC managed by National Grid. GridAmerica was a significant ITC proposal that certain companies in the Midwest, including Ameren, First Energy and Northern Indiana Public Service Company, worked on for several years.

On the merchant transmission side, we are currently representing Maine Public Service Company and Central Maine Power Company on a joint venture transmission project in Maine. We also recently served as outside counsel for GE on the development and implementation of its merchant transmission line that interconnects PJM to the NYISO— the Linden VFT Project— which became operational in December 2009. This work included obtaining market-based rate authority from FERC for the line's transmission capacity. Our experience also includes the representation of Cross Sound Cable Company, LLC, an underwater merchant transmission line that interconnects United Illuminated with LIPA (ISO-NE (Connecticut) to Long Island, New York), when the transmission was owned by Hydro-Quebec. Since that time, we have represented Hydro-Quebec on merchant transmission issues both in the United States and in South America.

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