

Joseph H. Fagan

Partner

Washington, D.C. | (202) 218-3901

jfagan@daypitney.com

Overview

With more than three decades of experience, Joseph Fagan advises clients across the electric and natural gas sectors alike on a comprehensive range of regulatory, transactional, contractual, and litigation matters. His counsel is sought by industry players navigating the intricate frameworks of the Federal Energy Regulatory Commission (FERC), the Department of Energy (DOE), and related state and federal entities.

Known for his sophisticated understanding of regulated markets, Joseph routinely guides clients through issues related to investment structuring, asset acquisition and divestiture, infrastructure development, regulatory compliance, enforcement defense, government investigations, and ratemaking proceedings. His practice is distinguished by its breadth, encompassing every aspect of the regulated power and gas industries.

Joseph represents a diverse client base, including:

1. Energy infrastructure developers and investors
2. Merchant generation developers
3. Natural gas storage companies
4. Renewable natural gas and LNG project developers
5. Gas and power marketers
6. Local distribution companies
7. Electric cooperatives
8. Industrial end-users

Joseph is particularly adept at handling high-stakes matters before FERC and DOE, including rate and tariff proceedings, licensing and permitting, enforcement actions, and import/export authorizations. His litigation work spans federal district and appellate courts, where he has advocated for clients in complex regulatory and commercial disputes.

In addition to his client work, Joseph is a respected thought leader in the energy sector. He frequently speaks at industry conferences and contributes commentary on emerging regulatory and market trends. His commitment to the legal community also includes past service as the Co-Chair of the Professional Education Council of the Energy Bar Association as well as a member of the Board of Directors of its Charitable Foundation, reflecting his dedication to public service and professional development within the energy bar.

Firm Leadership:

- Executive Board Member

Practices & Industries

Corporate & Business Law

Data Centers and Digital Infrastructure

Data Privacy, Protection & Litigation

Energy Law

Energy Litigation

Energy Regulation and Compliance

Energy Storage

Infrastructure

Natural Gas

Renewable Energy

- Office Managing Partner, Washington, D.C.

** No aspect of these advertisements have been approved by the highest court of any state. See Awards Methodology.*

Experience

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.

Natural Gas

Represented a nonprofit agency in litigation and negotiations with natural gas suppliers arising from Winter Storm Uri in February 2021

Represented a natural gas marketer in negotiating a series of complex and politically sensitive LNG supply and exchange agreements with the municipal utility of a major Northeastern city

Successfully represented a coalition of two dozen Midwestern municipalities in a contested FERC pipeline rate proceeding

Represented an energy company in various compliance, regulatory and certificate matters concerning its FERC-regulated natural gas asset

Served as lead outside counsel to various shippers in the negotiation of commercial agreements with interstate natural gas companies proposing pipeline expansion and lateral projects

Served as lead outside counsel to an LNG company on FERC and DOE regulatory matters

Provided regulatory and due diligence advice in client acquisition of CNG fueling station portfolio

Served as lead outside counsel to several FERC-regulated natural gas storage companies on certificate, audit, enforcement, rate and tariff matters

Served as lead outside counsel to a New England stakeholder group seeking solutions to regional natural gas/electric interdependency issues

Served as lead outside counsel to a state-regulated anchor shipper in the negotiation of transportation and negotiated rate agreements with two different interstate natural gas companies proposing pipeline expansion projects in the Northeastern United States

Served as Co-FERC counsel to an LNG company in conjunction with the regulatory and commercial issues associated with the commissioning and placing into service of a Gulf Coast LNG import terminal and its associated interstate natural gas pipeline

Served as lead outside counsel to an electric utility in the negotiation of long-term natural transportation and supply agreements for a 637 megawatt combined-cycle gas-fired power plant in Utah

Served as lead outside counsel for natural gas storage company seeking to develop FERC-jurisdictional 30 Bcf natural gas storage facility in Liberty County, Texas

Represented the Chief Executive Officer of a hedge fund in natural gas enforcement proceedings at FERC

Served as lead outside FERC counsel on numerous acquisitions and financings of natural gas assets

Served as lead outside counsel on behalf of shippers in numerous FERC rate and tariff proceedings

Electricity

Served as a lead due diligence counsel in support of hundreds of millions of dollars of tax equity investments in multiple solar portfolios

Represented company and several of its employees as lead outside counsel in FERC enforcement investigation into alleged improper bidding activity in a wholesale capacity market auction

Represented two witnesses in FERC enforcement investigation into alleged regulatory and tariff violations associated with the operational availability of a new power plant

Represented stakeholders at FERC and in the United States Circuit Courts of Appeals in litigation involving the distribution of refunds and the development of remedies related to the failure of the California wholesale electric markets in 2000/2001

Served as co-counsel in FERC enforcement proceeding (and related D.C. Circuit appeal) targeting an individual trader for alleged violations of electric market behavior rules

Served as lead outside counsel in a successful effort to obtain rate incentives for a proposed $6 billion electric transmission project on behalf of one of the nation's largest electric utilities

Represented merchant generation developers on regulatory matters in conjunction with asset acquisitions and divestitures

Education and Credentials

Education

The George Washington University Law School, J.D., 1993

Wesleyan University, B.A., with Honors, 1988

Admissions

District of Columbia

State of Connecticut

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Tenth Circuit

Affiliations

Energy Bar Association (EBA), Natural Gas Regulation and Compliance and Enforcement committees

American Bar Association, Section on Public Utility, Communications and Transportation Law

Northeast Energy and Commerce Association, Board of Directors

Recognition and Community

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Recognitions

Selected to the list of 500 Leading US Energy Lawyers list by Lawdragon, 2025-2026

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.) for Energy Law, 2023-2027, Energy Regulatory Law, 2025-2027

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Energy: Electricity (Regulatory & Litigation) Nationwide, 2010-2026

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Energy: Oil & Gas (Regulatory & Litigation) Nationwide, 2021-2026

Chosen for inclusion in the *Chambers Global* (Chambers & Partners) for Energy: Electricity (Regulatory & Litigation), 2016-2024, 2026

Chosen for inclusion in the *Chambers Global* (Chambers & Partners) for Energy: Oil & Gas (Regulatory & Litigation), 2021-2024, 2026

Recipient of a Day Pitney Coleman Award for his commitment to pro bono and public service, 2022

Selected to the list of Washington, D.C. *Super Lawyers*®, Energy and Natural Resources, 2013-2016, 2018-2026

Insights

Energy in 2026: Why Family Offices Should Be Paying Attention
Generations March / April, April 6, 2026

Recent D.C. Circuit Decisions Shed Light on FERC Review of Natural Gas Certificate Applications
August 19, 2024

Supreme Court Overturning Chevron Leaves a Wake of Regulatory Uncertainty for Employment and Energy Agency Actions
July 18, 2024

Decoding a Post-Chevron World: The Future of Federal Agency Authority
February 29, 2024

FERC Actions Signal Concern Over Investors' Utility Stakes
January 18, 2024

FERC Issues Notice of Inquiry on Blanket Authorizations for Investment Companies
December 22, 2023

Day Pitney Sponsors 2023 New England Energy Conference and Exposition
June 7-8

"Grid Reliability Challenges: Will the Lights Stay On?" Day Pitney
November 10, 2022

FERC Issues Notice of Proposed Rulemaking Reforming Generator Interconnection Procedures and Agreements
June 27, 2022

FERC Issues Two Policy Statements Impacting Natural Gas Infrastructure Projects
June 2022

FERC Issues Two Policy Statements Impacting Natural Gas Infrastructure Projects
February 22, 2022

Federal Energy Regulatory Commission Advances Major Initiative to Overhaul Transmission Planning, Cost Allocation and Generator Interconnection Processes
July 22, 2021

FERC Finalizes Pricing and Eligibility Changes to PURPA Regulations
July 24, 2020

Dismissed: FERC Declines on Procedural Grounds to Act on Petition Seeking Assertion of FERC Jurisdiction Over Net Metering Sales
July 17, 2020

DC Circuit Court Decision on Federal/State Jurisdiction in Energy Storage
July 14, 2020

Appellate Review of FERC Orders Potentially Accelerated
July 9, 2020

FERC/Bankruptcy Court Concurrent Jurisdiction
April 2, 2020

Challenges Facing Energy Businesses in the COVID-19 Outbreak
March 20, 2020

FERC QF Developments: PURPA Implementation Changes Proposed; NH Crossed the Line
September 25, 2019

FERC Final Rule Narrows and Clarifies Filing Requirements for Applicants and Holders of Interlocking Positions
March 5, 2019

Federal Energy Regulatory Commission (FERC) 101
November 13, 2018

FERC Proposes Changes to Interlock Reporting Requirements
July 24, 2018

Not So Fast, Ohio: FERC Weighs In On Wholesale Energy
May 24, 2016

Not So Fast, Ohio.
April 29, 2016

Supreme Court Rules Maryland Subsidy Program Infringes on FERC Authority
April 20, 2016

What's Next For Wholesale Electricity Market Operators
February 11, 2016

What's Next? Potential Impact of the Landmark Supreme Court Decision in FERC v. EPSA on Demand Response Across the Country
February 9, 2016

Joe Fagan, David Doot, Flossie Davis and Jamie Blackburn Write Article on LNG Jurisdiction for Law360
May 5, 2015

Once Again, Commission Disclaims Jurisdiction Over LNG Facilities
April 8, 2015

New York Adopts Regulations for Liquefied Natural Gas Facilities
January 30, 2015

Energy Challenges in the Northeast: Fuel Security, Electric Bills and Regional Efforts
January 25, 2015

FERC Issues Another Natural Gas Order; Bay Dissents Again
September 23, 2014

Commission Disclaims Jurisdiction Over Two LNG Projects; Bay's Dissent: Sign of Things to Come?
September 12, 2014

LNG Project Does Not Require FERC Approval or Oversight
July 22, 2014

Energy Attorneys Discuss End of LNG Export Moratorium in *Law360*
May 22, 2013

Law360 Publishes Energy Attorneys' Article on DC Circuit's FERC ROE Decision
May 21, 2013

DOE Ends LNG Export Approval Moratorium
May 20, 2013

News

Day Pitney Energy Partners Earn Continued Recognition in the 2026 Lawdragon 500 Global Leaders in Energy List
Day Pitney Press Release, July 2, 2026

Day Pitney Earns Multiple Rankings in Chambers Global Guide 2026
Day Pitney Press Release, February 12, 2026

Day Pitney Energy Partners Named to 2025 Lawdragon 500 Leading Energy Lawyers List
Day Pitney Press Release, March 7, 2025

Chambers Global 2025 Ranks Day Pitney's Energy Practice Group and Attorneys
Day Pitney Press Release, February 21, 2025

Chambers Recognizes Day Pitney with Elevated Rankings Across Practices and Attorneys
June 6, 2024

Day Pitney Announces New Leadership Appointments
April 2, 2024

Chambers Global 2024 Ranks Day Pitney's Energy Practice Group and Attorneys
February 23, 2024

Day Pitney Boosts Energy Team with Washington, D.C. Partner Valerie Green
October 9, 2023

Chambers USA 2023 Ranks 35 Day Pitney Attorneys and 13 Practices
June 1, 2023

Chambers Global 2023 Ranks Day Pitney's Energy Practice Group and Attorneys
February 21, 2023

Joseph Fagan Appointed to NECA Board of Directors
November 3, 2022

Day Pitney Honors Washington, D.C. Attorneys with 2022 Coleman Awards for Exemplary Pro Bono Service
October 27, 2022

Chambers USA 2022 Ranks 34 Day Pitney Attorneys and 13 Practices
June 1, 2022

Chambers Global 2022 Ranks Day Pitney's Energy Practice and Attorneys
March 8, 2022

Chambers USA 2021 Ranks 31 Day Pitney Attorneys and 13 Practices
May 21, 2021

Chambers Global 2021 Ranks Day Pitney's Energy Practice and Attorneys
March 8, 2021

Chambers USA 2020 Ranks 34 Day Pitney Attorneys and 12 Practices
April 30, 2020

Chambers Global 2020 Ranks Day Pitney's Energy Practice, Energy Attorneys, and Individual Client Attorneys
February 18, 2020

Chambers USA 2019 Ranks 38 Day Pitney Attorneys and 12 Practices
May 8, 2019

Chambers USA 2018 Ranks 39 Day Pitney Attorneys and 11 Practices
May 25, 2018

Chambers USA 2017 Ranks 41 Day Pitney Attorneys
May 26, 2017

87 Day Pitney Lawyers Named to 2016 Super Lawyers List
November 10, 2016

Chambers USA 2016 Ranks 47 Day Pitney Attorneys
May 27, 2016

Chambers Global 2016 Recognizes Six International Private Client and Energy Partners
March 23, 2016

91 Day Pitney Lawyers Named to 2015 Super Lawyers List
October 30, 2015

Chambers USA 2015 Ranks 51 Day Pitney Attorneys
May 21, 2015

Eighty-Four Day Pitney Attorneys Recognized by Super Lawyers for 2014
November 3, 2014

Chambers USA 2014 Ranks 46 Day Pitney Attorneys
May 23, 2014

Eighty-eight Day Pitney Attorneys Recognized by *Super Lawyers* for 2013
October 22, 2013

Chambers USA 2013 Ranks 39 Day Pitney Attorneys
May 24, 2013

Chambers USA 2012 Ranks 41 Day Pitney Attorneys
June 8, 2012

In The Media

"Where Next for Natural Gas," Connecticut Business & Industry Association's 2026 Energy and Environment Conference
May 15, 2026

Transactional Trends To Watch In The Energy Industry In 2026
January 2, 2026

Energy And Environmental Policies To Watch In 2026
Law360, January 2, 2026

Day Pitney Announces New Leadership Appointments
CityBiz, April 2, 2024

Day Pitney Announces Leadership Changes
Law360 Pulse, April 2, 2024

Day Pitney Brings on Energy Atty with Regulatory Focus
Law360, October 11, 2023

"Managing the Promises and Complexities of Renewable Natural Gas," Energy Bar Association
October 10, 2023

"2022 Fuels Conference," Northeast Energy and Commerce Association
September 29, 2022

The Power of Experience Leveraging Senior Attorneys
Washington Lawyer, march/april 2022

GHG Ruling Won't Thwart FERC Pipeline Review Shift
Law360, February 16, 2022

Major Gap,' Gas Industry FERC Petitions Stoke NEPA Concerns
E&E News, September 22, 2021

Natural Gas: The Next Phase
February 10, 2021

Rumble in the Regulatory Jungle: Rockefeller v. Hart, A Comparison of the NGA and ICA
February 3, 2021

FERC Enforcement and Compliance
March 23, 2021

Natural Gas & Pipeline Issues
April 4, 2019

NECA's 2018 Fuels Conference
September 27, 2018

ACI’s 14th National Forum on Energy Trading Compliance & Regulatory Enforcement
January 11, 2018

Fuel shippers seek U.S. review of 'excessive' Colonial Pipeline rates
Reuters, December 8, 2017

Perry's FERC Grid Pricing Plan Would Roil Energy Markets
Law360, September 29, 2017

Skeptical Courts May Undermine Trump's Energy Project Push
Law360, August 23, 2017

Northeast Energy and Commerce Association's Annual Conference on Natural Gas and Fuels
September 27, 2017

1st Circ. Bolsters State Powers in Gas Pipeline Reviews
Law360, March 21, 2017

LNG projects could face new scrutiny if US invokes 'protect the public' clause
S&P Global Market Intelligence, February 9, 2017

For rebuffed Jordan Cove LNG, pipeline was the stumbling block at FERC
S&P Global Market Intelligence, December 12, 2016

Pipeline Fights May Determine Scope Of Climate Reviews
Law360, October 6, 2016

NY Nuke Plant Subsidies Will Likely Face Legal Battle
Law360, August 2, 2016

FERC has 'tools' to expand LNG reviews, environmental lawyer tells court
SNL Gas Week, April 27, 2016

D.C. Circuit to Hear Oral Arguments on Dominion LNG Facility
Bloomberg BNA, April 19, 2016

Court 'more likely than not' to uphold FERC's Cove Point LNG review
S&P Global Market Intelligence, April 12, 2016

Jordan Cove LNG export project 'in limbo' after FERC rejection
SNL Energy's Daily Gas Report, March 24, 2016

Speaker, "The Challenges of Natural Gas Abundance," Energy in the Northeast Conference, September 9, 2013
September 9, 2013

Speaker, "Becoming Bilingual: Gas and Electric Industry Background Session," Energy Bar Association Western Chapter Meeting, November 2012
November 1, 2012

Speaker, Oil & Gas Investment Symposium, Independent Petroleum Association of America, New York, NY, April 2011
April 1, 2011

Speaker, "The Future of Natural Gas," Argyle Executive Forum's 2010 Leadership in Oil & Gas, Houston, Texas, May 2010
May 1, 2010