



## Joseph Fagan

*Partner*

*Washington, DC*

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### OVERVIEW

Joseph Fagan, the Managing Partner of the DC office, represents natural gas and electric clients alike on energy regulatory, litigation, contractual and transactional matters, and frequently provides assistance on enforcement, government investigations, corporate compliance, ratemaking, project development, asset acquisitions and all other matters associated with the regulated power and gas markets.

Joseph's clients have included:

- Wholesale and retail marketers
- Municipalities
- Industrial end-users
- Natural gas storage companies
- Renewable natural gas project developers
- Liquefied natural gas project developers
- Producers
- Local distribution companies
- Power marketers
- Interstate and intrastate pipelines
- Electric utilities
- Renewable power developers
- Qualifying facilities

Joseph has represented clients for over 25 years in federal, appellate and district court litigation, and before the Federal Energy Regulatory Commission (FERC) and the Department of Energy (DOE) in a broad range of matters including rate, enforcement, permitting and import/export issues.

Ranked by *Chambers USA* for his regulatory work in both electricity and oil and gas, Joseph is described in the 2021 edition of *Chambers USA*, as being “[d]eeply knowledgeable,” with “a real

mastery of the law." He is also described as "[a] very skilled and effective litigator with broad legal skills."

Joseph frequently speaks and writes about pertinent energy industry topics. He is a past member of the Board of Directors of the Charitable Foundation of the Energy Bar Association.

*\* No aspect of these advertisements have been approved by the highest court of any state. See [Awards Methodology](#).*

## **EXPERIENCE**

### **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

## **SERVICES**

**CORPORATE AND BUSINESS LAW**

**DATA PRIVACY, PROTECTION AND LITIGATION**

**INFRASTRUCTURE**

**MERGERS, ACQUISITIONS AND JOINT VENTURES**

## **INDUSTRIES**

**ENERGY AND UTILITIES**

**ENERGY LITIGATION**

**ENERGY REGULATION AND COMPLIANCE**

**ENERGY STORAGE**

**NATURAL GAS**

## RENEWABLE ENERGY

### INSIGHTS

#### **"GRID RELIABILITY CHALLENGES: WILL THE LIGHTS STAY ON?" DAY PITNEY**

Presenter, November 10, 2022, Webinar hosted by Day Pitney

#### **"2022 FUELS CONFERENCE," NORTHEAST ENERGY AND COMMERCE ASSOCIATION**

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

#### **FERC ISSUES TWO POLICY STATEMENTS IMPACTING NATURAL GAS INFRASTRUCTURE PROJECTS**

Co-author, June 2022, *Pratt's Energy Law Report*

#### **FERC ISSUES TWO POLICY STATEMENTS IMPACTING NATURAL GAS INFRASTRUCTURE PROJECTS**

Co-author, February 22, 2022, *Day Pitney Alert*

#### **FERC ENFORCEMENT AND COMPLIANCE**

Speaker, March 23, 2021, Webinar

### NEWS

#### **DAY PITNEY SPONSORS 2023 NEW ENGLAND ENERGY CONFERENCE AND EXPOSITION**

Mentioned, June 7-8, *Day Pitney Press Release*

#### **CHAMBERS USA 2023 RANKS 35 DAY PITNEY ATTORNEYS AND 13 PRACTICES**

Featured, June 1, 2023, *Day Pitney Press Release*

#### **CHAMBERS GLOBAL 2023 RANKS DAY PITNEY'S ENERGY PRACTICE GROUP AND ATTORNEYS**

Featured, February 21, 2023, *Day Pitney Press Release*

#### **JOSEPH FAGAN APPOINTED TO NECA BOARD OF DIRECTORS**

Featured, November 3, 2022, *Day Pitney Press Release*

#### **DAY PITNEY HONORS WASHINGTON, D.C. ATTORNEYS WITH 2022 COLEMAN AWARDS FOR EXEMPLARY PRO BONO SERVICE**

Featured, October 27, 2022, *Day Pitney Press Release*

### EDUCATION AND CREDENTIALS

## EDUCATION

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

Wesleyan University, B.A., 1988

## ADMISSIONS

District of Columbia

State of Connecticut

## AFFILIATIONS

Energy Bar Association (EBA)

American Bar Association

Northeast Energy and Commerce Association

## RECOGNITION AND COMMUNITY

### RECOGNITION

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.) for Energy Law, 2023-2024

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Energy: Electricity (Regulatory & Litigation) Nationwide, 2010-2023

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Energy: Oil & Gas (Regulatory & Litigation) Nationwide, 2021-2023

Chosen for inclusion in the *Chambers Global* (Chambers & Partners) for Energy: Electricity (Regulatory & Litigation), 2016-2022

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* (Thomson Reuters), Energy and Natural Resources, 2013-2016, 2018-2021

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