DAY PITNEY LLP

Services & Industries

Natural Gas

OVERVIEW

The natural gas market faces unprecedented structural changes, requiring experienced guidance in state and federal regulatory matters and in the development of legislative policy. For decades, Day Pitney attorneys have advised clients on strategies for managing the continuing evolution of the industry as well as for navigating the legal, credit and regulatory risks that impact our clients' most difficult projects.

Our Natural Gas practice offers a full array of legal services in connection with regulatory matters before the Federal Energy Regulatory Comission (FERC), including providing substantive advice on policy and legal questions; preparing filings; representing clients in enforcement investigations; conducting evidentiary hearings; preparing court appeals; and representing clients in settlement proceedings, technical conferences, rulemakings and informal meetings with agency staff. Our attorneys have strong working relationships with FERC commissioners and their staff, administrative law judges, and consultants and expert witnesses on topics such as rate design and economic analyses, energy project development, and market power studies. In addition to our representation of clients before FERC, our attorneys have experience in proceedings before the Department of Energy (DOE) and the Bureau of Ocean Energy Management. Our lawyers also handle district court litigation related to federal and state regulatory issues and appellate reviews of lower court decisions and agency orders.

Our attorneys advise clients on matters under a variety of federal statutes, including the Natural Gas Act, the Natural Gas Policy Act and the Energy Policy Act of 2005. We help clients respond to FERC audit and enforcement investigations and comply with FERC Standards of Conduct requirements. We have helped clients obtain regulatory and permitting approvals and have helped them navigate FERC compliance and enforcement rules.

We regularly provide advice to clients seeking to develop natural gas projects that are subject to FERC jurisdiction. Whether for a liquefied natural gas (LNG), storage or pipeline project, the firm counsels clients on the certificate, contractual, rate and tariff issues associated with such projects. Typically, the scope of these engagements spans the initial planning meetings with FERC staff to the ultimate operation of the jurisdictional project.

As part of our natural gas representation, we routinely assist clients in their participation in FERC proceedings. Such proceedings run the gamut from contested rate cases and rulemaking dockets to

FERC enforcement investigations and audits.

The issues involved in the restructuring of the natural gas industry have influenced regulation at the state level as well, where the role of local distribution companies has changed dramatically and the need for understanding and cooperation between state and federal regulators is critical. Our attorneys have represented clients in new and developing areas, and we have played key roles in state regulatory proceedings. We have worked with clients to create new local distribution companies as well as unregulated affiliates that market unbundled local natural gas service.

EXPERIENCE

The attorneys in our natural gas practice have served as outside counsel to a range of companies, including:

- Numerous shippers in the negotiation of commercial agreements with interstate and intrastate natural gas companies proposing pipeline expansion and lateral projects.
- 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.
- A natural gas producer whose contractual rights as an anchor shipper on an interstate pipeline had been undermined by the reversal of flow on the pipeline's system.
- An LNG company on FERC and DOE regulatory matters.
- Several FERC-regulated LNG and natural gas storage companies on certificate, audit, enforcement, rate and tariff matters.
- A New England stakeholder group seeking solutions to regional natural gas/electric interdependency issues.
- 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.
- A natural gas storage company seeking to develop a FERC-jurisdictional, 30-billion-cubic foot (Bcf) natural gas storage facility in Liberty County, TX.
- A natural gas storage company seeking to acquire a Rocky Mountain-based, state-regulated storage facility.
- A natural gas storage company in its acquisition of an 11.4 Bcf FERC-jurisdictional natural gas storage facility in Alabama.

- A natural gas storage company in its acquisition of an 11.7 Bcf FERC-jurisdictional natural gas storage facility in Mississippi.
- An electric utility in the negotiation of a long-term transportation and supply agreement for a 637-megawatt combined-cycle, gas-fired power plant in Utah.
- A natural gas marketer in matters involving purchase and sale agreements and transportation agreements, including the acquisition of 145 million cubic feet per day of interstate pipeline transportation capacity from a shipper that was permanently divesting its capacity holdings.
- The chief executive officer of a hedge fund in natural gas enforcement proceedings at FERC.
- An interstate natural gas pipeline establishing procedures for compliance with FERC Standards of Conduct.
- A local distribution company in North American Energy Standards Board (NAESB) and FERC compliance matters.
- Natural gas marketers and traders.
- Industrial and commercial purchasers of natural gas.
- Shippers in numerous FERC rate, tariff and certificate proceedings.

INSIGHTS

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

Day Pitney Energy Partner Joseph Fagan is the moderator for a panel titled, "The Regulatory Challenge: How to Meet Reliability in a Gas Constrained Region," at the Northeast Energy and Commerce Association's 2022 Fuels Conference being held on September 29 at the Renaissance Hotel in Foxborough, MA.

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

Day Pitney Attorneys Joseph H. Fagan, Harold M. Blinderman, Margaret Czepiel and Samantha Regan authored the article, "FERC Issues Two Policy Statements Impacting Natural Gas Infrastructure Projects," for *Pratt's Energy Law Report*.

How FERC Proposal Will Guide Clean Grid Development
May 17, 2022

Day Pitney Energy Attorneys Eric Runge, Evan C. Reese, III, and Margaret Czepiel authored the article, "How FERC Proposal Will Guide Clean Grid Development," for *Law360*.

FERC Issues Notice of Proposed Rulemaking on Regional Transmission Planning, Cost Allocation and Related Matters
May 2, 2022

Day Pitney Advisory

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

Day Pitney Alert

NEWS

Energy Partners Named to 2024 Lawdragon 500 Leading Energy Lawyers List
February 26, 2024

Day Pitney Partners Sebastian M. Lombardi and Evan C. Reese, III, have been named to the 2024 *Lawdragon* 500 Leading Energy Lawyers list.

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

Day Pitney Press Release

Conn. Bar Foundation Elects 22 Attys As Fellows
February 17, 2023

Day Pitney Energy Partner Sebastian M. Lombardi's election by the Connecticut Bar Foundation's board of directors to the James W. Cooper Fellows Program was featured in the *Law360 Pulse* article, "Conn. Bar Foundation Elects 22 Attys As Fellows."

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

Day Pitney Energy and Utilities Partner Joseph Fagan was appointed to the Board of Directors of the Northeast Energy and Commerce Association.

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

Day Pitney Press Release

CONTACTS

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