



Brian T. FitzGerald

Partner

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Brian T. FitzGerald is a partner in the firm's Energy, Renewables and Utilities department. He represents regulated Energy, Renewables and Utilities clients in a variety of matters before state public utility commissions, federal agencies, and other administrative bodies, including complex rate proceedings and matters related to interconnection, smart grids, energy efficiency, and renewable energy. Brian has counseled clients on mergers and acquisitions, asset sales, licensing proceedings, prudence matters, investigations, and permitting matters. His practice also includes advising clients with regard to obtaining state regulatory approvals for utility financings and restructurings, as well as providing advice with regard to risk minimization, regulatory compliance, litigation avoidance, and litigation management associated with energy and utility matters.

Brian also advises wireless, cable, telephone and VOIP clients on facility siting, municipal franchises, and rights of way.

Areas of Concentration:

- Electric, gas, and water rate case proceedings
- State and federal energy regulation and compliance
- Telecommunications regulatory
- Administrative litigation and Article 78 proceedings of administrative decisions
- Mergers, acquisitions, and asset sale approvals
- Financing and restructuring approvals
- Renewable energy
- Water Telecommunications

Practices

- Energy, Renewables and Utilities
- Energy and Utilities Litigation
- Utility Regulatory and Compliance
- Energy Transactions
- Siting and Permitting
- Utility Rate Cases
- Natural Gas

Industries

- Energy and Utilities

Bar Admissions

- Connecticut
- District of Columbia
- New Jersey
- New York
- Rhode Island
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York

Education

- J.D., University of Virginia School of Law, 1990
- B.A., Siena College, *summa cum laude*, 1987

Representative Experience

- Served as primary outside counsel in numerous rate and other regulatory proceedings involving the following utility and energy companies:
 - Central Hudson Gas & Electric Corporation
 - New York American Water Company, Inc.
 - New York State Electric & Gas Corporation (NYSEG)
 - Rochester Gas and Electric Corporation (RG&E)
 - SUEZ Water New York Inc.
 - SUEZ Water Rhode Island Inc.
- Represented and advised clients in connection with the regulatory aspects of numerous mergers and acquisitions including the following:

- Alcoa Inc.
- AMF Oratam Investments LLC
- Arconic Inc.
- Consolidated Communications, Inc.
- FairPoint Communications, Inc.
- Macquarie Infrastructure and Real Assets Inc.
- Morgan Stanley Infrastructure Inc.

Professional and Community Activities

- Chair, American Bar Association, Water, Infrastructure and Regulated Industries Section, 2016—Present
- Vice Chair, American Bar Association, State Regulatory, Infrastructure, and Regulated Industries Section, 2016—Present
- Vice Chair, American Bar Association, Water, Infrastructure and Regulated Industries Section, 2008—2014
- Vice Chair, American Bar Association, Communications, Infrastructure, and Regulated Industries Section, 2004—2014
- Member, Rhode Island Bar Association, 2002—Present
- Member, New York State Bar Association, 1991—Present

Honors and Awards

- *Chambers USA*, Energy: New York State Regulatory and Wholesale Electric Market Department, Band 1 ranking, 2005—2018
- Super Lawyers, Upstate New York Edition, Energy and Natural Resources, 2007—2018
- Public Utilities Fortnightly, Groundbreaking Lawyers of 2010

Publications

- “New York State Calls for Shift to Distributed Energy,” *Infrastructure Newsletter*, American Bar Association’s Infrastructure and Regulated Industries Section, Vol. 54, No. 3, Spring 2015
- American Bar Association’s Recent Developments in Infrastructure and Regulated Industries Section Water Committee Report, 2013—2018