
Utility Regulatory and Compliance

Regulated utilities are subject to a wide array of complex, often intersecting, rules and regulations at the municipal, state and federal level and maintaining compliance is essential to avoiding unnecessary and costly delays, penalties and litigation. Our attorneys represent clients in all aspects of regulatory compliance and have leveraged our decades-long experience with regulators in New York, New Jersey and the entire Northeast/Mid-Atlantic region to help clients achieve their goals and expand their businesses. Our clients achieve favorable and cost-effective outcomes in all regulatory and compliance matters.

Skilled and Strategic Representation for State and Federal Regulatory Matters

Our attorneys represent utility companies and other entities with respect to all aspects of state and federal regulatory compliance, including:

- Compliance with all applicable state and federal laws
- Compliance with developing regulatory requirements and rules
- Navigating complex wholesale energy market and retail restructuring issues
- Participating in regulatory proceedings affecting the dynamic and evolving energy industry
- New York State Public Service Commission (PSC) and Federal Energy Regulatory Commission (FERC) complaint proceedings
- Disputes and litigation arising from allegations of non-compliance
- Drafting compliance reports
- Conducting evaluations of client-specific compliance programs and providing compliance recommendations
- Addressing the regulatory aspects of corporate mergers, acquisitions and reorganizations

We also represent clients in other state regulatory proceedings such as rate cases, financing activities, audits, prudence reviews, penalty actions, accelerated infrastructure investment surcharges, certificates of public convenience and necessity, service quality, industry restructuring, franchise issues, generic dockets, customer complaints, rate and billing disputes.

Our federal regulatory practice is broad and our attorneys have represented numerous local gas distribution companies and other clients in rate, certificate and complaint proceedings involving their FERC-regulated service providers (e.g., interstate pipelines and storage providers), generic rulemaking proceedings, proceedings involving FERC regulations and FERC's Office of Enforcement and interstate pipeline disputes.

With our cross-disciplinary approach, and with attorneys who are deeply experienced in representing utilities and other clients in a broad range of transactional and litigation matters, we are able to effectively guide clients through all aspects of transactional matters and disputes that have regulatory compliance components. By examining issues beyond compliance, we help our clients make strategic and cost-effective decisions that serve their immediate and long-term business goals.

Representative Cases in Utility Regulatory and Compliance

The following are some representative examples of our attorneys' experience in state and federal utility regulatory and compliance matters:

- Represented regulated water clients in generic New York State Public Service Commission proceeding regarding the Qualified New York Tax Manufacturer Credit.
- Represented clients in transmission rate and rulemaking proceedings before state and federal regulatory commissions.
- Negotiated interconnection agreements and assisted clients in interconnection processes conducted by utilities and Independent System Operators/Regional Transmission Organizations.
- Obtained regulatory approvals for mergers and acquisitions, corporate restructurings and transfers of securities.
- Represented clients in consumer complaint matters and enforcement proceedings before the New York State Public Service Commission.
- Advised clients on improvements and capital investments related to resiliency, emergency preparedness and storm hardening.
- Advised clients on energy efficiency and economic development plans and opportunities.
- Advised clients on rate design and tariff-related issues.
- Advised clients on submetering issues and obtained submetering approvals from state regulatory commissions.
- Represented clients in the acquisition and divestiture of generating facilities and other utility assets.
- Represented clients in numerous certification proceedings before state regulatory commissions.
- Obtained approval of numerous financings by national and international telecommunication providers.
- Obtained municipal franchise agreements for telecommunications providers.
- Obtained certificates of public convenience and necessity for telecommunications clients.
- Advised telecommunications clients with respect to state universal service fund and access charge issues.
- Successfully negotiated on behalf of load distribution company client in polychlorinated biphenal (PCB) remediation settlement to retain long-term cost protections for client.
- Developed legal arguments that a load distribution company client used to overcome a city's threat to stop interstate pipeline's in-service date to deliver gas to the client.
- Represented group of load distribution company clients in rate settlement, achieving rate reductions and improvements to operational provisions in pipeline's tariff.
- Developed regulatory and legal framework for major utility asset transfer petition.