

Winstead's attorneys possess the breadth and depth of experience to represent clients' interests in all aspects of practice before the federal and state agencies that regulate energy companies and utilities. Our attorneys have represented clients in dozens of contested cases and rulemaking proceedings before those agencies, which include the Federal Energy Regulatory Commission, the Public Utility Commission of Texas and the Railroad Commission of Texas.

In addition to our litigation and rulemaking experience, we understand the importance of helping our clients achieve their business objectives, and we have helped energy and utility clients to evaluate business transactions, perform due diligence, negotiate contracts, and ensure regulatory compliance, among other things. Whether the matter calls for a comprehensive litigation strategy, transaction assistance, or strong relationships with the regulators, Winstead's attorneys can fulfill those needs.

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REPRESENTATIVE CLIENTS

- A large, vertically integrated utility owning coal, nuclear and natural gas generating capacity
- One of the largest transmission and distribution utilities in Texas
- One of the largest transmission and distribution utilities in Arkansas
- A vertically integrated utility with operations in both Texas and New Mexico
- The owner of a large private transmission line connecting wind farms to the Electric Reliability Council of Texas grid
- Two of the three largest retail electric providers in Texas
- Two operators of high voltage renewable energy transmission facilities
- An independent electric transmission company in the Midwest
- Vertically integrated utilities under the jurisdiction of the Federal Energy Regulatory Commission
- A number of other electric market participants or interested parties, including renewable and thermal generators and commercial and industrial electric customers

ELECTRIC UTILITY EXPERIENCE

Winstead attorneys have extensive experience with rate-setting proceedings. Our attorneys have served as counsel to a number of investor-owned utilities in rate-setting matters for over a decade, in many instances in a lead role. Our experience in rate proceedings includes the full breadth of legal services involved in these matters.

Our attorneys understand the size, scope and complexity of rate-setting proceedings and have the organizational and support structure required to handle such cases.

Examples of rate case representations include:

- Counsel in more than 10 major electric rate proceedings before the Public Utility Commission of Texas ("PUCT") and the New Mexico Public Regulation Commission
- Representation of electric utilities in both traditional and unbundled cost of service rate-setting proceedings, with a special emphasis on the utility's cost of capital
- Representation of major intervenors in rate-setting proceedings with an emphasis on affiliate transactions, class cost of service and rate design

ELECTRIC MARKET EXPERIENCE

- Traditional rate-of-return base rate proceedings
- Rulemaking and contested case proceedings regarding a variety of wholesale, transmission and retail market issues
- Approval proceedings regarding the sale, transfer or merger of utility assets
- Applications for wholesale and retail certifications and registrations
- Responses to complaints and enforcement actions initiated by third parties and by regulatory agencies
- Proceedings to recover stranded costs
- Analysis and drafting of legislative proposals and their effects on industry participants
- Contested tariff revision proceedings
- Fuel formula, fuel factor and fuel reconciliation proceedings
- Transmission cost recovery factor proceedings
- Negotiation of purchased power agreements with wind generators
- Proceedings to recover environmental retrofitting costs
- Transfer of control of Federal Communications Commission wireless licenses held by electric utilities
- Compliance with Federal Energy Regulatory Commission Order Nos. 888 and 890, including revisions to Open Access Transmission Tariffs
- Compliance with North American Electric Reliability Corporation reliability standards
- Defense of a transmission and distribution utility against claims of fraud on the market

TRANSMISSION LINE CERTIFICATION

Winstead combines commercial transaction and financing representation with very specific experience in preparing, managing, prosecuting and defending the regulatory approvals required by transmission utilities.

Winstead attorneys have represented applicants and intervenors in numerous transmission line certificate of convenience and necessity proceedings at the PUCT, including Competitive Renewable Energy Zone proceedings.



In addition to state regulatory oversight, natural gas, oil and products pipelines are frequently subject to regulation under provisions of either the Natural Gas Act, Interstate Commerce Act and/or other statutes administered by FERC, even where a company's physical operations may be located entirely within a single state. Awareness of federal energy regulatory requirements and implications is thus an essential component to ensuring that pipeline activities comply with applicable law, as well as a necessary consideration for utilities, refiners, marketers and other customers and shippers utilizing pipeline services. Attorneys in Winstead's Washington, D.C. office have broad experience representing both gas and oil pipelines and users of pipeline services before the FERC and its predecessor agency that spans four decades.

In particular, our attorneys' engagements on behalf of natural gas and oil industry clients include:

- Preparation, filing and prosecution (through fully litigated proceedings, where necessary) of natural gas pipeline rate and certificate applications, and representation of intervenor interests in such proceedings;
- Representation in oil and products pipeline rate proceedings involving both cost-based and market-based rates;
- Negotiation and drafting of gas and oil pipeline tariff provisions, and counseling related thereto;
- Negotiation and drafting of gas and oil pipeline rate and tariff settlements;
- Preparation of declaratory order petitions, and representation in FERC declaratory order proceedings;
- Preparation and negotiation of oil and product pipeline throughput and deficiency agreements and natural gas pipeline service agreements;
- Strategic counseling with respect to matters involving federal and state jurisdiction over oil and products pipelines;
- Analysis and counseling concerning the jurisdictional status of gas pipeline gathering and transmission operations, and NGPA Section 311 activities;
- Provision of the full spectrum of administrative litigation services in contested proceedings before the FERC, including selection of witnesses, development of testimony, conduct and defense of written and deposition discovery, presentation and cross-examination of witnesses, briefing and oral argument and preparation of requests for rehearing of FERC orders;
- Filing, briefing, and oral argument of petitions for judicial review of FERC orders in federal appellate court proceedings;
- Representation in all stages of arbitration proceedings involving pipeline transportation-agreements and related state and FERC regulatory issues.

The integration of Winstead's state regulatory practice with the extensive FERC experience of its Washington, D.C. attorneys provides firm clients (particularly those with Texas-based interests) ready access to the comprehensive resources necessary for addressing all aspects of pipeline regulatory activities and proceedings, regardless of size or complexity.

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Winstead's regulatory practice before the Railroad Commission of Texas ("RRC") spans the spectrum from exploration and production to the burner tip, with an emphasis on the regulation of midstream and gas local distribution companies ("LDC"). Our work combines comprehensive knowledge of the laws and regulations affecting Texas's oil and gas and utility industries with solid relationships with the commissioners and the agency staff. The firm's representative experience includes:

LDC Regulation

- Handling multiple cost-of-service rate proceedings for two of Texas's three largest gas LDCs, including arguments before RRC hearing examiners and the Commissioners themselves, along with appeals of RRC final orders to the Travis County District Court
- Counseling of LDCs on terms and conditions of service and regulatory compliance
- Negotiating franchise agreements for LDCs
- Filing of first ever Gas Reliability Infrastructure Program ("GRIP") rate adjustments on behalf of state's largest LDC and successful argument on appeal of the RRC's GRIP decision in the Travis County District Court

Intrastate Pipeline Regulation

- Obtaining entity and operator permits for numerous Texas gas, crude and natural gas liquids pipelines
- Counseling pipelines and gathering systems on compliance with gas utility, common carrier, NGPA Section 311, and common purchaser requirements
- Structuring tariffs to reflect gas utility, common carrier, NGPA Section 311 and common purchaser requirements
- Representing common carrier crude pipeline in shipper's rate complaint
- Providing testimony as an expert witness on Texas common carrier pipelines in condemnation proceeding
- Working with pipeline safety personnel regarding audits and compliance measures

Exploration & Production Regulation

- Obtaining well permit and groundwater assessment for significant oilfield service company's ongoing test well project
- Handling complaint related to contamination of producing field by disposal company
- Working with RRC Staff on matters related to field rule amendments and environmental matters
- Managing a response to a royalty audit of major international oil and gas producers' production on state lands at the Texas General Land Office

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