

Winston & Strawn's Federal Energy Regulatory Commission (FERC) & Energy Regulatory Practice bring decades of experience counseling on transactional, regulatory, investigation, and enforcement and litigation matters.

Our clients include merchant and renewable generators, independent transmission companies, commercial banks and investment banks, private equity investors, hedge funds, and trade organizations. We regularly assist with regulatory strategy, transaction structure to comply with regulatory requirements, preparation of filings and litigation of contested proceedings, mergers and acquisitions, FERC investigations, enforcement actions, and show cause proceedings.

Key Contacts

[Tom Millar](#)

Areas of Focus

Compliance, Investigations & Enforcement

Our team has deep and broad experience in FERC enforcement and compliance matters. We have represented corporate and individual clients in both non-public and public investigations and enforcement actions conducted by FERC, the Commodities Futures Trading Commission (CFTC), and the Department of Justice (DOJ), sometimes jointly, involving the full range of alleged violations—such as market manipulation, market behavior rules violations, and tariff violations. While we frequently convince enforcement staff to drop its investigation without action, our attorneys also have handled many of the most significant and highest-dollar market manipulation cases brought by FERC, including highly public matters that proceeded to litigation in federal district court. We also conduct internal investigations, internal reviews, and audits associated with our clients' compliance with FERC and CFTC regulations, and we counsel our clients on how to avoid investigation by developing and strengthening their compliance programs and deciphering the regulatory environment in which they operate.

Interconnection Issues

Successful generation development depends, in critical part, on navigating the generation interconnection and transmission access rules. Our regulatory team has helped both our transmission and generation clients resolve countless contentious issues so that their projects can interconnect to the grid on a timely basis. Our work on interconnection issues positions us to strategically advise our clients strategically on successfully navigating the interconnection process.

ISOS/RTOS

Our energy lawyers have represented utilities and market participants in every ISO/RTO in the country. We have a deep familiarity with tariffs and market rules, as well as emerging issues involving transmission planning and cost allocation. We regularly counsel clients on interconnection issues, communication with market monitors, energy and capacity market sales, and other ISO/RTO matters.

Transactions and Transaction Structuring

We have advised numerous clients in generation and transmission transactions, including asset purchases and sales, sales of equity interests in public utilities, and investments by private equity and other financial institutions. In conjunction with our corporate and tax lawyers, we advise clients on tax-advantaged opportunities for asset transfers and hedging strategies. Our day-to-day knowledge of market rate and market power issues, exempt wholesale generator (EWG) and qualifying facility (QF) status rules, and Federal Power Act Section 203 filing requirements allows us to help our clients to close their deals quickly and efficiently.

We also regularly advise commodities traders, including power and gas marketers, with respect to transaction structures that mitigate regulatory risk. Our lawyers are market leaders in providing practical advice to clients on how and when to document transaction structures and trading strategies to minimize regulatory risk.

Related Capabilities

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SEPTEMBER 22, 2011

SEMINAR/CLE

Winston Hosts Briefing on Dodd-Frank's Impact on Energy and Commodities Traders

JULY 13, 2011

WEBINAR

Public Rights on Private Lines: Is FERC's Gen-Tie Policy Placing Renewable Energy Development at Risk?

JUNE 9, 2011

RECOGNITIONS

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