

# Gabrielle Figueroa


She | Her | Hers

*Special Counsel*

*New York*

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## Education

- Vanderbilt Law School, JD
- Wellesley College, BA

## Practices & Industries

- Regulatory
- Commercial Litigation & Complex Trials
- Energy

## Admitted to Practice

- New York
- New Jersey

## Court Admissions

- US Court of Appeals for the Third Circuit
- US District Court for the Eastern District of New York
- US District Court for the District of New Jersey
- US District Court for the Southern District of New York

## Biography

Gabrielle primarily concentrates her practice on managing all aspects of retail electric and gas license compliance for clients as well as monitoring ISO and federal activities for impact on state markets. She also advises on compliance with requirements for renewable energy, energy competition law, and general business matters. Gabrielle has experience overseeing and responding to investigations initiated by state regulatory agencies and routinely drafts public comments and regulatory filings, including siting applications, correspondence, and petitions for participation in rate cases.

Gabrielle also has experience representing clients in complex commercial litigation disputes. She has represented clients in federal antitrust actions, contract disputes in state and federal court, and in construction litigation matters.

## Bar Associations

- New York State Bar Association
- New Jersey State Bar Association

## Selected Memberships & Affiliations

- Barclay Damon Women's Forum

## Representative Experience

**Litigation**

- Represented a not-for-profit trade association client in a federal anti-trust lawsuit in a dispute regarding an accreditation system. Won a successful judgment after trial.

- Represented an energy provider in a contract dispute regarding regulatory changes following the implementation of the Lower Hudson Valley capacity zone. Obtained summary judgment dismissal of the complaint by the court.
- Represented an internet and telecommunications provider in a bid-protest dispute for a county school system contract. Obtained an overturn of the bid award to the competitor and an opportunity to rebid in a new proposal.

**Energy and Regulatory**

- Represented an energy services company (ESCO) in a dispute regarding reporting and payment requirements for renewable portfolio standards. Negotiated a favorable settlement of claims.
- Represented an energy services company in state regulatory investigations. Negotiated a favorable settlement of claims.
- Represented numerous ESCOs in obtaining licenses to sell electricity and natural gas and in ongoing reporting and compliance matters.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel, Barclay Damon has prepared and filed an Article VII application for a part of the offshore wind project, is responding to a deficiency letter from DPS staff, and is answering questions from DPS staff to ensure the completion of the application. We have also assisted the client with the posting of security in the NYISO Class Year Facilities Study for the offshore wind project as well as the negotiation of support services agreements with another energy company and the negotiation of the interconnection agreement for that facility. Barclay Damon also filed a petition with FERC seeking an extension in the period for achieving commercial operation to be stated in that interconnection agreement.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel on environmental issues, Barclay Damon is developing the Article VII application materials for the offshore wind project. We are also assisting in its participation in the NYISO Class Year facilities study process.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which

was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel on environmental issues, Barclay Damon is working with the client to develop Article VII application materials for its offshore wind project.

- Representing the New York Power Authority with respect to the siting and construction of a rebuild of an 86-mile-long transmission line that traverses 15 municipalities. Barclay Damon attorneys prepared and finalized the Article VII Application, assisted the NYPA with supplementing filings to achieve a “complete” application, handled the discovery phase, and led months of settlement conferences. The settlement negotiations culminated in a joint proposal for settlement support by all of the active parties and state agencies. A CECPN was issued by the PSC without the need for an evidentiary hearing. We then assisted the NYPA in the preparation of the Environmental Management and Construction Plans (EM&CP) for the project, which were also approved by the PSC. Construction is currently ongoing for this project. We continue to support the NYPA with compliance issues during construction.
- Representing the New York Power Authority (NYPA) on rebuilding a major 100-mile transmission line (known as the Smart Path Connect Project) designated by the Public Service Commission (PSC) as a “priority transmission project.” In partnership with National Grid as a co-applicant, we represented NYPA in preparing and filing the Article VII application for the project and participated in months of settlement negotiations with various state agencies and stakeholders, which resulted in a joint settlement. Construction on the project commenced in October 2022. Our attorneys continue to work on various compliance studies and filings for this priority transmission project.
- Successfully assisted with defending an appeal of the siting board's approval for a 340-megawatt, 83-turbine wind farm project.

**Cannabis**

- Represented a federally recognized tribal sovereign government in preparing, submitting, and securing approval from the USDA on its tribal hemp administration and production plan.

## Prior Experience

- Bevan, Mosca & Giuditta, P.C., Associate
- Windels, Marx, Lane & Mittendorf, LLP, Associate
- Bevan, Mosca, Giuditta & Zarillo, P.C., Associate

## Selected Community Activities

- Hope Autism Foundation, Board Member

## Selected Honors

- *The Best Lawyers in America*®: Energy Regulatory Law, 2026 and 2027
- Selected to *Super Lawyers* New York Metro Rising Stars: Energy & Resources, 2023
- Selected to *Super Lawyers* New Jersey Rising Stars: General Lit, 2020–2021, and Energy & Natural Resources, 2022
- Volunteer Lawyers Project of CNY, Pro Bono Coordinator Award, 2021

## Selected Media

- *Energy Dispatch*, "Young Energy Professional Highlight Gabrielle 'Gabby' Figueroa, Barclay Damon"

## Selected Alerts & Blog Posts

- Petition for Rehearing Denied by Second Circuit for New York City and State Bans on Gas Appliances in New Buildings
- NYS Department of Public Service Staff Recommend Discontinuance of the Community Choice Aggregation Program
- New York City and State Bans on Gas Appliances in New Buildings Upheld by the Second Circuit
- New Jersey Votes to Legalize Adult-Use Cannabis: What's Next?
- Higher Education and COVID-19: New York State Issues Phase Four Guidance