Energy Markets

The energy industry continually transforms in response to political, economic, and technological events. Over the last 20 years, due to increased competition and restructuring, the industry developed to allow market forces to wield a greater influence on consumer prices and services. These developments neither eliminated nor simplified regulation, and as the retail energy markets continue to evolve, market participants need further in-depth knowledge of complex federal, state, and local laws and regulations and a thorough understanding of the evolving policies, procedures, and requirements of the applicable federal and state regulatory bodies.

Barclay Damon's Energy Markets Team advocates for fair and competitive electricity markets in various forums where energy policies and market rules are developed and impact electricity reliability and consumer costs. We regularly counsel our retail-industry clients on compliance with federal and state law and regulations as well as operational and financial matters, and we interact with senior management to assist in the formulation of innovative legal, regulatory, and business strategies.

Our experience includes:

- Participating actively in proceedings before the NYS Public Service Commission (PSC) relating to retail-market restructuring and establishing state regulations applicable to competitive suppliers, energy brokers, and aggregators as well as related terms and conditions of service.
- Obtaining state regulatory approvals from and making compliance filings with the PSC required for energy-service companies to operate in New York State.
- Counseling competitive retail suppliers, energy brokers, and aggregators on applicable federal and state law and regulations, including employment and labor laws.
- Providing strategic advice and counseling on the resolution of consumer complaints and regulatory-compliance issues.
- Managing government and agency relations, utilizing our retail industry knowledge and relationships with key officials.
- Handling litigation, dispute resolution, and appeals, whether challenging the legality of state energy policies or actions or defending against regulatory-enforcement actions and third-party lawsuits.

Representative Experience

- 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.
- 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.