Linear Infrastructure

Generating sources of energy is only one piece of the puzzle—energy transmission is the other. Transmission projects and upgrades are critical to developing new power generation such as utility-scale renewable sources, meeting growing market demands, and addressing reliability issues connected to an aging, patchwork transmission system. Electric transmission lines, natural gas and oil pipelines, and related infrastructure such as substations and compressor stations are frequently controversial and require seasoned attorneys who can effectively navigate complex federal, state, and local regulatory frameworks as well as real estate, financing, and contracting issues. These projects also require a sophisticated team experienced in the unique technical and legal needs and challenges facing linear infrastructure and opposition tactics surrounding these projects.

Teaming across a spectrum of key practice areas, our energy attorneys are well-versed in all aspects of the siting and upgrade linear transmission projects. We routinely counsel clients on acquisitions, feasibility assessment, critical path approvals, strategic development, and government liaison and stakeholder management. We are also well versed in all applicable environmental reviews and required permitting and have significant experience with right-of-way acquisitions, including, when necessary, the use of eminent domain proceedings.

We represent developers, owners, and operators of electric transmission and distribution lines as well as interstate and intrastate natural gas and oil pipelines.

Our experience includes:

- Handling compliance and proceedings before the Federal Energy Regulatory Commission (FERC), including the Natural Gas Act's Section 7 review process.
- Obtaining state regulatory approvals at the NYS Public Service Commission (PSC) required for electric and gas utilities and the location of electric generation and transmission facilities within the state.
- Providing strategic advice on legal compliance for siting oil pipelines under the NYS Transportation Corporations Law.
- Handling local, state, and federal permitting and environmental compliance.
- Obtaining local and state land use rights and approvals, including with private landowners and local authorities, and advising on real estate, condemnation, and land use issues, including eminent domain actions.
- Handling interconnection strategy, negotiations, and agreements with regional transmission organizations and utilities.
- Negotiating and drafting precedent agreements, transmission services agreements, and joint ownership and facilities use agreements related to interconnection strategies.
- Purchasing and selling interconnection and transmission services, including due diligence.
- Handling equipment procurement and construction contracts.
- Managing government and agency relations, utilizing our breadth of industry knowledge and relationships with key officials.
- Handling litigation, dispute resolution, and appeals defending against administrative and judicial permit challenges, regulatory enforcement actions, and third-party lawsuits.

Representative Experience

- Serve as lead counsel regarding New York permitting for an interstate-pipeline company proposing to expand its existing infrastructure in Pennsylvania, New York, and New Jersey.