

Gerit F. Hull

Member



Overview

Mr. Hull has two decades of experience representing electric and natural gas industries, clients. His practice includes transactional representation, counsel regarding compliance with state and federal regulations, and advocacy in matters before the Federal Energy Regulatory Commission (FERC), state utility commissions, and in state and federal court.

Contact

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Areas of Focus

- Energy
- Electric Industry
- Natural Gas
- Renewable Energy

- Demand Response
- Utilities
- FERC
- Regulatory Compliance
- Litigation
- Transactions

Education

LL.M., Lewis and Clark Law School (2000)

J.D., George Washington University Law School (1996)

B.A., Hiram College (1993)

Biography

Mr. Hull represents clients in electric and natural gas industry matters, including production, acquisition, and sales of energy in wholesale and retail markets, and related transportation, transmission, and distribution services. Mr. Hull provides transactional representation and counsel regarding compliance with state and federal regulations. He also provides advocacy in matters before the Federal Energy Regulatory Commission (FERC), state utility commissions, and in state and federal court.

Mr. Hull's practice addresses issues stemming from wholesale and retail electricity market participation, Regional Transmission Organization (RTO) membership, transmission system expansions and interconnections, transmission and ancillary services rates and tariffs, reliability regulations, hydroelectric project licensing and operations, and access to electric utility infrastructure by communications companies. In the natural gas sector, his engagements involve wholesale market transactions, pipeline transportation service and storage capacity, compliance with safety regulations, and liquefied natural gas (LNG) projects.

Mr. Hull also provides counseling to and advocacy on behalf of natural gas distributors, electricity suppliers and developers in regulatory and contractual matters. In the renewables area, this has included negotiation of power purchase agreements for solar system and wind turbine output, system leases, site leases, net-metering, and contracts for the purchase and sale of Solar Renewable Energy Certificates (SREC). He has substantial experience representing energy efficiency and demand response providers as well.

From 1997 through 2001, Mr. Hull was an attorney for the Bonneville Power Administration, an agency under the U.S. Department of Energy that markets electric power produced by federal hydropower facilities in the Pacific Northwest, where he represented the trading floor in wholesale market transactions, and with respect to transmission service matters, RTO participation, and in rate cases. From 2001 through 2005, Mr. Hull was senior counsel at PacifiCorp, where he focused on matters involving PacifiCorp's Power Delivery business unit. These matters included FERC jurisdictional

transmission system issues, large retail customer contracting and tariff compliance, infrastructure procurement, joint operating agreements, and pole attachments. He has been in private practice since 2005.

Admissions

Admitted to Practice

- Washington (2013)
- District of Columbia (2006)
- Oregon (1997)
- Ohio (1996)

Court Admission

- U.S. Court of Appeals, District of Columbia Circuit (2016)
- U.S. Court of Appeals, Eighth Circuit (2008)
- U.S. Court of Appeals, Ninth Circuit (2007)
- U.S. Court of Appeals, Fourth Circuit (2018)

Representative Experience

Electricity

- Represent trade association in FERC resiliency rulemaking proceedings.
- Represented public power generator in challenging PJM import policies at FERC.
- Represented public power generator in petition for review of FERC orders on PJM FTR and ARR terms and conditions.
- Represented city in sale of Renewable Energy Credits (REC) produced by municipal hydroelectric generating facilities
- Obtained emergency relief from FERC upon complaints filed in relation to RTO tariff provisions addressing forward capacity market participation eligibility. 152 FERC ¶ 61,064 (2015); 143 FERC ¶ 61,061 (2013)
- Represented clients in FERC Part 1b investigations that were closed without sanctions
- Represented investor-owned utility in U.S. Court of Appeals for the 8th Circuit in successfully defending against a NEPA challenge to FERC's pumped storage hydroelectric project rebuild authorization orders. *Missouri Coalition for the Environment v. FERC*, 544 F.3d 955 (8th Cir. 2008)
- Represented retail electricity supplier in metering dispute with investor-owned utility before the Public Utility Commission of Ohio
- Represented retail supplier in negotiation of preferred supplier agreement with BP Energy, including revolving credit facility and related ISDA master trading and credit support documentation
- Prepared template agreements for distributed generation project developer's CHP and solar facilities, including solar PPAs, facility leases, net-metering credit sales agreements, community solar participation agreements, and a CHP PPA template; represented client in negotiation of a number of transactions based on these forms

- Negotiated bi-lateral capacity transactions in RTO markets

Natural Gas

- Represented landowners in challenging FERC approval of interstate pipeline routing.
- Negotiated fixed-price long-term wholesale requirements contract for municipal LDC
- Counseled LDC in relation to FERC jurisdiction over and regulations governing LNG transactions
- Advised an oil and gas exploration company regarding FERC natural gas storage facility certification proceedings
- Negotiated North American Energy Standards Board (NAESB) base contract elective provisions, special conditions, and transaction confirmations
- Negotiated firm transportation service, interruptible and backhaul service for shippers on multiple interstate pipelines
- Negotiated permissible buy-sell transaction on Section 311 pipeline for shipper
- Counseled client regarding federal pipeline safety regulations promulgated by the Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) applicable to master meter system

Other

- Assisted client in resolving unsatisfactory rail transportation service issues with major railroad.
- Counseled clients on compliance with Commodity Futures Trading Commission (CFTC) swaps reporting rules and end-user exceptions
- Represented client in a dispute with railroad over rates for transportation of coking coal
- Counseled independent power producer regarding coal supply transactions, in resolving critical delivery shortages with the railroad, and in relation to the negotiation of rail car leases
- Advocacy before the Surface Transportation Board (STB) in obtaining declaratory order regarding rail carrier status
- Represented clients in resolving shortages by coal and petroleum coke (petcoke) suppliers in barge and bulk carrier deliveries
- Successfully argued in state appellate court on behalf of utility intervening in defense of unauthorized attachment and safety violation charges in state pole attachment rules. *Qwest v. Public Utility Commission*, 205 Ore. App. 370 (2006)
- Represented utility in state commission pole attachment litigation that obtained a substantial unauthorized attachment fee and audit cost recovery award. *Comcast Cable v. PacifiCorp*, Utah Public Service Commission Docket No. 03-035-28 (Report and Order issued Dec. 21, 2004)

Media and Presentations

Blogs

- "Developments in FERC Policy for Determining Return on Equity," *Energy Law Journal*, Vol. 38, No. 2 (2017)
- "DOE Requires FERC to Consider Rule Promoting Grid Resiliency by Providing Coal and Nuclear Plant Subsidies," *Energy Law Times* (2017)
- "FERC Seeks to Promote Storage and Distributed Energy Resource Participation in Electricity

- Markets," *District Energy Magazine*, Vol. 103, No. 3 (2017)
- "D.C. Circuit to Address PJM Capacity Market Rules Affecting Renewables and Demand Resources," *District Energy Magazine*, Vol. 102, No. 4 (2016)
 - "[The United States Supreme Court Limited the Ability of States to Promote Generation Development](#)," *Energy Law Times* (2016)

Memberships

American Bar Association

Energy Bar Association

Federal Communications Bar Association