

## Gary J. Newell

Member



### Overview

Mr. Newell has extensive experience in energy law, having focused his legal practice on regulatory and contract issues affecting both suppliers and purchasers of wholesale electricity and bulk power transmission, natural gas and nuclear power.

### Contact

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- Washington, D.C.

### Areas of Focus

- Electric Power Regulation
- Energy Supply Contracts
- Administrative Litigation

### Education

J.D., University of Pennsylvania Law School (1978)

B.A., Brown University (1975)

- *magna cum laude*
- Departmental Honors (Public Policymaking)

## **Biography**

Mr. Newell has extensive experience in energy law, having focused his legal practice on regulatory and contract issues affecting both suppliers and purchasers of wholesale electricity and bulk power transmission, natural gas and nuclear power. He is well-known and highly regarded in his field, having represented municipalities, municipal joint action agencies and cooperative utility systems in a broad array of energy regulatory proceedings since 1978.

Mr. Newell has been a key player in negotiations involving the formation of Regional Transmission Organizations (RTOs) in several areas of the U.S. He is an active participant in state and federal administrative and appellate proceedings governing the rates, terms, and conditions for energy-related products and services. Mr. Newell also served as lead counsel in private arbitration proceedings involving joint ownership agreements for major electric generation projects.

## **Admissions**

### **Admitted to Practice**

- District of Columbia (1978)

### **Court Admission**

- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Federal Circuit

## **Representative Experience**

- Represents load-serving entities in FERC and appellate proceedings involving Regional Transmission Organization rate and market design issues
- Counsels wholesale power customers on interconnection, power sales, and transmission arrangements
- Represented large wholesale customers in FERC proceedings involving major electric-electric and electric-gas mergers, and negotiated favorable protections against adverse merger impacts
- Counsels utilities and project developers regarding rights and obligations under the Public Utility Regulatory Policies Act (PURPA)
- Represented joint owners of nuclear and fossil-fueled generation projects in resolving

- contractual disputes under joint ownership contracts
- Counseled municipal utilities regarding compliance with mandatory electric reliability standards

## Representative Clients

- American Municipal Power, Inc.
- City of Cleveland (Cleveland Public Power)
- Electricities of North Carolina, Inc., North Carolina Eastern Municipal Power Agency, and North Carolina Municipal Power Agency Number 1
- Piedmont Municipal Power Agency
- Municipal Energy Agency of Mississippi
- Easton (Md.) Utilities

## Media and Presentations

### Articles

- Co-author, "[FERC in the Crossfire as PURPA Debate Heats Up](#)," *District Energy Magazine* (2016)
- Co-author, "[CHP Demand Response and the Supreme Court's Decision in FERC v. EPSA](#)," *District Energy Magazine* (2016)
- Co-Author, "[D.C. Circuit Decision Brings Uncertainty to CHP Participation in Demand Response Markets](#)," *District Energy Magazine* (2015)
- Co-author, "[Recent PURPA Enforcement Actions: Do They Signal A Policy Shift at FERC?](#)" *District Energy Magazine* (2014)
- Author, "[Second-Generation Regulatory Capture as an Explanatory Factor in the Performance of Regional Transmission Organizations](#)," *Center for Research in Regulated Industries' Advanced Workshop in Regulation and Competition* (May 2008)
- Author, "Understanding Electricity Markets," *American Public Power Association* (October 2006)

### Blogs

- "[The United States Supreme Court Limited the Ability of States to Promote Generation Development](#)," *Energy Law Times* (2016)

### Videos

- "[What is PURPA?](#)" (2014)

### Presentations

- Rutgers University Center for Research in Regulated Industries, Eastern Conference (2005; 2008)
- Presenter and Panelist, Energy Bar Association (2003, 2005)
- Nuclear Non-Operating Owners Group (1996, 1998, 2001, 2003)

### Memberships

**District of Columbia Bar** (1978 – present)

### **American Bar Association**

- Member, Section on Public Utility Law

### **Energy Bar Association** (1978 – present)

### **Honors and Awards**

- [AV Preeminent® Peer Review Rated](#)
- Listed, *The Best Lawyers in America*® in the category of Energy Law (2016 – 2019)
- Listed, *Washington, D.C. Super Lawyers* in the category of Energy & Natural Resources (2015 – 2018)