

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 services. Mr. Newell is well-known and highly regarded in his field, having represented publicly and privately owned utilities in a broad array of energy regulatory proceedings since 1978.

Contact

- P 202.370.0137
- F 202.370.0143
- gnewell@jsslaw.com
- 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 in 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 services. Mr. Newell is well-known and highly regarded in his field, having represented publicly and privately owned utilities in a broad array of energy regulatory proceedings since 1978. He has been 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 was a key player in negotiations involving the formation of Regional Transmission Organizations (RTOs) in the Mid-Atlantic, Southeast and South-central areas of the U.S., and he regularly advises and represents clients on a variety of issues arising under RTO tariffs and agreements.

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 entities in FERC and appellate proceedings involving Regional Transmission Organization rate and market design issues.

- Counsels wholesale market participants on interconnection, power sales, and transmission arrangements.
- Represents wholesale customers in FERC proceedings involving major electric-electric and electric-gas mergers in order to secure favorable protections against adverse merger impacts.
- Counsels utilities and project developers regarding rights and obligations under the Public Utility Regulatory Policies Act (PURPA).
- Represents joint owners of generation projects in resolving disputes under joint ownership contracts.
- Counsels utilities regarding compliance with mandatory electric reliability standards.

Representative Clients

- American Municipal Power, Inc.
- City of Cleveland, Ohio (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

- Co-author, "[FERC Issues Orders in Cases Involving Rates for Transmission Service, Wholesale Power Rates, and Competition in RTO Markets](#)," *Jennings Strouss Blog* (April 6, 2018)
- Co-author, "[The United States Supreme Court Limited the Ability of States to Promote Generation Development](#)," *Jennings Strouss Blog* (April 20, 2016)
- Author, "[Recent Decision Highlights a Further Cybersecurity Concern for Utilities](#)," *Jennings Strouss Blog* (October 19, 2015)

- Co-author, "[FERC Changes ROE Methodology for Public Utilities](#)," *Jennings Strouss Blog* (June 20, 2014)

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)

Energy Bar Association (1978 - present)

Honors and Awards

- Martindale-Hubbell® AV Preeminent® Peer Review Rated™ (20+ years) and AV Preeminent® Rating-Judicial Edition (2018 - 2021)*
- Listed, *The Best Lawyers in America*® in the category of Energy Law (2016 - 2021)
- Listed, *Washington DC Super Lawyers*® in the category of Energy & Natural Resources, Utilities (2015 - 2021)

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