

Energy Law

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

The Energy Law team of Wilentz, Goldman & Spitzer, P.A. represents public and private clients in the energy, renewables, telecommunication, water, and public utility industries. Our experience in utility regulation law includes a deep understanding of the regulated industries and related regulatory issues to resolve new challenges as they develop.

For many years, we have represented major utilities, large utility customers, municipalities, and governmental entities before the New Jersey Board of Public Utilities and in the federal and state courts. Our experience in electric, gas, solar, and other renewable energy facilities, pipeline and power plant siting and permitting, telecommunications, water, solid waste, resource recovery, and landfill matters allows us to navigate through the complicated regulatory framework, bringing creative analyses and new approaches to an evolving environment.

We have experience representing clients in all aspects of regulatory operations affecting public and private utility companies, including in connection with:

- Siting, due diligence, and permitting of liquids and gas pipelines.
- Siting, due diligence, and permitting of fossil fuel electric power plants and associated transmission.
- Representation in rate cases and other rate-setting proceedings.
- Litigating ratemaking decisions before the Office of Administrative Law, New Jersey Board of Public Utilities, Appellate Division, and Supreme Court of New Jersey.
- Market manipulation matters before the Federal Energy and Regulatory Commission (FERC), and Federal Court.
- Representation of clients before FERC regarding wholesale power market and interstate gas regulation and transmission line cost allocation matters.
- Litigation and intervention in appeals of FERC orders in the D.C. Circuit Court of Appeals.
- Litigation regarding price discrimination matters and other disputes involving utilities in State and Federal Courts.
- Contract negotiations, merchant generators, on-site generation operators as well as regulatory compliance counseling.
- Applications for approval of merger or change of control.
- Obtaining, transferring, and defending A-901 licensing.
- Petitions for authorization to transfer utility property.
- Litigation regarding disputes involving utilities, including price discrimination matters.
- Service extension agreements.
- Right-of-way dispute resolution.
- Comments on proposed regulations.

Representative Matters

- Represented a major electric and gas utility in connection with its rate unbundling, stranded costs, and restructuring filings before the New Jersey Board of Public Utilities, its related petition for a bondable stranded costs rate order, and the subsequent resolution of those cases by a stipulation of settlement that was adopted by the Board. A Wilentz litigation team led by John Hoffman successfully defended

that settlement in the Superior Court of New Jersey, Appellate Division, and subsequently in the Supreme Court of New Jersey, where the settlement was upheld.

- Represented major utilities as special counsel in connection with various rate proceedings: prepared witnesses; cross-examined adverse witnesses; briefed rate of return, taxes, accounting, and related matters; and various accounting and rate design issues in connection with appeal.
- Represented private and public intervenors in petitions for rate increases by gas utilities, electric utilities, water utilities, and solid waste utilities.