Calfee’s Public Utility Regulatory practice group is exclusively focused on the unique issues faced by public utilities, their customers, and market competitors.

We have successfully resolved many of the most significant utility cases in Ohio over the last two decades, and we also have an experienced utility executive and litigator based in Indianapolis who leads our regulatory practice in Indiana and Illinois. The experience Calfee’s team brings to a utility matter is unmatched, including many years of in-the-trenches litigation and negotiation experience, prior service with the Ohio Public Utilities Commission (as a commissioner and as chief of staff, among other positions) and Illinois Commerce Commission (as general counsel), and prior service as corporate counsel for a major utility in Indiana and a major public power producer in Illinois. There is a reason our clients have trusted us with their multi-billion-dollar litigation.

We understand that the ability to negotiate and bring people together, with a deep understanding of policy objectives and political limitations, is an essential skill in the regulatory world. Public utility proceedings are unique in that they involve all of the issues of traditional litigation – demanding counsel with experience in litigating major cases and deep subject-matter knowledge – while also requiring a host of interactions with governmental authorities and an appreciation for policy-driven outcomes. Indeed, utilities must be conscious of the potential impact litigation may have on commission staff, local governments, and potential legislative involvement. Calfee’s knowledge and expertise in this area allow us to be a full-service provider, structured and operated in a manner that recognizes that utility issues significantly impact the public and, therefore, have fundamental governmental implications.

We represent one of the nation’s largest electric utilities, the nation’s largest transportation network company/ride sharing application, Ohio’s largest municipal electric utility, a major competitive retail electric service provider (CRES), as well as electric cooperatives, municipal water and sewer utilities, four natural gas distribution utilities, intrastate natural gas pipelines, local telephone and cellular telecommunications carriers, brokers, and select industrial customers.

We represent clients before state utility commissions in rate proceedings, rule-making and complaint proceedings, merger approvals, and restructuring proceedings, among others. We represent interested parties before the Ohio Power Siting Board in facility siting reviews.
We also represent utility customers in the drafting and negotiation of power purchase agreements, including solar power purchase agreements. This representation has included negotiations regarding distribution improvements needed for major projects, integrating distributed generation resources, and assisting energy brokers in negotiating with the competitive providers.

Our attorneys operate in concert with the firm’s Government Relations and Legislation group. This team approach allows us to achieve timely results that meet our clients’ immediate, strategic and long-term needs. We recognize that our clients’ issues are best served when regulators, customer advocates, elected officials and their staffs are fully informed. Accordingly, we make our clients’ views and concerns known to and understood by regulatory and elected decision makers at all levels through formal advocacy, lobbying and legislative drafting efforts before state legislatures.

We use our broad governmental, financial, corporate, litigation, and public law experience to provide innovative, business-oriented solutions to the complex issues that our clients must confront in a time of unprecedented competition and deregulation.

### EXPERIENCE

- Representing electric utility seeking Public Utilities Commission of Ohio (PUCO) approval of multi-billion-dollar electric security plan under R.C. 4928.143 or market rate offer under R.C. 4928.142.

- Representing electric utility in proceedings seeking approval of $250 million Energy Efficiency and Peak Demand Reduction Portfolio Plans mandated by Ohio law.

- Representing a municipal electric utility in a $128 million class action alleging improper billing practices.

- Successfully defending a claim on an $86 million letter of credit in a contested contractual dispute between a competitive retail electric service provider and a governmental aggregator.

- Representing competitive retail electric service provider in proceedings challenging terms of electric utilities’ electric security plans and contesting an electric utility’s need to construct a solar facility to satisfy alternative energy portfolio standards.

- Defending natural gas utility before utility commission and in state court against claims involving rates and service issues.

- Representing utility customers in the drafting and negotiation of power purchase agreements, including solar power purchase agreements. This representation has included negotiations regarding distribution improvements needed for major projects, integrating distributed generation resources, and assisting energy brokers in negotiating with the CRES provider.

- Representing municipalities in Electric Security Plan proceedings and base distribution rate cases initiated by electric utilities.
Developed multi-state rate case strategy by aligning positions historically taken by different state utilities under parent holding company.

Representing an international automotive manufacturer in proceedings relating to distribution network adequacy and rate structure.

Assistance in the drafting of legislation authorizing securitization of utility regulatory assets, and representation in PUCO proceeding authorizing an electric utility to securitize its regulatory assets.

Obtaining state regulatory commission approval that allowed incumbent carrier to withdraw mandatory yet uneconomic services, saving millions annually.

Led the prosecution of a FERC interstate pipeline rate case, which exceeded goals and obtained $100,000 award against an Intervenor for frivolous claims.

Led the successful negation of FERC audit penalty, achieving a 70% reduction in amount sought by Office of Enforcement.

Successfully litigated utility tax overcharge for municipal taxes at the state regulatory commission. Worked with incumbent utility and local municipality to secure repayment program that considered economic stresses faced by municipality.

Representing national environmental organization before Ohio Power Siting Board regarding the construction of a natural gas-fired power station adjacent to wetlands.

Representing Ohio political subdivisions before Ohio Power Siting Board regarding the construction of a natural gas pipeline through the political subdivisions.

Obtaining summary judgment against a municipal utility attempting to force a non-municipal resident to accept service under Ohio’s constitutional home rule provisions and Certified Territory Act.

Representation and counseling of acquired and acquiring companies in merger approval proceedings before state utilities commission. After extensive hearings and negotiations, the mergers were approved pursuant to commission-approved stipulation and recommendations. The stipulations represented consensus built among consumer, competitor and governmental groups.

Representation of utility clients before city councils and planning agencies and providing advice and counsel in respect to use of city rights of way. Taking a collaborative approach where possible, we have been able to obtain ordinances that permit our clients to provide their necessary services without unreasonable regulation or interference.

Representing the world’s leading transportation network company in Ohio utility commission proceedings.


Created administrative rules for adversarial proceedings for an electricity grid regional reliability authority.
PUBLIC UTILITY REGULATORY (CONTINUED)

- Representing municipal governmental aggregation communities involving over 1 million customers.
- Representing gas utility client before Illinois Commerce Commission in a rate proceeding after another firm was discharged. Receiving Illinois’ first ever order approving gas energy efficiency program, primarily responsible for rate design securing substantial increase in fixed cost recovery, and team achieved second largest increase in company history.
- Representing utility client in contested matter achieving reversal of $25 million rate base ruling in rate case proceeding. Primarily responsible for rate design and the recovery of costs associated with securing/hardening facilities.

NEWS

Twenty-Eight Calfee Attorneys Selected for Inclusion to 2020 Ohio Super Lawyers and Ohio Rising Stars
11.27.2019

Calfee, Halter & Griswold LLP Taps Seasoned Energy Lawyer Phillip Casey To Lead Public Utility Regulatory Practice, Opens Indianapolis Office
11.11.2019

Calfee Earns Multiple National and Metropolitan Rankings in 2020 Edition of "Best Law Firms" U.S. News & World Report and Best Lawyers®, 11.01.2019

Fifty-three Calfee, Halter & Griswold Attorneys Selected for Inclusion in The Best Lawyers in America 2020
08.15.2019

Trevor Alexander and David Bules Selected for Inclusion in Benchmark Litigation’s 40 & Under Hot List 07.01.2019

ALERTS

U.S. Supreme Court Issues Landmark Clean Water Act Decision
04.30.2020

Commission Created to Settle Disputes Over What Constitutes an Essential Business
04.13.2020
PUBLIC UTILITY REGULATORY (CONTINUED)

Calfee’s Client Service and Business Continuity Plan
03.16.2020

Annual Firm Update 2020
01.02.2020

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