



We appear regularly before the Florida Public Service Commission (“FPSC”) on a variety of dockets, including investigations of regulated utilities, proceedings to determine the need for new power plants, and prudence reviews. In this regard we regularly interact with FPSC technical and legal staff. Additionally, we have handled numerous related court cases involving matters within the FPSC’s purview, including judicial review of FPSC actions, rule challenges, and Public Records Act litigation. We have also represented public utilities and public authorities in federal and state court litigation in Florida, and in alternative means of dispute resolution, including arbitration.

Representative Clients/Industries

- Investor-owned electric utilities
- Public authorities
- Natural gas supply companies

Key matters

- Defended contract claims in federal and state litigation involving waste to energy management agreements
- Handled “full requirements” electric utility rates cases before the FPSC including a two-week full requirements rate case evidentiary hearing
- Prosecuted utility claims for, and recovery of, hundreds of millions of dollars in pre-construction and carrying costs for the development of two nuclear power plants in annual nuclear cost recovery evidentiary proceedings

- Prosecuted utility claims for, and recovery of, hundreds of millions of dollars incurred to prepare for, respond to, and recover from the 2004 hurricanes (storm cost recovery proceedings)
- Defended electric utility against claim for \$143 million refund for allegedly imprudent coal procurement decisions in proceeding resulting in four-day evidentiary hearing
- Obtained determinations of need for three state-of-the-art, combined-cycle electric power plants in three separate need determination proceedings and for the expansion of a nuclear facility due to the largest power uprate in the state
- Obtained determination of need for two advanced design nuclear power plants through a week-long evidentiary hearing
- Defended lawsuits brought by various individuals, local governments, and conservation groups opposing the siting and construction of a major electric transmission line
- Prosecuted lawsuits to invalidate local government efforts to alter the route of, or prevent construction of, transmission lines
- Represented owner-utility in major construction litigation and product defect litigation over a nuclear powered generating facility
- Represented utility in major FPSC prudence review proceedings arising out of operational outages of a nuclear powered generating facility

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Regulatory, Litigation, and Arbitration Services for Regulated Utilities and Public Authorities

- Defended litigation in which local governments sought to compel electric utilities to place all electric distribution lines underground at utility expense
- Litigation involving electric utility disputes with cogeneration operators
- Represented retail load serving electric utility in several contested cases before the FPSC, and ultimately in the Florida Supreme Court, involving efforts by “merchant” plant developers to site plants in Florida
- Advocated utility positions in an FPSC workshop concerning possible modifications to the FPSC’s bidding rule
- Represented utility interests in investigation into adequacy of reserve margins in Florida
- Defended court actions by municipalities regarding disputes over franchise agreements with the public utility
- Represented public utility and affiliated telecommunications company in class action litigation over the right to use electric utility transmission line easements for telecommunications purposes
- Handled numerous, multi-week arbitration proceedings to establish value of electric utility distribution systems; and entitlement to, and amount of, “stranded costs” associated with the sale of such facilities under FERC Order No. 888
- Defended breach of contract and other claims by cogeneration facilities on behalf of public utility

Siting, Permitting, and Obtaining State Leases for Linear Facilities

Key matters

- Represented owners of linear facilities such as gas pipelines, helping them obtain state leases and permits for their facilities, which included sub-aqueous facilities
- Represented LNG gas supplier in all aspects of state, local, and federal permitting of pipeline, including its submerged and terrestrial portions

Environmental Permitting

We provide environmental permitting counsel regarding new construction and ongoing maintenance activities, applying both state and federal environmental laws including state power plant siting acts; the Clean Air Act; the Clean Water Act; federal and state wetlands, tidelands, and river protection acts; the Endangered Species Act; and pollution and hazardous waste requirements.

Project Development

Our power plant project development work includes negotiation of power purchase agreements, development stage analysis, facility siting, environmental and labor issues, project finance, EPC contracting, and downstream operations.

Development of Regulatory Strategy

As our clients weigh their roles in a competitive energy environment, we help them to evaluate tax consequences, develop strategies designed to ensure the viability of rural electric cooperatives, and consider new opportunities for power brokers/marketers.



Regulatory, Litigation, and Arbitration Services for Regulated Utilities and Public Authorities

Legislative Lobbying

The firm's government law practice assists its energy-related clients that require legislative representation.

Labor and Employment

We help resolve disputes related to construction defects, property damage, personal injury, breach of contract, and worker safety under OSHA.

Tax Matters

Our tax attorneys assist utility/energy entities in the areas of state sales taxes, and ad valorem taxes.

For more information, please contact:

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