

# Energy and Utilities

## Overview

The firm's energy lawyers provide a wide range of legal services to energy-related companies and public authorities, including electric and natural gas firms. We provide counseling and advice and represent such firms before state regulatory agencies, state and federal courts, and arbitration panels.

## Experience

- Provided advice to subcontractor during construction of the Glatfelter Cogeneration Project involving paper-manufacturing process for private owner. Assisted in claim preparation and instituted litigation in dispute with design-build contractor.
- Represented contractor on successful claims resolution with the U.S. government on construction of power transmission towers and lines in Haditha, Baiji, and al-Qaim.
- Represented engineer in lawsuit with owner on West Virginia hydroelectric project (Omega II joint venture).
- Contract drafting of project development agreement for planning, designing, constructing, owning, and operating interstate natural gas pipeline system for the Portland National Gas Transmission System.
- Provided ongoing counsel to the Orlando Utilities Commission in the successful negotiated resolution of approximately \$30 million in construction claims at the Stanton Energy Center. The contract was a multiple prime with construction management and fast-track design.
- Represented general contractor for Washington, D.C., Virginia, and greater Baltimore in arbitration with trench and bore subcontractor.
- Represented pipeline contractor in successful jury trial in the U.S. District Court for the Eastern District of Virginia.

- Represented utility in FPSC prudence review proceeding arising out of nuclear containment building delamination during steam generator replacement project at nuclear powered generating facility
- 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 preconstruction 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.
- 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 cogenerator 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.

## Insights

03.26.2020

Eleventh Circuit Affirms Confirmation of Arbitration Award Over Claims of Fraud, AAA Rule-Breaking, and Lack of Jurisdiction

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04.04.2019

The Developing Climate: How Climate Change Affects the Development Industry

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06.03.2016

2016 Florida Legislative Post-Session Report

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01.01.2016

2016 Annual Report of the Electricity Committee

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10.01.2014

Florida's Fight to Save the Apalachicola: An Environmental and Cultural Treasure at Risk

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06.12.2014

2014 Florida Post-Session Report Released

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03.11.2014

What Happens In Ecuador Does Not Stay In Ecuador

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06.26.2013

Index of Sustainable Development Provisions in Florida Municipal Codes

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06.21.2010

2010 Florida Legislature Post-Session Report

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05.28.2010

PACE (Energy Finance Districts) Now Enabled in Florida

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09.22.2009

Florida Renewable Energy Regulations & Power Purchase Agreements

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06.18.2009

2009 Florida Legislature Post-Session Report

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06.03.2009

New Case on Class Action Settlement

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04.08.2009

Capitol Report - Affordable Housing Construction May Get a Boost from Federal Stimulus Funding

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10.17.2008

Positioning Real Estate and Lending Practitioners to Respond to the Emergency Economic Stabilization Act of 2008

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06.25.2008

Capitol Report - Governor Signs Energy Bill Climate Change Legislation will Impact Building and Development Industries

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06.02.2008

2008 Florida Legislature Post-Session Report

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07.13.2007

Carlton Fields Newsflash - Governor Crist Takes On Climate Change

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07.10.2007

Carlton Fields Newsflash - Green Building & Climate Change: Another LEEDing Move!

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06.11.2007

2007 Florida Legislature Post-Session Report

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## Our Team

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## Related Practices

- Construction
- Appellate & Trial Support
- Business Transactions
- Development
- Construction Litigation
- Corporate Law and Governance
- Cybersecurity and Privacy

- Environmental, Land Use & Development Approvals and Litigation
- Environmental Regulation & Litigation
- Government Law & Consulting
- Labor & Employment
- Litigation and Trials
- Mass Tort and Product Liability
- Real Property Litigation
- Tax
- Administrative Litigation and Appeals
- Government Affairs and Lobbying
- International: Latin America
- International: Mexico
- Government Contracts
- Class Actions

## Related Industries

- Construction