McNees
Energy & Environmental Group

Significant and frequent changes in the energy and communications industries continue to challenge businesses of all sizes and all types, particularly in these difficult economic times. Changes in legislation and regulation have a residual effect on the marketplace. Businesses need to understand the impacts and how to reflect and capitalize on these developments in planning corporate tactics. The Energy and Environmental Law Group provides counsel in addressing the business, regulatory, and legal needs of the energy industry. We focus on collaborating with you to achieve the best outcome for your business. Contact us today to learn how we can help you.

Energy and Utility Litigation – Administrative and Appellate
Our Energy and Environmental Law attorneys regularly practice before state utility commissions, the Federal Energy Regulatory Commission, and state and federal appellate courts. These proceedings frequently involve complex, multiparty litigation and dispute resolution processes. The substantive focus of these proceedings ranges from traditional utility rate cases, including electric, natural gas, water, wastewater and stormwater issues, to utility merger applications to cutting-edge development of rules for electricity and natural gas markets.

Energy Law Regulatory Counseling
Our energy law attorneys and technical specialists provide counseling on complex energy regulatory matters, involving cutting-edge issues in electricity and natural gas markets. In addition, we provide support on complex matters involving electricity, natural gas, water, wastewater, and stormwater regulated delivery services. Clients rely on our experience to provide creative solutions and practical guidance to address complex regulatory challenges and to pursue opportunities in today's dynamic energy markets. We are active in the development and regulatory approvals of market rules and tariffs; we help clients understand how to manage their businesses accordingly.

Energy Law and Utility Compliance and Enforcement
Our attorneys capably handle enforcement matters, ranging from self-reported violations to informal and formal investigations initiated by a regulatory agency. We engage in all phases of non-public investigations, from initial responses to data requests, through meetings with regulatory commission staff, to settlement discussions and the development of mitigation plans. If settlement is not achieved, we are prepared to defend clients against allegations of violations or wrongful conduct in publicly litigated proceedings. We are equipped to conduct comprehensive risk assessments, which assess applicable regulatory standards, a client's individual business model, risk prioritization, and existing compliance protocols.

Energy Supply and Project Contracting
Our attorneys and technical specialists can assist with a variety of retail and wholesale procurement activities for electricity, natural gas and demand response. We can tailor our services to the budget, needs and internal resources of the individual client. We can provide an integrated approach to your utility purchasing and energy strategy, or ala cart assistance for contracting, tariff analysis, technical studies and demand response. We are familiar with all major standardized natural gas and electricity contracts (e.g., EEI, NAESB, ISDA), as well as the primary retail electric and natural gas suppliers serving commercial, industrial and institutional customers in our markets.

On-Site Power Generation
We counsel clients seeking to develop on-site generation, including analysis of the costs and benefits involved in such projects, negotiation of contracts, and the selection of vendors through the development of requests for proposals. Our counsel has included combined heat and power projects, development of microgrids, and implementation of behind the meter projects for large commercial and industrial customers. After execution of the project, we continue our assistance through a focus on energy strategies in both the wholesale and retail markets.

Environmental and Toxic Tort Litigation
The McNees environmental law practitioners are all skilled and experienced litigators who understand the science of environmental law and toxic tort litigation. They collectively have over 80 years of experience representing business and industry in a myriad of environmental law and toxic tort matters, including complex litigation before federal and state courts, and representation before the Pennsylvania Environmental Hearing Board and the United States Environmental Protection Agency Environmental Appeals Board.

McNees attorneys understand that environmental litigation can be a costly endeavor, and our objective is always to win in the most cost-effective way possible. We also understand that litigation is often part of a larger relationship between a regulated entity and governmental agency, and we pursue any litigation with an eye toward counseling clients on maintaining that relationship while vigorously defending or pursuing its legal rights. McNees environmental law attorneys understand the complexities of environmental exposure and contamination cases, and have successfully defended actions and pursued appeals in cases involving testimony of dozens of expert witnesses.

Recent cases include representing manufacturing concerns in groundwater contamination issues, solid waste permitting and disposal matters, alleged exposure to vapors, beneficial use of solid wastes, alleged drinking water impacts, successful overturning of permit denials, supersedeas petitions, and mandamus actions due to inaction by governmental agencies, to name only a few.

Environmental Regulatory Compliance, Enforcement, and Permitting
McNees offers a full-service environmental counseling practice that covers the full range of federal, state, and local environmental laws and programs. We represent manufacturing concerns and businesses in all aspects of federal and state permitting, as well as municipalities on storm water and sewer Issues. We regularly counsel manufacturing and developer clients on compliance issues, including not only permitting and governmental enforcement matters, but also preemptive efforts to ensure adherence to all regulations.

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McNees attorneys have extensive experience in permitting and compliance counseling in all major areas of environmental law, including waste, water, air, and wetlands, and enjoy excellent working relationships with regulators that provide the kind of access often needed to move projects through the permitting process. We represent clients in remediation matters, and have closed dozens of properties through Pennsylvania's Land Recycling (Act 2) programs, and the federal Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act.

Renewable Energy
Businesses are investing in renewable energy because it can make good business sense — reducing long-term operating costs, diversifying energy supply, and hedging against market volatility in traditional fuel markets. Savvy businesses are also looking for mechanisms to reduce their exposure to increasingly high demand charges; for some businesses, renewable energy may be the solution. Businesses are also motivated to invest in or purchase renewable energy to demonstrate corporate leadership on sustainability and climate commitments.

McNees attorneys have both broad and deep experience with advising numerous types of entities, from energy-intensive businesses to municipalities to hospitals and colleges, in achieving their renewable energy and sustainability objectives. We are experienced in navigating the federal and state requirements, as well as the regional transmission organization rules, in order to interconnect projects to the grid and to be positioned to benefit economically from the project. Our energy management specialists, comprised of engineers and other energy professionals, complement our attorneys with their sophisticated understanding of the physical infrastructure and the market dynamics.

Environmental Counseling On Transactions and Risk Management
Our environmental transactions practice goes hand-in-hand with our environmental compliance practice, and allows McNees environmental practitioners to utilize their nuanced understanding of environmental programs to facilitate successful transactions and manage environmental risk. We have extensive experience successfully crafting environmental provisions for transactions involving buyers, sellers, and lenders, for the purchase and sale of businesses and real estate, including brownfield properties. We can also utilize liability risk allocation mechanisms, such as environmental insurance or governmental settlements, to achieve the parties' transactional intent. Our broad base of environmental understanding provides the type of overall environmental awareness necessary to craft effective transactional documents and to identify the risks and permitting issues facing any buyer, seller, lender, or developer of real property and business operations. That same broad base of knowledge allows McNees attorneys to craft and implement due diligence programs to ensure that all risks and potential pitfalls are identified and addressed as part of the transaction.

Oil and Natural Gas
With the resurgence of oil and gas development in the Appalachian Basin, McNees' Oil and Natural Gas attorneys represents clients in all aspects of the Marcellus and Utica Shale plays. Our experience in oil and gas matters ranges from the leasing of individual parcels and transfer of oil and gas rights to statewide pipeline projects. Due to the wide scope of our experience, we provide a broad perspective to our clients that allows us to provide effective representation no matter the size of the project.

Municipal Governments
We advise municipal entities owning and operating fixed utility systems regarding end user rates and rate design, including dispute resolution on the terms, conditions, and rates for those fixed utility services for customers living outside municipal boundaries. We also assist with asset valuation for utility systems for municipals who may be considering monetization of those assets, whether in the form of an asset sale, long term lease, or long/short term operational agreement.

Robert A. Weishaar, Jr., Chair
rweishaa@mcneeslaw.com
202.898.5700

Adeolu A. Bakare
abakare@mcneeslaw.com
717.237.5290

Terry Bossert
tbossert@mcneeslaw.com
717.237.5302

Susan E. Bruce
sbruce@mcneeslaw.com
717.237.5254

Scott A. Gould
sgould@mcneeslaw.com
717.237.5304

Sarah N. Hibbert
shibbert@mcneeslaw.com
717.237.5285

Sarah Hyser-Staub
sstaub@mcneeslaw.com
717.237.5473

Brigid Landy Khuri
bkhuri@mcneeslaw.com
717.237.5319

Errin T. McCaulley, Jr.
emccaulley@mcneeslaw.com
717.237.5366

Bryce A. McKenney
bmckenney@mcneeslaw.com
614.719.2850

Charis Mincavage
cmincavage@mcneeslaw.com
717.237.5437

Matthew R. Pritchard
mpritchard@mcneeslaw.com
614.719.2842

Aspassia V. Staevska
astaevska@mcneeslaw.com
717.237.5276

Kenneth R. Stark
kstark@mcneeslaw.com
717.237.5378

Diamond Wade
dwade@mcneeslaw.com
717.237.5246

Lauren Huff, Pa.C.P., Paralegal
lhuff@mcneeslaw.com
717.237.5204

Nana A. Fah, Specialist
nfah@mcneeslaw.com
614.719.4668

David S. Mabry, Specialist
dmabry@mcneeslaw.com
717.237.5334

Kevin Murray, Specialist
murraykm@mcneeslaw.com
614.719.2844

Charles Willoughby
Senior Government Relations Advisor
cwilloughby@mcneeslaw.com
614.719.5957