



ENERGY & UTILITIES INDUSTRY GROUP

Nossaman's Energy & Utilities Industry Group has a national reputation for handling various aspects of our clients' legal and regulatory issues across multiple industry sectors, including renewable energy project development and permitting, utility electric generation and transmission planning and procurement, oil and gas development and transmission systems, water supply issues, power sales contracting, and utility ratemaking.



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Serving the Energy Industry

Nossaman represents public agencies, investor-owned energy utilities, merchant generators of electricity for wholesale supply, co-generators, renewable resource generators, and providers of distributed generation services who are purchasing, providing, or planning to provide electric, natural gas, and other energy services, or otherwise participating in the provision of those services. We also represent customers and competitors of public utilities, property owners, and other interested parties in addressing issues related to energy projects and utility operations, services, and rates.

Our experience and expertise in public utilities regulation and contracting span a broad range of subjects and proceedings, including transactional matters, utility rate cases, market entry authorizations, enforcement and compliance actions, policy proceedings, rulemaking proceedings, mergers and acquisitions, customer complaints, utility relocations, and eminent domain, including right of way acquisitions. Our role also includes drafting and negotiating long-term power purchase agreements, fuel supply agreements, and facilities leases, and has involved business transactions, regulatory matters, litigation, and bankruptcy proceedings.

About Our Practice

Nossaman has a national reputation for assisting our Energy Sector clients through collaborating to develop and carry out strategies at the intersection of law, policy, finance, engineering, and science. We are an industry leader in handling environmental and land use issues of concern to public agencies, private corporations, trade associations, and non-profits within the Energy Industry. With capabilities spanning from environment and land use, to real estate and construction, to corporate finance and governance, Nossaman utilizes a multi-disciplinary approach that combines the skill and experience of our litigators, transactional attorneys, and state and federal policy advisors to achieve clients' goals. We build lasting relationships and are committed to supporting clients at all times, as they adjust to changes in their markets and the regulatory landscape.

Nossaman applies its in-depth understanding of the complex maze of state and federal regulations to help our clients devise permitting and regulatory compliance strategies, obtain needed permits and approvals, and successfully defend their capital projects and ongoing operations from judicial and administrative challenges. We prize our reputation for successfully supporting the development of major energy, transportation, and water projects, and defending them when they are challenged before regulators or in court by local opposition or government agencies.

Founded in 1942, Nossaman is home to more than 160 attorneys and public policy advisors who work seamlessly across eight U.S. offices in Los Angeles, Orange County, San Francisco, Sacramento, and San Diego, California; Austin, Texas; Seattle, Washington; and Washington, DC. Beyond Energy, our other main areas of practice include environment and land use, water, litigation, infrastructure and construction, public finance, real estate, and eminent domain and valuation.



Oil, Gas & Electricity

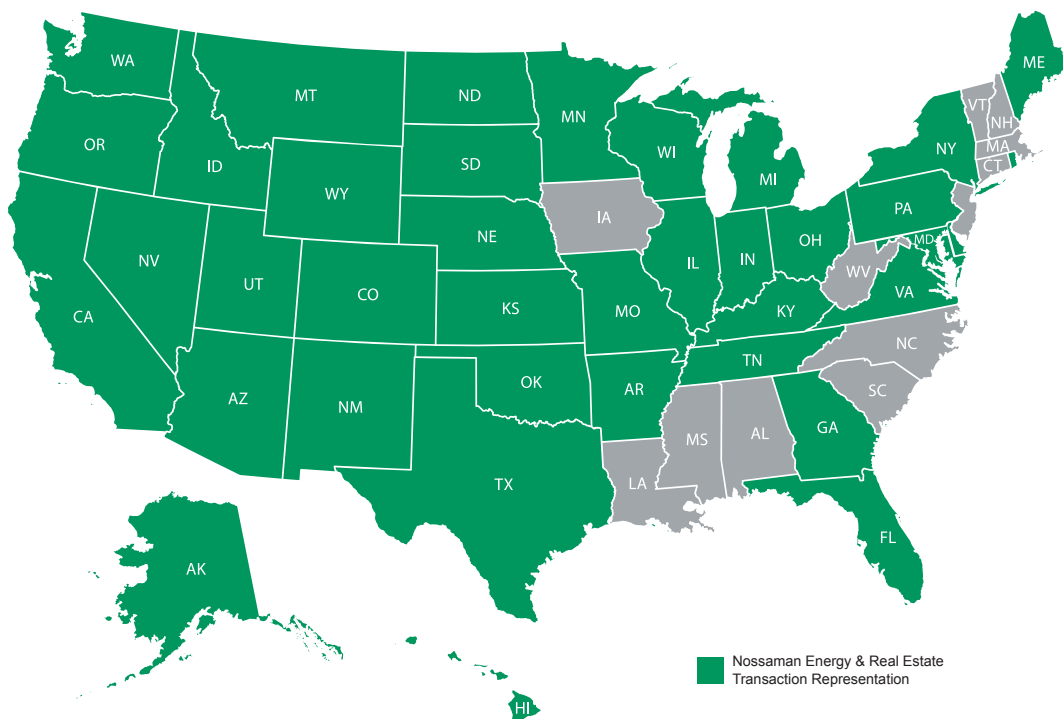
Nossaman’s attorneys offer frequent counsel to our business and public entity clients on a wide range of oil, gas, and electricity related issues. Our experience covers the basics—from oil and gas leases, to joint operating agreements and farm outs. In addition, we offer more specialized counsel on environmental issues, oil and gas rights, and development rights for other purposes. We also assist private developers in the financing and development of electric-generating facilities, including small power production facilities, waste-to-energy facilities, and alternative energy facilities. Nossaman’s expertise in traditional energy law—coupled with a leading endangered species practice—provides the unique combined expertise needed to address and fulfill our oil, gas, and electricity industry clients’ needs.

Focus on Project Development

Nossaman has been instrumental in helping to build California’s infrastructure. We are one of California’s and the nation’s most experienced providers of legal services to energy companies, public utilities, and public agencies, and have extraordinary expertise in helping our clients acquire the right-of-way that facilitates construction of the projects that shape California’s future. We are also often called upon to defend clients against large, complicated inverse condemnation claims.

Within the Real Estate sector, Nossaman has handled a vast array of right of way acquisitions, lease negotiations, encroachment removals, utility relocations, joint use agreements, condemnation proceedings, and financing arrangements for numerous electric, gas, and water utilities. Nossaman also assists developers with siting and permit issues and environmental compliance for energy producing facilities. In addition, we advise clients on turnkey contracting for facility construction and represent developers in connection with taxable and tax-exempt financing.

Nationwide Energy & Real Estate Transaction Experience





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Renewables

Much of our practice relates to renewable energy generation. Nossaman attorneys have assisted numerous wind and solar developers with natural resource permitting and compliance issues and successfully handled several ESA and NEPA lawsuits for national trade associations and corporations. Nossaman provides legal and policy representation to clients at all stages of alternative energy project development, including planning, technology development, commercialization, facility siting and development, manufacturing, and regulatory compliance.

Our multi-disciplinary team offers strong legal expertise to address compliance with, and permitting under, state and federal environmental regulations, and to pursue legislative changes when necessary. Nossaman offers representation to improve legal defensibility of alternative energy projects and facilities in the face of potential litigation associated with their development, complemented by public policy advocacy in both Sacramento and Washington, DC, and litigation representation in the case of administrative or legal challenges.

Wind Energy Leadership

Nossaman offers a unique combination of deep experience in energy project development along with an equal depth of experience with the laws that govern development in the marine environment.

Our team has unparalleled experience in natural resource issues related to wind energy development. No firm in the country has done as much with the development of compliance strategies for wind energy under the Endangered Species Act, Bald and Golden Eagle Protection Act, and Migratory Bird Treaty Act.

Nossaman helped found, and is lead counsel for, the Energy and Wildlife Action Coalition (EWAC). Comprised of national electric utilities, power companies, and renewable energy companies, EWAC focuses on federal wildlife law and policy and tracks developments under the ESA, BGEPA, and MBTA. Members regularly meet with Department of Interior and USFWS staff, participate selectively in litigation that impacts federal wildlife laws and policy, and prepare public comment letters in response to federal wildlife developments.

Public Utilities Regulation

Nossaman represents investor-owned public utilities, municipalities, and other public agencies providing or planning to provide water, energy, telecommunications, and transportation services to the public. We also represent customers and competitors of public utilities and other affected parties in addressing issues related to utility rates, services, and operations.

Our attorneys and legislative advocates practice before the California Public Utilities Commission (CPUC), the California Energy Commission, the State Water Resources Control Board, other state and local government agencies, and the California Legislature, and also before federal agencies such as the Federal Communications Commission, the Federal Energy Regulatory Commission, and the Surface Transportation Board. As appropriate, we also arrange for and facilitate meetings and other communications between our clients and decision-makers at the CPUC and other public agencies.

We advise and represent clients in all types of application, rulemaking, and investigatory proceedings, ranging from those that adopt regulations applicable to the entire industry, to individual utility rate increase proceedings, merger and acquisition transactions, and service quality matters before the CPUC and other state administrative agencies. Our advisory work includes providing legal advice and opinions about the limits of regulatory agency jurisdiction, agency authorization and procedural requirements, expectations as to the substance and timing of action by the CPUC and other regulatory agencies on proposed or pending matters, and strategic advice concerning how to achieve success on issues and cases before various state and federal agencies.

Client Success

Nossaman Helps California American Water Company Secure Approval For Monterey Peninsula Water Supply Project

As a result of extensive efforts by Nossaman's Public Utilities Regulatory, Water, and Public Policy Practice Groups, the California Public Utilities Commission (CPUC) voted to allow Nossaman client California American Water Company (Cal-Am) to proceed with its Monterey Peninsula Water Supply Project (MPWSP) in order for the utility to provide safe and reliable water service to its customers and meet all regulations for the safe operation of its facilities. This represents a significant victory for our client, and will allow the company to move forward to implement a permanent long-term water supply solution for the Monterey Peninsula. Achieved as a result of extensive preparation and unequalled knowledge of the CPUC and its regulations, Nossaman's unrivaled team was able to provide the client with the benefit of our long-term relationships with and understanding of the CPUC, as well as the firm's deep roots within the California utilities sector.

The Project will replace and augment existing water supplies in Cal-Am's Monterey District service area constrained by legal decisions affecting the Carmel River and Seaside Groundwater Basin, areas from which Cal-Am currently sources its water. The MPWSP includes a 6.4 mgd desalination plant and will use additional water from the PureWater Monterey groundwater replenishment project. The total project cost is estimated to be approximately \$322 million. The effort to develop a long-term water supply solution has been going on for decades. A key member of Nossaman's team had been working to develop a water supply for Monterey since 2001, and acting as the lead attorney for the CPUC proceeding related to this project since its inception in 2012. The CPUC proceeding involved multiple evidentiary hearings, extensive testimony, several workshops, multiple briefs, and an oral argument in front of the CPUC. It was highly contested, and this win represented a long-fought and well-deserved victory for our client.

Representative Clients

- Alyeska Pipeline Service Company
- American Wind Energy Association (AWEA)
- Andeavor
- Areva Enterprises, Inc.
- Armstrong Petroleum
- Avangrid
- California Independent Petroleum Association
- California Water Service Group
- Calpine Corporation
- Calumet Specialty Products Partners LP
- Chateau Energy, Inc.
- Chevron
- Chugach Electric Corporation
- Clarus Energy Corporation
- Con Edison Development
- ConocoPhillips
- Constellation Energy Group
- Contanda Terminals
- Contra Costa Generating Station LLC
- CPS Energy
- CSOLAR
- DTE Energy Technologies, Inc.
- Duke Energy Corp.
- Edison Electric Institute
- Edison Mission Energy
- EDP Renewables North America LLC
- Electron Hydro LLC
- Exposition Metro Line Construction Authority
- GE Energy Financial Services
- Hilcorp Alaska
- Hunter Edison Oil Development Limited
- Jack in the Box, Inc.
- Kinder Morgan
- Lennar Homes of California
- Liberty Power
- Los Angeles County Metropolitan Transportation Authority
- Los Angeles County Waterworks District 40
- Metro Gold Line Construction Authority
- Mirant Americas
- Mobil Oil
- Mustang Energy Resources LLC
- Nahama Natural Gas
- NextEra Energy Resources, LLC
- NRG Energy, Inc.
- Padre Dam Municipal Water District
- Pattern Energy Group, Inc.
- PetroRock, LLC
- Plains Pipeline, L.P.
- Renewable Energy Systems Americas, Inc.
- Rosebud Energy Corp.
- San Antonio Water Company
- San Diego Gas and Electric Company
- San Francisco Bay Area Metropolitan Transportation Commission
- Sapphire Energy
- Scout Clean Energy
- Sempra Energy Company
- Solar Energy Industries Association
- Southern California Edison
- Southern California Gas
- Sprint Communications
- Sunnova Energy Corporation
- Tawhiri Power LLC
- Tenaska
- Tradwind Energy, Inc.
- Valero Energy Corporation
- Vaquero Energy Inc.
- Westar Energy
- Western Oil & Gas Association
- Woodside Natural Gas Inc.
- Xcel Energy Services, Inc.

Key Contacts



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Practice Areas & Industries

- Environment and Land Use
- Climate Change
- Litigation
- Energy

Education

- Mediation Training, Strauss Institute for Dispute Resolution, Pepperdine University School of Law, 2011
- J.D., University of Washington School of Law, 1978
Washington Law Review,
Moot Court Honor Board
- B.A., University of Washington, 1975, *magna cum laude, with distinction in History*, Phi Beta Kappa

Admissions

- Supreme Court of Washington
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Courts for the Eastern District of Washington, Western District of Washington, Eastern District of Wisconsin, Western District of Michigan and the District of Columbia
- U.S. Supreme Court

Professional Affiliations

- Fellow, Litigation Counsel of America
- Member, American Bar Association, Environment
- Member, Washington State Bar Association
- Member, Washington State Bar Association, Land Use and Environmental Mediation Committee
- Member, Seattle-King County Bar Association

Linda R. Larson | Partner

Linda Larson focuses on litigation, permitting, and counseling private and public clients with respect to environmental laws. She has led numerous complex litigation matters in trial and appellate courts, with particular expertise in fisheries, endangered species, sediments, water and hazardous waste issues. A trained mediator specializing in environmental disputes, Ms. Larson has successfully resolved disputes ranging from site remediation to endangered species.

Prior to joining Nossaman, Ms. Larson served as staff counsel to Senator Warren Magnuson on the U.S. Senate Appropriations Committee and as an attorney with the National Oceanic & Atmospheric Administration (NOAA). While at NOAA, she served as the Special Assistant to the Deputy Administrator, as well as on teams in the fisheries, coastal zone management, and satellite programs.

Ms. Larson is ranked in *Chambers USA* and in 2016 was selected as one of the top 50 women lawyers in Washington by *Super Lawyers*. In 2017 she was named as an Energy and Environmental Trailblazer by the *National Law Journal*.

Representative Work

Litigation:

- ***Groundfish Forum, et al. v. Wilbur L. Ross, et al.*** Served as lead counsel for coalition of cod fishermen in successful challenge to the restrictions on fishing and processing established by Amendment 113 to the fishery management plan for Pacific cod in the Bering Sea and Aleutian Islands archipelago in the matter *Groundfish Forum, et al. v. Wilbur L. Ross, et al. (1:16-cv-02495)* (2019). The U.S. District Court for the District of Columbia ruled that the regulations did not comply with the Magnuson-Stevens Fishery Management and Conservation Acts' national standards for fishery management. Judge Kelly vacated the rule implementing Amendment 113. This decision invalidated an improper regulation which limited the ability of our clients and others to fish and process cod in the Aleutian Islands, negatively impacting their businesses and livelihoods.
- ***Oceana v. National Marine Fisheries Service***, 705 Fed.Appx. 577, (9th Cir. 2017). Lead trial and appellate counsel for commercial fishing companies, Adak Community Development Association, and Aleut entities in on-going litigation over fishing restrictions for the conduct of the Aleutian Islands groundfish fisheries under the Endangered Species Act involving Steller sea lions. The initial challenge brought by Nossaman's clients resulted in the reopening of closed fishing grounds in the Aleutian Islands to cod and mackerel fishing. In 2017, successfully defended the agency decision to reopen the previously closed areas before the Ninth Circuit. The present value of fishing and related revenue at risk from previous closures was estimated to be between \$1.8 billion and \$3.8 billion.
- ***Asarco LLC v. Union Pacific Railroad Company***, 765 F.3d 999 (9th Cir. 2014). Appellate counsel for mining company in successful appeal to the Ninth Circuit in a matter of first impression concerning the "relation-back" function of Federal Rule of Civil Procedure 15. The court held that the mining company's amended complaint related back to its original complaint, even though it included allegations that were expressly disclaimed in the original complaint. The decision allowed the company to continue to pursue its claim for over \$400 million in Superfund cleanup costs.
- ***Fishermen's Finest, Inc. v. Locke***, 593 F.3d 886 (9th Cir. 2010). Lead trial and appellate counsel for a major fishing and processing company in a challenge to National Marine Fisheries Service allocations for the multi-million dollar Bering Sea and Aleutian Islands Pacific cod fishery under the Magnuson-Stevens Fishery Conservation and Management Act. *Fishermen's Finest, Inc. v. Locke*, 593 F.3d 886 (9th Cir. 2010).

Community Activities

- Member, King County Charter Review Commission (2018-2019)
- Board of Directors, Forterra (2016 – Present)
- Board of Directors, Public Radio International, Minneapolis (2001-present), Chair of the Board (2009-2011)
- Board of Directors, Museum of History and Industry (2011-2016)
- Board of Trustees, Seattle Public Library (1997-2006), President (2002-2003), Chair of Facilities Committee (1999-2006)
- Board of Trustees, Seattle Public Library Foundation (2005-2009)
- Nominating Committee, Totem Girl Scout Council Board of Directors (2001-2004)
- Board of Directors, Ronald McDonald Children's Charities of Western Washington (1993-1998)
- Board of Directors, Seattle Children's Museum (1987-1991), President (1990-1991)
- Member, City of Seattle Landmarks Preservation Board (1983-1989)

Awards & Honors

- Martindale Hubbell AV® Preeminent™ Rated
- Recognized as the 2020 "Lawyer of the Year" for Natural Resources Law in Seattle by *Best Lawyers in America*®
- Chosen by her peers for inclusion in *The Best Lawyers in America*® in the fields of Environmental Law, Litigation - Environmental, and Natural Resources Law, 2011-2020
- Selected to the Washington State Super Lawyers list, 2010, 2012-2019
- Named an Energy and Environmental Trailblazer by the *National Law Journal*, 2017
- Selected by *Super Lawyers* to the Top 50 Women Lawyers List in Washington for 2016
- Chosen for individual recognition for Environment in Washington State by *Chambers USA*, 2013-2019
- Listed in the International Who's Who of Environmental Lawyers
- Listed in Bar Register of Preeminent Women Lawyers

- **Asarco LLC Bankruptcy Reorganization.** Lead trial and environmental counsel for ASARCO LLC, a mining, smelting and refining company, in the first evidentiary estimation hearing in connection with the largest environmental bankruptcy case in United States history. The estimation hearing in the U.S. Bankruptcy Court in the Southern District of Texas involved a \$406 million claim for response costs brought by the United States Environmental Protection Agency and the State of Nebraska.

Permitting and Counseling:

- **Cedar Grove Composting.** Lead advisor for solid waste regulatory issues to largest independent composting company in Seattle metropolitan area. Cedar Grove recycles approximately 350,000 tons of yard and food waste collected from residential and commercial customers every year, turning it into compost.
- **Aluminum Smelter Remediation.** Lead counsel for an international aluminum manufacturer in the remediation of contaminated sediments and associated uplands at former facilities along the Columbia River, including the negotiation of consent decrees under the Washington Model Toxics Control Act, relationships with tribal nations and resolution of allocation issues between client and other potentially liable parties.
- **Superfund Site Remediation and Cost Litigation.** Lead counsel for public and private clients at federal and state Superfund sites in over a dozen states, including Idaho, Colorado, Michigan, Utah and Washington. Successfully resolved enforcement claims by state and federal agencies and negotiated or litigated cost allocations with other potentially responsible parties.

Selected Presentations

- Co-chair and presenter, "The Art of Negotiating Environmental and Land Use Agreements: Tips and Tools for Effective Dispute Resolution," Washington State Bar Association, Seattle, February 2014.
- Presenter, "The Steller Sea Lions Listing and Its Impacts on the Fishing Industry," Endangered Species Act – Impacts on Alaska Seminar, Anchorage, May 2013.
- Presenter, "Steller Sea Lions and Alaska Fisheries," 18th Annual Endangered Species Act Conference, Seattle, January 2011.
- Presenter, "Bankruptcy and Natural Resource Damages," Fourth Annual Advanced Conference on Natural Resource Damages, Santa Fe, NM, July 2010.
- Presenter, "ESA and Alternative Energy Projects," 17th Annual Endangered Species Act Conference, Seattle, January 2010.

Selected Publications

- Co-author, "Interior Issues Advanced Notice of Proposed Rulemaking on NRDAR Regulations," *Nossaman E-Alert*, August 29, 2018.
- Co-Author, "Ninth Circuit Clarifies Three Issues of First Impression for Parties in CERCLA Contribution Actions," *Nossaman E-Alert*, August 16, 2017.
- Co-author, "The President's Environmental 'Net Benefit Goal' – The White House Sets a New Approach to Mitigation", *Energy Law Report* Vol. 16-2, Lexis-Nexis, February 2016.
- Co-author, "Bounty for Land and Sea: Congress Passes Omnibus Public Land Act," *The Environmental Counselor*, Issue 251, July 2009.
- Co-author, "Precautionary Resource Management and Climate Change," *American Bar Association Natural Resources & Environment Magazine*, Vol. 24, No. 1, Summer 2009.
- Co-Author, "The Right FIT to Promote Renewable Energy?" *American Bar Association Section of Environment, Energy, and Resources Trends Newsletter*, November/December 2008.
- Author, "Alternative Energy Sources and ESA Implications," *Nexis Expert Forum*, Environmental Law & Climate Change Center, February 2008.

Co-Author, "*Orcinus and Oncorhynchus*: Will Saving Puget Sound Orcas and Salmon Save an Ecosystem?," *American Bar Association Natural Resources & Environment Magazine*, Vol. 22, No. 2, Fall 2007.



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Practice Areas & Industries

- Water
- Public Utilities Regulatory
- Environment and Land Use
- Energy and Utilities
- Eminent Domain and Valuation

Education

- J.D., Columbia Law School, 2014
- B.S., University of California, Berkeley, 2010, *with honors*

Admissions

- California
- New York

Professional Affiliations

- Asian American Bar Association
- California Minority Counsel Program
- Conference of California Public Utility Counsel
- Bar Association of San Francisco

Willis Hon | Associate

Willis Hon is a member of Nossaman's Water Practice Group and represents investor-owned utilities that provide, or are seeking to provide, public utility service in proceedings before the California Public Utilities Commission (CPUC). He has represented investor-owned water utility companies, industry associations, and regional transportation agencies in ratesetting, adjudicatory, and rulemaking proceedings before the CPUC. Beyond the CPUC experience, Mr. Hon has experience assisting clients in defending against Clean Water Act citizen suits in federal court and local air quality enforcement actions in administrative proceedings. In addition, Mr. Hon has also provided legal counseling and advice to local and regional transportation agencies on a broad range of transportation, governance, and public agency compliance issues.

Prior to joining Nossaman, Mr. Hon was an associate at a boutique environmental law firm in New York City, where he worked on federal and state environmental litigation and advised clients in regulatory investigations.

Mr. Hon has also spent time as a judicial extern to the Honorable Dora L. Irizarry and as a law clerk with the United States Department of Justice, Environment and Natural Resources Division, Law and Policy Section.

Representative Work

- **California Water Association.** Represents the statewide association of investor-owned water utilities regulated by the CPUC and the SWRCB in proceedings relevant to records confidentiality and other policy matters impacting the delivery of safe, reliable water service at reasonable rates. Represents member companies in adjudicatory and ratesetting matters, including general rate cases and cost of capital proceedings.
- **San Diego Association of Governments (SANDAG).** Represented SANDAG in rail crossing authorization proceedings before the CPUC in connection with SANDAG's Mid-Coast Trolley Extension project to bring Blue Line Trolley service from Santa Fe Depot in Downtown San Diego to the University City community.
- **San Francisco County Transportation Authority.** Member of team that serves as General Counsel to the Authority, which administers and oversees the delivery of the local transportation sales tax program to fund major transportation infrastructure projects.
- **Manufacturing Company.** Member of team that represented client in an Order of Abatement hearing before the South Coast Air Quality Management District regarding air emissions and in a Clean Water Act citizen suit relating to allegations of stormwater pollution.

Selected Presentations

- Speaker, "Strategizing Against the Flame: What's Next for California's Wildfires?," Joint Nossaman/Environmental Law Institute (ELI) Live Webinar, June 12, 2019.
- Speaker, "Preparedness, Relief, and Recovery: Developments in Disaster Management for California Water Providers," Nossaman/International Right of Way Association (IRWA) Webinar, May 15, 2019.
- Speaker, "Preparedness, Relief, and Recovery: Regulatory Developments in Disaster Management for Water Providers," Nossaman's 2019 Water Webinar Series, February 28, 2019.

Selected Publications

- Co-author, "Reconsidering Strict Liability in Light of Recent California Wildfires," *Daily Journal*, June 2019.

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