

Public Utility Litigation, Regulatory Intervention & Counseling

Utility rates can make or break the business models of high-volume gas and electricity customers such as industrial, manufacturing, and large commercial concerns, universities, hospitals, municipalities, airports, data centers, and casinos. With nearly a century of combined experience in public utility regulation, Clark Hill has a well-established and impressive track record helping clients navigate the challenges of the always-evolving energy marketplace.

Put simply, we develop energy solutions that achieve business goals and promote economic growth.

Long-term record of success

- In 1981, we assisted in the formation of and still serve as General Counsel to the Association of Businesses Advocating Tariff Equity (ABATE), a nonprofit Michigan coalition formed to represent major energy customers in gas and electric regulatory and legislative matters.
- In 2007, our attorneys assisted in the formation of, and still serve as legal counsel to, the Illinois Coalition to Request Equitable Allocation of Costs Together (REACT), formed to represent high-volume energy customers focused on electric retail choice and distribution cost allocation/rate design.
- In 2017, we assisted in the formation of, and still serve as legal counsel to, the NextGrid Coalition, a group of large energy users and other energy market participants involved in the Illinois Commerce Commission's NextGrid study of the utility and energy markets of the future.
- In 2017, we assisted in the formation of the Energy Choice Coalition of companies to advance customer choice and obtain access to currently closed segments of the retail electric market in Michigan.
- In 2018, our attorneys were selected to provide executive director and energy legal services for the Industrial Energy Consumers of Pennsylvania.

Our lawyers have represented large energy customers across the full spectrum of regulatory matters arising before state public utility commissions, with a particular emphasis on rate and rulemaking proceedings. We work hand in hand with clients' key executives, senior managers, technical staff, and outside consultants and draw on our in-depth understanding of cost-of-service ratemaking principles to gather the necessary data to support or challenge rate requests. We also advise clients in sophisticated ratemaking matters, including nuclear plant and nuclear waste write-offs and phase-ins, utility divestitures, curtailments and gas diversions, rate design, standby rates, avoided costs, special load retention, and economic development rates for industrial customers.

When rate decisions are counterproductive, we help clients mount an effective challenge. We advise clients at every step, from initial discovery to settlement negotiations and, when necessary, in litigation. We also provide advice and assistance in a variety of other proceedings, including investigations, complaint cases, and power supply cost-recovery actions.

We have helped numerous clients identify and implement innovative solutions that have reduced their utility spend. These include advocating for gas transportation and retail choice (or open access), increasing leverage through the creation of new energy source alternatives that bypass local gas and electric utilities, negotiating special-rate contracts, and developing and negotiating interruptible tariffs that permit customers to back up their utility-supplied interruptible electric service. Our efforts in this regard have quite literally saved our clients hundreds of millions of dollars.

Our state-level counsel is further complemented and enhanced by our federal-level experience; we regularly represent applicants and interveners in rate filings, litigated rate cases, certificate proceedings, rulemakings, and other matters before the Federal Energy Regulatory Commission (FERC).



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Environment, Energy & Natural Resources Areas of Practice

Alternative/Renewable Energy
Brownfields Redevelopment
Combined Sewer Overflow
Energy Management
Energy Technology & Innovation
Environment, Energy & Natural Resources Litigation
Environmental Assessments, Due Diligence & Audits
Permits & Licenses
Proposition 65
Remediation & Natural Resource Restoration
Riparian (Water) Rights
Solid & Hazardous Waste Management
Tax Incentives & Grants