

Daniel R. Simon

Member

Daniel R. Simon's practice focuses on energy regulatory issues involving the Federal Energy Regulatory Commission (FERC) and state utility commissions. Dan's clients include renewable energy project owners and developers, independent power producers, large energy consumers, power marketers and commodity traders.

He previously served as a trial attorney in FERC's Office of Administrative Litigation, where he litigated and settled numerous regulatory disputes involving the Western electricity crisis of 2000-2001 and allegations of market manipulation by Enron and others.

Power Markets and Transactions

In the electricity sector, Dan frequently advises clients (including power marketers, lenders and investors) on power transactions and regional transmission organization (RTO) and independent system operator (ISO) market rules.

He has represented several clients in non-public FERC enforcement investigations and public enforcement proceedings. Dan also helps clients analyze and negotiate long-term power purchase agreements (PPAs).

Renewable and Traditional Power Project Development

Dan represents numerous clients in drafting, negotiating, and obtaining regulatory approvals for developing or acquiring generating facilities, including plants running on natural gas, wind, solar, biomass, and hydro. This work includes helping clients with interconnection agreements, transmission service, Renewable Portfolio Standard (RPS) requirements, PPA negotiation, and ISO/RTO participation. Dan also frequently represents clients in post-commercial operation disputes involving interconnection, transmission and ISO/RTO issues.

Dan also assists large energy consumers in participating in demand response and net metering programs, operating behind-the-meter generating projects, and service disputes with host utilities.

Hydroproject Licenses

Dan advises clients on regulatory requirements for hydroprojects. His experience includes assisting clients in obtaining and complying with FERC licenses, negotiating agreements with state and federal environmental and resource agencies, performing due diligence for potential acquisitions, and assisting with regulatory requirements in closing hydroproject acquisitions.

Natural Gas Sales and Transportation

Dan regularly represents large natural gas consumers and shippers on FERC and state utility commission policies in a wide range of transactions. For instance, Dan has assisted clients in negotiating precedent and interconnection agreements to connect directly to interstate natural gas pipelines. Dan has advised clients on understanding tariff provisions for interstate natural gas pipelines and storage services, including park and loan arrangements, as well as asset management agreements. He also has analyzed and negotiated natural gas commodity contracts and assisted with FERC Form 552 compliance. Dan also assists large natural gas consumers on state-regulated service issues with local distribution companies (LDCs).

Oil Pipeline Shippers

Dan advises producers, refiners, and traders on oil pipeline shipping and storage issues, including raising disputes with pipelines, and drafting/amending agreements with pipelines and producers to coordinate transactional activity with pipeline rules.

Presentations

- "Potential Customers for Renewable in Utah," 2013 Utah Governor's Energy Summit, January 10, 2013.
- "Economic Challenges and Regulatory Incentives Encouraging Biomass," Forest Products Society's Smallwood 2012 Conference, May 1, 2012.
- "Birth, Marriage, Divorce, Death: Regulatory Compliance Issues in a Generator's Life Cycle," Marcus Evans 4th Annual Managing Regulatory Compliance for Electric Utilities Conference, April 27, 2012.
- "FERC's Transmission Planning Policies and NJ Offshore Wind," New Jersey State Bar Association Renewable Energy, CleanTech & Climate Change Conference, December 12, 2011.
- "Biomass Power Update," Transportation and Bioenergy Workshop, Biomass Coordinating Council, American Council on Renewable Energy (ACORE), December 6, 2011.



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Education

J.D., with Honors, University of North Carolina School of Law, Chapel Hill, North Carolina, Note Editor, North Carolina Law Review

A.B., cum laude, Duke University, Durham, North Carolina

State Bar Licenses

District of Columbia

North Carolina

- "Energy Regulatory Policies Encouraging Biomass Power in the West," Restoring the West Conference, October 18, 2011.
- "Developments in FERC's Ancillary Services Policies," Utility Scale Flexible Power Summit, September 28, 2011.
- "Encouraging Biomass Power Development in Southern Utah," Southern Utah Biomass Conference, June 3, 2011.
- "Understanding the Newest Biomass Crop Assistance Program (BCAP) Rules," International Biomass Conference & Expo, May 3, 2011.
- "Obtaining Biomass Crop Assistance Program (BCAP) Subsidies," Energy, Utility & Environment Conference (EUEC), February 1, 2011.
- Panel Moderator, "DOE Loan Guarantees- Supporting the Clean Energy Economy," Platts Financing U.S. Power Conference, October 29, 2010.
- "Renewable Energy Financing Through American Recovery and Reinvestment Act Incentives," Sixth Annual Carolina Sustainable Energy Conference, April 2009.

Publications

- Strock Special Bulletin, "FERC Proposes Expanding Disclosure Requirement for RTO and ISO Market Participants to Cover Broader Array of Information," September 25, 2015.
- Strock POSITIVE ENERGY, Issue 5, "Understanding Today's PURPA Before Negotiating a Power Purchase Agreement," August 26, 2015.
- Biomass Power & Thermal Magazine, "Military Renewables Plan: A Bioenergy Booster," May 22, 2012.
- Electric Light & Power, "Traps for Unwary Project Sponsors - The LCAPP Saga," January/February 2012.
- Biomass Power & Thermal Magazine, "Today's Legal Regime for Biomass 'Qualifying Facilities' Under PURPA," October 2011.
- AZCentral.com, "Forest-Waste Program Worth Saving," June 20, 2011.
- Biomass Power & Thermal Magazine, "BCAP Relaunch Should Bring New Biomass Producers into the Supply Chain," February 2011.

Practices, Industries & Services

Energy & Utilities
 Environment, Energy & Natural Resources
 Oil & Gas

Areas of Emphasis

Alternative/Renewable Energy
 Energy Technology & Innovation
 Environment, Energy & Natural Resources Litigation
 Oil & Gas – Litigation
 Oil & Gas – Transactional
 Oil & Gas – Transportation
 Public Utility Litigation, Regulatory Intervention & Counseling

Memberships

- Former Board Member, Energy Bar Association, 2015-2018
- Advisory Board, Center for Climate, Energy, Environment & Economics (CE3), University of North Carolina School of Law
- Former Board Member, Biomass Power Association

Honors

- Nationally recommended by The Legal 500 United States