



Utilities and Infrastructure



OVERVIEW

Our clients appreciate Modrall Sperling's broad and deep knowledge of the issues facing utilities and those who do business with energy, water, and telecommunications utilities, including customers, generation and transmission developers and providers, and suppliers. We represent a wide range of clients before New Mexico's regulatory body, the Public Regulation Commission (PRC) as well as before the State Land Office, the New Mexico Legislature, the United States Congress, and state and federal agencies such as the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, and others.

We assist clients in navigating utility issues before the PRC and in state and federal courts, including:

- Ratemaking
- Service and interconnection
- Renewable energy
- Energy efficiency
- Generation and transmission location approvals
- Right-of-way approvals, including with private landowners, State Land Office, and federal land management agencies
- Eminent domain negotiations and litigation
- Power purchase agreements
- Wholesale and cooperative arrangements and service
- IRBs for energy developments
- Transactions with utilities, developers, landowners, and suppliers

A vital part of all our utility work is ensuring the necessary infrastructure for delivery and transmission of utility services. This includes infrastructure related to transmission of electricity, pipelines for the delivery of oil and gas, and infrastructure critical to delivery of water supplies. We work with clients to address all aspects of infrastructure needs from beginning to end—commencing at the necessary approvals related to construction, financing, design and construction contracts, rights-of-way, evaluation environmental impacts related to infrastructure projects and negotiation of agreements with end users.



EXPERIENCE

Representative Matters:

- Represent gas and water utilities in rate cases and service matters before the PRC
- Represent telecommunications clients with respect to regulatory affairs, transactions and litigation
- Represent customers of investor-owned electric utilities in rate cases before the PRC
- Represent an interstate wholesale generation and transmission cooperative before the PRC, in federal district court, and on federal regulatory matters
- Represent renewable energy developers in regulatory matters, land use and right-of-way matters, and in transactional matters with utilities
- Represented a utility company in a jury trial on eminent domain issues. *See, Tri-State Generation and Transmission Association, Inc. v. King, et al.*, Civil Action No. D-809-CV 200500108
- Represented utility companies in both Isleta Pueblo Court and San Ildefonso Pueblo Court proceedings
- Lead counsel for San Juan Coal Company (SJCC), a New Mexico coal producer, in a two-week arbitration hearing in 2014 involving cost reimbursement claims under a coal supply agreement; opposing parties were Public Service Company of New Mexico and Tucson Electric Power Company. The arbitration resulted in an award in favor of SJCC awarding SJCC \$5.2 million in disputed claims, and rejecting the utilities' claims for \$13.9 million in reimbursements
- Lead counsel representing Tri-State Generation and Transmission Association, Inc., an electric transmission and generation cooperative, in an appeal from an order entered by the New Mexico Public Regulation Commission, resulting in a New Mexico Supreme Court opinion ruling in favor of Tri-State. *See Tri-State Generation and Transmission Association, Inc. v. New Mexico Public Regulation Commission and Kit Carson Electric Cooperative, Inc.*, 2015-NMSC-013, 347 P.3d 274
- Lead counsel for Tri-State Generation and Transmission Association, Inc. in obtaining affirmance by the United States Court of Appeals for the 10th Circuit, of an order denying intervention. *See Tri-State Generation and Transmission Association, Inc. v. New Mexico Public Regulation Commission, et al.*, 787 F.3d 1068 (10th Cir. 2015)

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