



**FRANCES E. FRANCIS**  
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**EDUCATION:** **Harvard University**, 1970-1972  
Cambridge, MA  
Completed all but dissertation for PhD in Political Economy and  
Government

**Harvard University**, MPA, 1969  
Cambridge, MA

**Yale Law School**, LLB, 1965  
New Haven, CT

**Dickinson College**, BA, 1962  
Carlisle, PA

**BAR ADMISSIONS:** New Jersey Bar  
District of Columbia  
U.S. Court of Appeals for the District of Columbia Circuit, First,  
Second, Eighth, Ninth, and Tenth Circuits  
U.S. Supreme Court

**LEGAL EXPERIENCE:** Ms. Francis has practiced energy law since 1965, beginning her career as an attorney with the Federal Power Commission (now the Federal Energy Regulatory Commission). Ms. Francis joined Spiegel & McDiarmid in 1974 and has been a partner since 1976, with occasional time-outs to attend graduate school, to teach law school, and to work for the Energy Policy Project and the New England River Basins Commission. At the NE River Basins Commission, Ms. Francis worked on alternative organizations for siting power facilities. Ms. Francis has worked in the energy area, negotiating power supply and transmission contracts with private electric utilities, and trying both electricity and natural gas rate cases principally before FERC on behalf of municipal clients and before and on behalf of state regulatory commissions. She has advised clients and participated in cases on nuclear decommissioning issues, including funding of trusts and rate treatment of nuclear fuel waste; the sale of ownership interests in nuclear plants;

the accounting and financing issues associated with the accelerated write-down of utility assets; and a range of hydroelectric issues before FERC, including competitive hydroelectric proceedings. In addition, she has advised clients on PURPA issues; a franchise negotiation, including the transfer of a bus and a hydro system, in the Southeast; and represented coalitions of governmental agencies who were intervenors in hydro relicensing cases.

Ms. Francis has argued several cases in the Federal appellate courts and also provided expert testimony on the hydro provisions of the Federal Power Act on behalf of the United States Government in *United States v. 42.13 Acres of Land, More or Less, situate in Tuolumne and Calaveras Counties, State of California*; and *Pacific Gas and Electric Company*, Civ. No. S-76-379 EJJ, U.S. District Court for the Eastern District of California, 73 F.3d 953 (9th Cir.), *cert. denied*, 116 S. Ct. 2548 (1996). She was deposed by the attorneys for Pacific Gas & Electric Company. The case was ultimately resolved favorably for the United States. She also presented expert testimony on FERC hydro matters on behalf of the Idarado Mining Co. and the Town of Telluride in a district court case in 1998. *Town of Telluride and Idarado Mining Co. v. Jacobson*, Case No. 97 CV 13, Dist. Ct., San Miguel County, Colorado. She also participated in the Pacific Gas & Electric Company hydro divestiture proceedings before the California Public Utilities Commission on behalf of a group of California municipalities.

Most recently, she represented the Green Island Power Authority in an appeal of a FERC hydro relicensing proceeding in *GIPA v. FERC*, 577 F.3d 148 (2009); the Second Circuit vacated the FERC's ruling and returned it to the agency.

**OTHER RELEVANT EMPLOYMENT:** Visiting Professor, National Law Center, George Washington University, 1980-81

Consultant, New England River Basin Commission, 1971-72; Energy Policy Project, 1973-74

Attorney, Federal Power Commission, 1969-70

Assistant to the Federal Power Commission Commissioner, 1965-68

**PUBLICATIONS:** “*Local Land Use Planning and Federal Control of Shoreline Development Around Federally-Licensed Hydroelectric Projects: A Growing Problem*,” co-authored with William S. Huang, published in the June/July 2005 issue of *Municipal Lawyer*.

“*Whatever Happened to Competition in the Hydro Licensing World?*” Paper presented at Waterpower XIII Conference, Technical Paper Presentation Program, July 2003.

“*So, What Does the Federal Power Act Say?*” Paper presented at California Municipal Utilities Association Conference, March 24, 1999. Discusses divestiture of FERC-licensed hydro plants in light of electric utility restructuring.

*“Environmental Justice: The New Agenda.”* Paper presented at NNOG Fall Conference, October 16, 1998.

*“Capital v. Expense and Other Rate Related Issues in Light of Restructuring.”* Paper presented at Nuclear Nonoperating Owners’ Group (“NNOG”) Conference, Spring, 1997.

*“Is There Relicensing Competition After ECPA?”* Paper prepared for the *Hydro-Power*, Vol. VI, No. III, June 1987.

*“Living With The New Hydro Law,”* co-authored with Lisa G. Dowden. Paper prepared for *Public Power*, Vol. 45, No. 1, January/February, 1987.

*“Relicensing Under the Federal Power Act,”* (1982) co-authored with Robert C. McDiarmid and Marc R. Poirier. Paper prepared for Practicing Law Institute.

*“Laws and Procedures Governing Power Plant Siting in New England and New York”* (1972, revised). Publication for the New England River Basins Commission (updated to reflect more current power plant siting laws and procedures for several New England states, New York and other selected states. Regional possibilities for meeting power and environmental goals in New England with greater efficiency and effectiveness are discussed.)

*“Environmental Regulation of Power Plant Siting: Existing and Proposed Institutions,”* co-authored with Dan Tarlock and Roger Tippy; published in *Southern California Law Review*, Vol. 45, 1972. (The paper describes and assesses state and federal electric power plant siting legislation and the specific institutional arrangements proposed to implement the legislative objectives.)

*“The Energy Crisis,”* co-authored with William Hughes. Paper presented at 1971 Institute of Public Utilities Conference, Graduate School of Business Administration, Michigan State University. Published in the 1971 collection of MSU Public Utilities Studies. (The paper analyzed natural gas and electric utilities regulation by the Federal Power Commission.)

**MEMBERSHIPS:** Energy Bar Association  
American Bar Association