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EDUCATION: **Harvard Law School**, JD, *cum laude*, 1994
Cambridge, MA

University of Virginia, BA, with distinction, 1991
Charlottesville, VA, *Phi Beta Kappa*

BAR ADMISSIONS: Virginia
District of Columbia
Massachusetts
U.S. Courts of Appeals for the District of Columbia, Sixth, and Seventh
Circuits

LEGAL EXPERIENCE: Mr. Schwarz joined Spiegel & McDiarmid as an associate in 1994, became a partner in 2002, and currently practices “of counsel” to the firm. Mr. Schwarz concentrates in the energy law, transportation law, and litigation practices at Spiegel & McDiarmid.

As an active member of the firm’s energy practice, Mr. Schwarz counsels municipal electric agencies, cooperative electric systems, and related trade associations across the country and represents them in a variety of proceedings before the Federal Energy Regulatory Commission (FERC), federal appellate courts, and alternative dispute resolution fora. These proceedings involve a diverse range of issues including the development of appropriately structured regional transmission organizations, design and implementation of competitive electricity markets, review of public utility mergers and asset dispositions, determination of appropriate rates and terms for wholesale electric service and transmission service, contract interpretation and enforcement, and antitrust matters arising from transmission access issues.

In 2008, Mr. Schwarz represented the American Public Power Association and the National Rural Electric Cooperative Association as *amici curiae* in United States Supreme Court proceedings regarding FERC’s review of contracts entered into during the 2000-01 Western electricity crisis.

Mr. Schwarz also works with the firm’s transportation practice, representing municipalities and independent airport authorities on a wide variety of matters. He has represented local governments participating in international route proceedings before the U.S. Department of Transportation and has

defended airport rental agreements, airport landing fees, innovative air service development programs, airport development projects, and airport access restrictions in both administrative and judicial contexts. Mr. Schwarz also has helped airport owners avoid litigation by advising them how to maintain compliance with their legal obligations. In this regard, he has counseled clients regarding first amendment limitations on their ability to restrict expressive activities on airport property, has advised them about restrictions on the use of airport revenue, and has counseled them on the practical implications of their obligation to avoid economic discrimination among airport users.

In the firm's other practice areas, Mr. Schwarz has represented whistleblowers seeking to expose frauds upon the government and has helped to defend local governments in litigation arising out of the cable television franchise renewal process.

PUBLICATIONS: Scott H. Strauss and Jeffrey A. Schwarz, "The Mobile-Sierra Doctrine: A Return to its Statutory Roots," *Public Utilities Fortnightly* (May 2007) (available [here](#)).

REPRESENTATIVE CASES: *Morgan Stanley Capital Group Inc. v. Public Utility District No. 1 of Snohomish County, Washington*, 554 U.S. ___, 128 S. Ct. 2733 (2008) (co-authored Brief of *Amici Curiae* American Public Power Association and National Rural Electric Cooperative Association in Support of Respondents, available [here](#));

Maine Public Utils. Comm'n et al. v. FERC, 520 F.3d 464 (D.C. Cir. 2008) (involving challenges to settlement agreement establishing New England Forward Capacity Market and restricting future complaints by non-settling parties);

FERC cases involving New England "Reliability Must-Run" Agreements: *Berkshire Power Co., LLC*, 112 F.E.R.C. ¶ 61,253 (2005), *order on reh'g*, 114 F.E.R.C. ¶ 61,099, *settlement approved*, 116 F.E.R.C. ¶ 61, 311 (2006); *Bridgeport Energy, LLC*, 112 F.E.R.C. ¶ 61,077, *reh'g denied*, 113 F.E.R.C. ¶ 61,311 (2005), *reh'g denied*, 114 F.E.R.C. ¶ 61,265 (2006), *contested settlement rejected*, 118 F.E.R.C. ¶ 61,243, *uncontested settlement approved*, 120 F.E.R.C. ¶ 61,132 (2007); *Milford Power Co., LLC*, 122 F.E.R.C. ¶ 61,235, *settlement approved*, 123 F.E.R.C. ¶ 61,312 (2008); *Mystic Development, LLC*, 114 F.E.R.C ¶ 61,200, *reh'g granted in part*, 116 F.E.R.C. ¶ 61,168 (2006), *settlement approved*, 118 F.E.R.C. ¶ 61,144 (2007); *Pittsfield Generating Company, L.P.*, 115 F.E.R.C. ¶ 61,059 (2006), *settlement approved*, 119 F.E.R.C. ¶ 61,001 (2007).

Additional electric and gas rate cases: *In the Matter of the Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas Service*, 262 P.U.R.4th 360 (D.C. Pub. Serv. Comm'n 2007) (settlement reducing WGL's requested \$20 million rate increase to just over \$1 million); *Sierra Pacific Power Company et al.*, 121 F.E.R.C. ¶ 61,160 (2007) (setting for hearing and settlement procedures Sierra's request for a transmission rate increase from \$2.88/kW/month to \$2.97/kW/month), *certification of uncontested settlement*, 125 F.E.R.C. ¶ 63,001 (2008) (certifying settlement that would eliminate the requested rate increase and reduce Sierra's rate to

\$2.84/kW/month), *settlement pending*; *Sierra Pacific Power Company, et al.*, 101 F.E.R.C. ¶ 61,238 (2002) (setting for hearing and settlement procedures proposed ancillary services rate schedules), *settlement approved*, 104 F.E.R.C. ¶ 61,003 (2003).

RTO Formation Cases: *Regional Transmission Organizations*, 96 F.E.R.C. ¶ 61,066 (2001); *Bangor Hydro-Electric Co.*, 96 F.E.R.C. ¶ 61,063 (2001); *GridFlorida LLC*, 94 F.E.R.C. ¶ 61,363, *reh'g granted in part*, 95 F.E.R.C. ¶ 61,473 (2001).

Additional energy cases: *Florida Mun. Power Agency v. Florida Power & Light Co.*, 81 F. Supp. 2d 1313 (M.D.Fla. 1999); *Connecticut Yankee Atomic Power Company*, 84 F.E.R.C. ¶ 63,009 (1998), *aff'd*, 92 F.E.R.C. ¶ 61,269 (2000).

Transportation practice cases: *Wilson Air Center LLC v. Memphis Shelby County Airport Auth.*, 2001 FAA LEXIS 567 (2001), *aff'd*, 372 F.3d 807, 813 (6th Cir. 2004) (finding that Airport Authority had not engaged in unjust economic discrimination or otherwise violated its Federal “grant assurances”); *Love Field Service Interpretation Proceeding*, Order 98-9-5, 1998 DOT Av. LEXIS 392 (Sep. 3, 1998); *Sutherland v. Egan*, 1997 U.S. Dist. LEXIS 22344 (N.D.N.Y. filed April 30, 1997); *U.S.-Montreal Exemption Proceeding*, Order 95-2-54, 1995 DOT Av. LEXIS 100 (Feb. 27, 1995).

False Claims Act cases: *United States ex rel. Fallon v. Accudyne Corp.*, 97 F.3d 937 (7th Cir. 1996) (upholding award of attorneys’ fees); *United States ex rel. Fallon v. Accudyne Corp.*, 921 F. Supp. 611 (W.D.Wis. 1995) (denying cross motions for summary judgment).