

Identifying **10** Leading Energy Lawyers

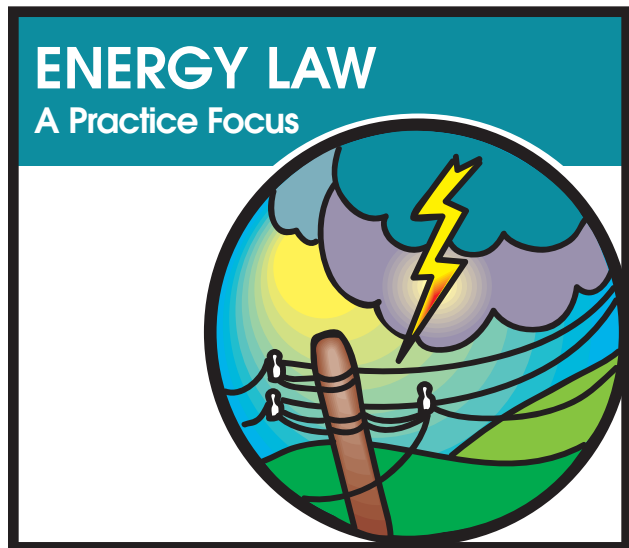
They are the law's ultimate power players.

Their clients produce, transmit, and sell the energy that keeps the lights shining, the computers humming, and the home furnaces burning—literally. When the power industry needs counsel and advice, these 10 D.C. attorneys are at the top of the list.

Every energy attorney is, to some extent, a regulatory specialist, and none of them ignore the Federal Energy Regulatory Commission. But some of the 10 profiled here spend more time on deal making. Some appear regularly before the federal appellate courts. Some try to shape the legislative process. And some focus more on one sector of power production—municipal utilities, natural gas, hydroelectricity, and nuclear energy, to name a few areas.

How did *Legal Times* pick them? We solicited suggestions from our readers and reporters. Then, freelance journalist Jenna Greene (formerly an editor at *Legal Times*) interviewed dozens of experts to narrow down the list to just 10 go-to attorneys.

You can learn more about *Legal Times*' Leading Lawyers series (including how to nominate attorneys) at www.legaltimes.com. This year, additional sections will cover attorneys specializing in tax (July 18) and food and drug law (Sept. 19).



Cynthia Bogorad Spiegel & McDiarmid

Cynthia Bogorad says her work on behalf of publicly owned, nonprofit power companies is often like “representing people in a bad marriage that they can’t get out of.” Her clients “have to deal with the same partner year after year every time a problem arises. It’s not like a city can pick up and move.”

A partner at Spiegel & McDiarmid, Bogorad also sees public interest elements in her work, “providing high-quality legal services to the smaller guys.”

Leading LAWYERS

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Typically, Bogorad's clients—which include individual cities such as Manassas, Va., as well as groups of municipal utilities known as joint action agencies—do not have their own transmission networks. That means they must depend on nearby for-profit utilities to deliver power from outside suppliers or from their own generating resources, an arrangement that tends to spark conflicts over pricing, access, and reliability.

One major client is the Transmission Access Policy Study Group, an association of transmission-dependent utilities from 35 states. Bogorad represents the interests of TAPS members in Federal Energy Regulatory Commission rulemakings and before Congress.

“A lot of my time is consumed with electricity policy work on a national scale,” says Bogorad, 52. “What’s fun is that everything interacts—what I do in individual cases is informed by and informs what I do for TAPS in broader policy rulemakings and initiatives, and the same with legislation.”

In the past year, she has worked for TAPS on FERC policy initiatives and rulemakings related to market-based pricing, transmission pricing policy, regional transmission organization accountability, and wind energy transmission issues.

Bogorad has also been lobbying Congress on the current energy bill. She has been one of the key players in working out provisions to make electricity reliability standards enforceable. In addition, she has participated in negotiations related to preserving existing transmission rights, and planning and expanding the transmission system.

TAPS Chairman Roy Thilly, who is also the CEO of Wisconsin Public Power Inc., calls Bogorad “a rock star.”

“Cindy is one of the very best—perhaps the best—lawyer I have worked with in 30 years,” says Thilly. “She is both very intelligent and diligent, hardworking and tireless, totally dedicated to her clients and willing to raise tough issues—unbeatable combinations.”

Bogorad graduated from Harvard Law School in 1977

and then spent a year clerking for U.S. District Judge Walter Jay Skinner in Boston. A self-described “child of the 1960s,” she decided to join D.C.’s Spiegel & McDiarmid after interviewing with the late George Spiegel.

Spiegel said, “‘You will have a chance to have an impact on one of the biggest industries in the country,’ ” Bogorad recalls. “I kind of took it on faith that it was consistent with my worldview,” she says.

Bogorad made partner in 1985.

In addition to policy work, litigation makes up a significant part of her practice. She represented TAPS as an intervenor in the Supreme Court case *New York v. FERC*, decided in 2002.

Nine states led by New York argued that FERC had exceeded its authority by issuing a 1996 rule compelling electric utilities to open up their transmission networks to competitors. TAPS supported FERC in opposing the states.

The high court upheld the FERC rule. Bogorad says this was good news for her clients, since the decision meant that the government would have the tools to ensure nondiscriminatory access to the transmission grid.

“The Court’s decision was a significant victory for those wanting an open-access grid,” says Bogorad.

She is currently representing a group of transmission-dependent utilities seeking to ensure that the Midwest Independent System Operator, which controls more than 100,000 miles of transmission line, will set rules for its new bid-based markets that meet the needs of transmission-dependent utilities and consumers. One of her clients is the Indiana Municipal Power Agency, a group of municipally owned electric utilities from 40 cities and towns in Indiana.

Indiana Municipal Power Agency President Raj Rao, who has worked with Bogorad for about 20 years, is effusive in his praise. “She’s a genius,” he says. “For her, it’s not just a job, it’s a passion. . . . Put her passion on top of her genius, and you can see why she comes up with the answers.”

He adds, “I’m so happy she’s on my side.”



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