



Amber L. Martin Stone

Partner

Amber Martin Stone counsels state agencies, municipal governments and other consumer-oriented clients to further their goal of ensuring the affordability and reliability of electric service. She has represented clients in nearly every Independent System Operator and Regional Transmission Organization footprint, including ISO New England, New York Independent System Operator, PJM Interconnection, L.L.C., California Independent System Operator and Midcontinent Independent System Operator.

Amber's practice principally includes advocating on behalf of clients in electric, gas and ratemaking proceedings before the Federal Energy Regulatory Commission (FERC) involving wholesale electricity market design, resource adequacy, cost-of-service agreements, pipeline certification and electric transmission and gas transportation rate cases. Amber also represents clients in energy- and telecommunications-focused litigation and appeals before various federal courts and is experienced in handling all aspects of e-discovery.

In addition to her work at Spiegel, Amber is an adjunct professor of law at University of Connecticut School of Law, where she teaches an advanced energy law course focused on federal-state jurisdiction, wholesale electricity markets and resource development policies.

Prior to joining Spiegel, Amber worked as a Staff Attorney II at the Connecticut Public Utilities Regulatory Authority (PURA or the Authority), where she advised the Chair and Commissioners of PURA on federal, regional and state energy policy issues. While in law school, Amber held various energy-focused internships with the Connecticut Office of the Attorney General's Energy Department (the unit representing the Authority in administrative appeals and state and federal litigation), the Connecticut Department of Energy and Environmental Protection, Eversource Energy and New England grid operator ISO New England Inc.

amber.martin@spiegelmc.com

202.879.4045

EDUCATION

University of Connecticut School of Law, J.D., *with honors*, Certificate in Energy & Environmental Law, 2015, Hartford, CT

Phi Delta Phi

P.E.O. Scholar

American Bar Association Section of Urban, State and Local Government Law Prize, 2015

Rutgers University, BA, *summa cum laude*, *with college honors*, 2012, Newark, NJ

Economics

James Dickson Carr Scholar

Phi Beta Kappa

Benjamin Weissman Award for Political Writing, 2012

ADMISSIONS

Connecticut

District of Columbia

Massachusetts

United States Courts of Appeals
for the District of Columbia,
Second, Third, Sixth, and Seventh
Circuits

United States Court of Federal
Claims

Representative Matters

- Represented a group of ratepayer advocates for the District of Columbia, Delaware, Maryland and New Jersey in defending the acceptance of PJM Interconnection, L.L.C.'s "focused" Minimum Offer Price Rule. FERC had deadlocked, allowing the revised rules to take effect by operation of law. The court affirmed FERC's ruling. *PJM Power Providers Grp. v. FERC*, 88 F.4th 250 (3d Cir. 2023).
- Represented Northern California Power Agency in an appeal successfully challenging the U.S. Bureau of Reclamation's interpretation of the Central Valley Project Improvement Act as allowing the Bureau to impose disproportionate environmental remediation costs on CVP power contractors. *Cal. Power Agency v. United States*, 942 F.3d 1091 (Fed. Cir. 2019). Summary judgment on remand yielded an \$81 million damage award. *N. Cal. Power Agency v. United States*, 161 Fed. Cl. 498 (2022).
- Represented project developers in challenging the ISO New England Internal Market Monitor's determination that a proposed storage resource seeking to enter the ISO New England Forward Capacity Market must bid at a level higher than requested. *ISO New England Inc.*, 178 FERC ¶ 61,050 (2022).
- Represented Massachusetts municipally-owned utility joint action agency and a New Hampshire electric cooperative in challenging ISO New England's "immediate need" exemption from competitive planning requirements for reliability projects needed within three years or less from the date they are identified. *ISO New England Inc.*, 171 FERC ¶ 61,211, *reh'g denied*, 172 FERC ¶ 61,293 (2020). On appeal to the D.C. Circuit, Amber presented oral argument to the D.C. Circuit on behalf of intervenor Massachusetts Municipal Wholesale Electric Company. *LSP Transmission Holdings II v. FERC*, 28 F. 4th 1285 (D.C. Cir. 2022).
- Represented New England consumer-owned utilities in successfully challenging an ISO New England reserve market design proposal that would have substantially increased costs to consumers without providing sufficient assurance that the measures would address the regional fuel security concerns they were aimed at. *ISO New England Inc.*, 173 FERC ¶ 61,106 (2020).

- Represented group of ratepayer advocates for the District of Columbia, Delaware, Maryland and New Jersey in challenging changes to expand PJM Interconnection, L.L.C. “Minimum Offer Price Rule.” *Calpine Corp. v. PJM Interconnection, L.L.C.*, 169 FERC ¶ 61,239 (2019), *on reh’g*, 171 FERC ¶ 61,035, *on reh’g*, 173 FERC ¶ 61,061 (2020), *petition for review pending sub nom. Ill. Commerce Comm’n v. FERC*, No. 20-1645 (7th Cir. filed Apr. 20, 2020).
- Represented New York State Public Service Commission in various FERC proceedings regarding the design and application of the New York Independent System Operator’s buyer-side market power mitigation regimen.
- Represented New Jersey Division of Rate Counsel before FERC and, subsequently, the D.C. Circuit, in opposing the grant of a certificate of public convenience and necessity for the proposed PennEast Pipeline. *PennEast Pipeline Co., LLC*, 162 FERC ¶ 61,053, *reh’g denied*, 164 FERC ¶ 61,098 (2018), *appeal dismissed sub nom. Del. Riverkeeper Network v. FERC*, No. 18-1128 *et al.* (D.C. Cir. Feb. 8, 2022).
- Represented state utility commission in litigation regarding the rates, terms and conditions of service to be rendered under a fuel security reliability must-run contract. *Constellation Mystic Power, LLC*, 164 FERC ¶ 61,022 (2018), *further proceedings*, 165 FERC ¶ 61,267 (2018), *on reh’g*, 172 FERC ¶ 61,043, *further reh’g*, 173 FERC ¶ 61,261 (2020), *reversed and remanded, Constellation Mystic Power, LLC v. FERC*, 45 F. 4th 1028 (2022), *on remand, Constellation Mystic Power, LLC*, 182 FERC ¶ 61,200, *on reh’g*, 185 FERC P 61,016 (2023).
- Represented the Chair and Commissioners of the New York State Public Service Commission in a case defending New York’s zero-emissions credit component of the state’s “Clean Energy Standard.” The district court dismissed the complaint against the Commission. *Coal for Competitive Elec. v. Zibelman*, 272 F. Supp. 3d 554 (S.D.N.Y. 2017), *aff’d*, 906 F.3d 41 (2d Cir. 2018), *cert. denied sub nom. Elec. Power Supply Ass’n v. Rhodes*, 139 S. Ct. 1547 (2019).
- Represented California Department of Water Resources State Water Project and Northern California Power Agency in settlement negotiations and litigation of various California utility transmission rate cases.

- Represented California Department of Water Resources State Water Project in advocating for changes to various aspects of FERC's transmission planning and incentives policies.
- Represented Northern California Power Agency in complaint challenging California utilities' compliance with FERC transmission planning process requirements. *Pub. Utils. Comm'n v. Pac. Gas & Elec. Co.*, 164 FERC ¶ 61,161 (2018), *reh'g denied*, 168 FERC ¶ 61,171 (2019).
- Successfully negotiated transmission rate settlement saving California ratepayers nearly \$20 million. *Trans Bay Cable LLC*, 161 FERC ¶ 61,134 (2017).
- Represented the Louisville-Jefferson County Metro Government in a case defending Louisville Metro's one touch make-ready (OTMR) ordinance against federal and state law challenges brought by BellSouth Telecommunications, LLC d/b/a AT&T. *BellSouth Telecommunications, LLC v. Louisville/Jefferson County Metro Government*, 275 F. Supp. 3d 833 (W.D. Ky. 2017).

Practice Focus

Energy policy matters, electricity market design, transmission rate cases, telecommunications, litigation and appeals.

Resources

- *FERC v. Electric Power Supply Association: Defining the Federal-State Divide*, by Amber L. Martin Stone – Connecticut Bar Association Energy, Public Utility and Communications Law Section and UConn's Center for Environment & Energy Law Joint Meeting (April 2016).