SPIEGEL & MCDIARMID LLP



Jeffrey M. Bayne

Partner

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EDUCATION

Harvard Law School, JD, *cum laude*, 2015, Cambridge, MA
Harvard Human Rights Journal

Brown University, AB, *magna cum laude,* 2009, Providence, RI
Political Science and Economics

ADMISSIONS

Maryland

District of Columbia

United States Supreme Court

United States Courts of Appeals for the District of Columbia, First, Second, Fifth, Sixth, Ninth and Tenth Circuits

United States District Court for the District of Columbia

MEMBERSHIPS

Jeff Bayne's practice centers on advancing the interests of municipal and cooperative electric utilities, state and local governmental and other public interest-oriented clients on energy and telecommunications issues.

On energy matters, Jeff represents clients in administrative litigation and rulemaking proceedings before the Federal Energy Regulatory Commission (FERC) and state utility commissions, including those involving all facets of utility ratemaking, market design, and mergers and acquisitions. He works with public power and cooperative utilities to ensure they have access to transmission and wholesale distribution service on fair terms, are protected against market power abuses, and comply with regulatory requirements. He also advises on federally regulated energy and capacity markets, resource adequacy rules, requirements for distributed energy and storage resources, and compliance with the Public Utility Regulatory Policies Act of 1978 (PURPA).

Jeff maintains a substantial and active appellate practice. He has presented oral argument on behalf of transmission-dependent utilities and ratepayers in several of the U.S. Courts of Appeals, and he has helped to secure decisions protecting ratepayers from excessive costs, burdensome barriers to service, and unwarranted rate incentives.

Jeff's telecommunications work includes advocating for clients before the Federal Communications Commission (FCC) and federal courts. He advises state and local governments on broadband access, cable television franchising, and right-of-way issues. When clients seek to bring highspeed broadband to their communities, Jeff defends them against legal challenges brought by incumbent communications companies. Jeff also works with public, educational and governmental access to advance their interests at the federal and state levels.

Representative Matters

SPIEGEL & MCDIARMID LLP

Alliance for Community Media (formerly National Federation of Local Cable Programmers) – Member, Board of Directors



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United States Supreme Court

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- Represented the Mississippi Public Service Commission, the Missouri Public Service Commission, and the Missouri Joint Municipal Electric Utility Commission, and argued on behalf of customer intervenors, in the D.C. Circuit's review of FERC's order in the long-running MISO transmission return on equity complaint. The court rejected all of the MISO Transmission Owners' challenges, upholding FERC's reduced rate and refunds dating back to 2016. *MISO Transmission Owners v. FERC*, 177 F.4th 1204 (D.C. Cir. 2026).

- Represented Buckeye Power, Inc., and presented oral argument, in the Ohio transmission owners' appeals of FERC's decision to terminate their receipt of a 50-basis-point return on equity incentive adder. The Sixth Circuit ruled for Buckeye on all issues in January 2025, resulting in hundreds of millions of dollars in estimated savings to Ohio customers, and the Supreme Court denied certiorari in November 2025. *Dayton Power & Light Co. v. FERC*, 126 F.4th 1107 (6th Cir. 2025), *denied sub nom. FirstEnergy Serv. Co. v. FERC,* 146 S.Ct. 397, *cert. denied sub nom. Am. Elec. Power Serv. Corp. v. FERC*, 146 S.Ct. 398 (2025).

- Represented the California Department of Water Resources State Water Project and the Northern California Power Agency the Ninth Circuit in the Ninth Circuit litigation over Pacific Gas and Electric Company's (PG&E) eligibility for the same ROE incentive adder. The Ninth Circuit upheld FERC's order finding PG&E ineligible to include this incentive adder in its rates. *Pac. Gas & Elec. Co. v. FERC*, No. 24-2527, 2025 WL 1912363 (9th Cir. July 11, 2025), *cert. denied,* 2026 WL 490575 (Feb. 23, 2026).

- Represents the City and County of San Francisco in FERC proceedings on PG&E's Wholesale Distribution Tariff. In the third tariff update, FERC approved a settlement preserving San Francisco's access to lower-voltage service and resolving numerous rate and non-rate issues. FERC also ruled in San Francisco's favor, finding in that proceeding that PG&E's cost allocation for new and upgraded distribution facilities unlawfully discriminated against wholesale customers. *Gas and Elec. Co.*, 193 FERC ¶ 61,034 (2025), *on reh'g* 195 FERC ¶ 61,035 (2026).

- Represented the City and County of San Francisco in successfully challenging FERC orders in two separate proceedings regarding PG&E's attempts to impose barriers to wholesale distribution service—one involving requirements for unnecessary expensive technical

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requirements, and the other unduly narrowing the City's rights under the Federal Power Act to continue serving legacy customers. *City & Cnty. of S.F. v. FERC*, 24 F.4th 652 (D.C. Cir. 2022).

- Represented the Transmission Access Policy Study Group in FERC's Advanced Notice of Proposed Rulemaking proceeding on large load interconnection, urging FERC to protect wholesale transmission customers from data center-driven cost shifts.
- Assisted joint action agencies in drafting plans for implementing PURPA and in successfully obtaining FERC waivers and terminations of certain PURPA obligations.
- Represented the District of Columbia Government in Public Service Commission of the District of Columbia proceedings concerning AltaGas's proposed acquisition of Washington Gas. Following an evidentiary hearing, the case was resolved by settlement. *In re the Merger of AltaGas Ltd. & WGL Holdings, Inc.*, No. 1142, Order No. 19396 (D.C. Pub. Serv. Comm'n June 29, 2018).
- Represented the City of West Des Moines in defending against a petition for an FCC declaratory ruling filed by an incumbent cable operator under section 253 of the Communications Act of 1934. Following submission of the City's answer to the petition, the parties settled, and the petition was withdrawn.
- Represented a coalition of local government organizations in the FCC rulemaking proceeding, and subsequent appeal, on federal regulations governing deployment of 5G small cell attachments in public rights-of-way and on public property.

Noteworthy

Jeff has been recognized as a "Rising Star" in Energy & Natural Resources by Super Lawyers.

Resources

- *Client Alert: Elimination of FERC Form 80 and Revisions to Public*

Notice and Signage Requirements, by William S. Huang, Jeffrey M. Bayne – info@spiegelmcd (January 2019).

- *Decarbonization 2.0: In an Era of Conflicting Jurisdictional Claims, What Stays, What Retires, Who Pays, and Who Decides?*, by Lisa G. Dowden , Jeffrey M. Bayne – American Public Power Association Annual Conference (June 2018).
- *Client Alert: FERC Seeks Comments on Hydropower Recreation Rule and Draft Water Conveyance Engineering Guidelines*, by Jeffrey M. Bayne, William S. Huang – info@spiegelmcd (May 2018).
- *Property Rights as a Way to Protect Local Interests in Hydropower Projects*, by Jeffrey M. Bayne, William S. Huang – American Bar Association Section on Environment, Energy, and Resources, Hydro Power Committee Newsletter (August 2016).

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this incentive adder in its rates. *Pac. Gas & Elec. Co. v. FERC*, No. 24-2527, 2025 WL 1912363 (9th Cir. July 11, 2025), *cert. denied,* 2026 WL 490575 (Feb. 23, 2026).

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