



Jeffrey M. Bayne

Partner

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.

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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

On energy matters, Jeff advocates for clients' interests in administrative litigation and rulemaking proceedings before the Federal Energy Regulatory Commission (FERC) and state utility commissions, as well as in the federal courts of appeal. He works with public power utilities to ensure that they have access to transmission and wholesale distribution on fair terms, are protected against market power abuses and comply with regulatory requirements.

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

- Represented clients in various FERC hearing proceedings regarding nondiscriminatory access to wholesale service, which has included participating in settlement proceedings, preparing discovery requests, arguing motions, working with experts to develop testimony, cross examining and defending witnesses at hearing and briefing.
- Represented the City and County of San Francisco in successfully challenging FERC orders in two separate proceedings. *City & Cnty. of S.F. v. FERC*, 24 F.4th 652 (D.C. Cir. 2022).

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

- Assisted joint action agencies in drafting plans for implementing the Public Utility Regulatory Policies Act of 1978 (PURPA) and in successfully obtaining from FERC waivers and terminations of certain PURPA obligations.
- Represented the District of Columbia Government in a proceeding before the Public Service Commission of the District of Columbia 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.*, Order No. 19396, Formal Case No. 1142 (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 pursuant to section 253 of the Communications Act of 1934. Following the City's answer, the parties reached a settlement and the petition was withdrawn.
- Represented a coalition of local government organizations in the FCC rulemaking proceeding—and subsequent appeal—on federal regulations regarding deployment of 5G small cell attachments in public rights-of-way and 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.com (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).