SPIEGEL & MCDIARMID LLP



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EDUCATION

Georgetown University Law Center, JD, *cum laude,* 1987
Washington, DC

Williams College, BA, *cum laude,* 1979
Williamstown, MA

ADMISSIONS

District of Columbia

United States Supreme Court

United States Courts of Appeals for the District of Columbia, Second, Fourth, Seventh and Ninth Circuits

Peter J. Hopkins

Partner

Peter Hopkins brings 30 years of energy-industry experience to bear on complex litigation matters for his clients — states, consumer-owned utilities, ratepayer advocates and labor unions. He has successfully represented them in landmark cases before the U.S. Supreme Court and before state and federal agencies in matters concerning all aspects of utility ratemaking and electric utility industry restructuring. That includes wholesale market design, transmission rates and utility mergers.

A number of these matters have involved potentially enormous consumer impacts, such as the successful summary dismissal of Pacific Gas & Electric Company's proposed $1.2 billion wholesale electric rate increase during the California market disorders of 2000–2001.

Peter has authored numerous articles on utility-industry topics, including "When Labor's Locked Out: ConEd, Public Safety, and the Regulatory Response," co-author Scott Strauss, which appeared in the December 2012 issue of *Public Utilities Fortnightly.*

Representative Matters

- Successfully represented municipal utility in dismissal of federal preemption complaint concerning the provision of station power. *Lawrenceburg Power, LLC v. Lawrenceburg Mun. Utils.*, 410 F. Supp. 3d 943 (S.D. Ind. 2019).
- Successfully represented the New York Public Service Commission in *Coalition for Competitive Electricity 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).
- Counsel to the Maryland Public Service Commission before the U.S.

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Supreme Court in *Hughes v. Talen Energy Mktg. LLC*, 136 S. Ct. 1288 (2016).

- 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 Orangeburg, S.C., in a case where a state utilities commission attempted to exercise control over wholesale power sales. The U.S. Court of Appeals for the D.C. Circuit sided with Orangeburg and remanded the case to FERC. *Orangeburg v. FERC*, 862 F.3d 1071 (D.C. Cir. 2017).
- Counsel to the State of Maryland and the Maryland Energy Administration in a proceeding concerning the acquisition by Exelon Corporation of PHI Holdings, Inc. *In re the Merger of Exelon Corp. & Pepco Holdings, Inc.*, Case No. 9361, Order No. 86,990, 321 P.U.R.4th 6 (Md. Pub. Serv. Comm'n 2015).
- Successfully represented Prince George's County, Maryland, in federal district and appellate court against claims that local zoning of transit district is preempted with respect to proposed intrastate liquefied natural gas peaking facility. *Washington Gas Light Co. v. Prince George's County*, 711 F.3d 412 (4th Cir. 2013).
- Successfully represented client airport authorities resulting in Federal Aviation Administration vacatur and reversal of decision to defund 149 federal contract air traffic control towers. *Spokane Airport Board v. Huerta*, No. 13-71172 (9th Cir. May 16, 2013) (appeal dismissed as moot).
- Served as counsel to State of Maryland and Maryland Energy Administration in merger proceeding resulting in Commission-approved settlement providing some $1 billion in benefits to the state, residents, and ratepayers. *In re the Merger of Exelon Corp. & Constellation Energy Group, Inc.*, Case No. 9271, Order No. 84,698, 295 P.U.R.4th 183 (Md.

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Pub. Serv. Comm'n 2012).

- Helped obtain a judgment rejecting a $47 million counterclaim for alleged poor plant operations following multi-week bench trial in *City of Owensboro v. Kentucky Utilities Co.*, No. 4:04-CV-87(M) (W.D. Ky. Feb. 19, 2009).
- Served as counsel to State of Maryland and Maryland Energy Administration in challenge to proposed acquisition by Électricité de France of 49.99% of Constellation Energy's nuclear subsidiary; litigation resulted in approval of transaction with conditions imposing substantial ratepayer protective conditions and $110 million rate credit. *In re the Future Financial Condition of Baltimore Gas & Electric Co.*, Case No. 9173 (Phases I and II), Order No. 82,719, 273 P.U.R.4th 522 (Md. Pub. Serv. Comm'n), *further proceeding*, Order No. 82,986, 277 P.U.R.4th 365 (Md. Pub. Serv. Comm'n 2009).
- In *United States ex rel. Beck v. Hexcel*, No. CV 05-3372FMC (RNBx) (C.D. Cal.) won settlement recoveries of over $76 million for damages and attorney fees relating to Relators' claims on behalf of United States Government alleging international cartel price fixing of carbon fiber and carbon fiber prepreg.
- Successfully represented Northern California Power Agency affirming FERC's summary rejection of proposed $1.2 billion rate increase relating to California market meltdown.

Practice Focus

Complex energy industry litigation. Counseling states, consumer-owned utilities, labor unions in matters before federal and state forums.

Resources

- *Opinion: FERC's Capacity Markets Limit Clean Energy and Cost Billions; It's Time for Congress to Act*, by Scott H. Strauss, Peter J. Hopkins, Jeffrey A. Schwarz – Utility Dive (August 2020).
- *When Labor's Locked Out: ConEd, Public Safety, and the Regulatory*

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Response, by Peter J. Hopkins, Scott H. Strauss – Public Utilities Fortnightly (December 2012).

- *The Constellation Experience: Ring-Fencing After the Subprime Meltdown*, by Scott H. Strauss, Peter J. Hopkins – Public Utilities Fortnightly' (August 2010).

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