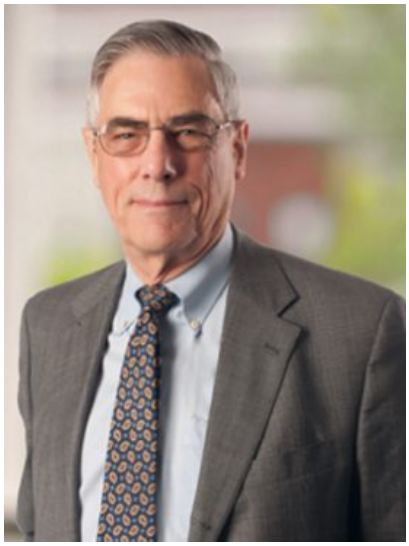
SPIEGEL & MCDIARMID LLP



Robert C. McDiarmid

Senior Counsel

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EDUCATION

Harvard Law School, LLB, 1963
Cambridge, MA

Cornell University, MS, 1960
Ithaca, NY
Engineering Physics

Swarthmore College, BS, with honors, 1958
Swarthmore, PA
Mechanical Engineering

ADMISSIONS

District of Columbia

Virginia

United States Supreme Court

Bob McDiarmid is a recognized leader and authority on federal energy regulation, specializing in matters of interest to municipally- and cooperatively-owned utilities. In the course of briefing and arguing dozens of cases in the courts of appeals and the U.S. Supreme Court, Bob has helped those courts reach resolutions which have significantly changed the pre-existing perception of many participants in the industries involved. These include three seminal cases in the U.S. Supreme Court, which dealt with the interrelation of the regulatory schemes chosen by Congress and the principles of the antitrust laws.

A frequent speaker at industry, economic and legal meetings and author of numerous important articles on power issues, Bob helped to found the firm in 1970 after serving as Assistant to the General Counsel of the Federal Power Commission (FPC), FERC's precursor.

Bob's approach to client issues is informed by his undergraduate and graduate education in engineering and engineering physics, as well as by his knowledge gained through his early appellate work for the Department of Justice and the FPC. He has been recognized as an AV Preeminent-Top Rated Lawyer® for Energy, Environmental and Natural Resources by ALM Media.

Representative Matters

- Three seminal cases in the U.S. Supreme Court, which dealt with the interrelation of the regulatory schemes chosen by Congress and the principles of the antitrust laws:
  - *Gainesville Utilities Department v. Florida Power Corp.*, 402 U.S. 515 (1971) (represented Federal Power Commission before Fifth Circuit, part of Supreme Court work);
  - *Federal Power Commission v. Gulf States Utilities*, 411 U.S. 747

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United States Courts of Appeal for the District of Columbia, First, Third, Fourth, Sixth, Seventh, Ninth, Tenth and Federal Circuits

United States District Courts for the Northern District of California and the District of Columbia

United States Court of Federal Claims

MEMBERSHIPS

American Bar Association

Bar Association of the District of Columbia

Past Member of the Energy Bar Association Executive Board and past chairman of several EBA committees

(1973), *affirming City of Lafayette, City of Plaquemine v. Securities & Exchange Commission*, 454 F.2d 941 (D.C. Cir. 1971) (Counsel for Lafayette and Plaquemine, Louisiana);

- *FPC v. Conway Corp.*, 426 U.S. 271 (1976), *affirming Conway Corp. v. FPC*, 510 F.2d 1264 (D.C. Cir. 1975) (Counsel for Conway Corp., *et al*.).

- Perhaps the most exhaustive electric rate case in the FPC's history, *Municipal Light Boards of Reading & Wakefield, Massachusetts v. Boston Edison Co.*, Op. No. 729, 53 F.P.C. 1545, *on reh'g*, Op. No. 729-A, 54 F.P.C. 440 (1975), *aff'd sub nom. Town of Norwood v. FPC*, 546 F.2d 1036 (D.C. Cir. 1976).

- The largest (and longest delayed decision) in FERC's history, *Pacific Gas & Electric Co.*, FERC Docket No. E-7777 (Phase II).

- He also tried several of the major antitrust cases before the Nuclear Regulatory Commission (then the Atomic Energy Commission), *e.g.*, *Louisiana Power & Light Co.*, 8 A.E.C. 718, 847 (1974); *Pacific Gas & Elec. Co.*, 31 N.R.C. 595 (1990), *petition for review dismissed*, No. 90-1463 (D.C. Cir. Mar. 5, 1992).

- Bob and the firm represented the Transmission Access Policy Study Group (TAPS), an organization that he co-founded, in the extensive legislative proceedings which led to the passage of the national Energy Policy Act of 1992.

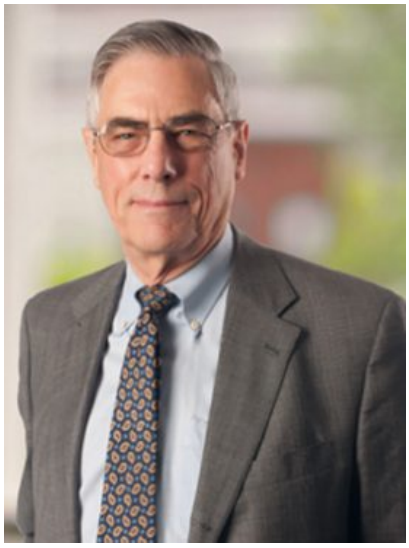
- Bob also has been responsible for some of the basic cases in contract law, such as *Transatlantic Financing Corp. v. United States*, 124 U.S. App. D.C. 183, 363 F.2d 312 (D.C. Cir. 1966), still used in many texts as a key case on frustration of purpose in contract law.

Practice Focus

Electric and natural gas issues, nuclear power, civil litigation.

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