



Stephen C. Pearson

Partner

Steve Pearson is committed to protecting the consumer's interest and seeks to assure utility rates they incur are as low as reasonably achievable. In pursuit of this goal, he has litigated extensively in proceedings before the Federal Energy Regulatory Commission (FERC) in both natural gas and electric matters, primarily representing publicly-owned utility clients.

steve.pearson@spiegelmcd.com

202.879.4006

EDUCATION

Northwestern School of Law of Lewis and Clark College, JD, *cum laude*, 1998
Portland, OR
Environmental Law, Associate Editor

University of Michigan, MSE, 1993
Ann Arbor, MI
Nuclear Engineering

ADMISSIONS

Oregon
District of Columbia
United States Courts of Appeals for the District of Columbia and Ninth Circuits

Steve's most recent FERC litigation experience has focused on representing municipal electric utilities and state government agencies in proceedings under Sections 205 and 206 of the Federal Power Act addressing transmission rates, terms, and conditions as well as transmission rate design. In particular, he has assisted a municipal utility integrate into a regional transmission organization (RTO) and successfully litigated the issue whether the facilities were transmission facilities and entitled to revenue recovery. In addition, Steve has handled the many and complex rate effects of the 2017 Tax Cuts and Jobs Act. More generally, he has represented clients, both from a transmission customer and transmission- owner perspective, in a significant number of formulaic and stated rate cases.

In addition to his work on electric rate issues, Steve has represented municipal natural gas consumers, municipally owned local distribution companies, and state government agencies in numerous proceedings, both settlement and fully litigated proceedings, under Section 4 and Section 5 of the Natural Gas Act concerning both rates and the terms and conditions of service under pipelines' tariffs. Steve has also represented such clients at FERC and at the U.S. Court of Appeals for the D.C. Circuit in certificate proceedings when pipelines have filed to abandon existing facilities or construct new ones.

As part of his practice he helped a public power client comply with its reciprocity obligation to provide transmission service and advised the client as it drafted an Open Access Transmission Tariff. He also spent considerable time at FERC litigating other cases including the PJM and Midwest ISO seams elimination proceedings, the PJM rate redesign

proceeding, and cases related to the restructuring of the California markets. In addition, Steve has experience litigating Public Utility Regulatory Policies Act matters before FERC, U.S. courts of appeal and state courts.

Steve's transactional experience includes negotiating power purchase transactions using both EEI standard form agreements as well as situationally tailored power purchase agreements. He has also represented public power clients in hydro licensing proceedings, including re-license, transfer, exemption, and surrender, as well as hydro compliance proceedings.

Steve authored the article *Innovations in FERC Hearing Procedures*, 41 Energy L.J. 23 (2020), and participated in a panel at the 2019 Energy Bar Association Annual Meeting and Conference on that topic.

Prior to joining Spiegel & McDiarmid, Steve practiced energy law for two years as an associate at a firm and practiced general corporate law for two years in-house, both in Portland, Oregon.

Representative Matters

- Steve has represented the Mississippi Public Service Commission and the Mississippi Public Utilities Staff in numerous litigated cases at FERC addressing the FERC-regulated rates for the Grand Gulf Nuclear Power Plant including novel tax strategies implemented by System Energy Resources Inc.
- He has represented Henderson Municipal Power & Light in a FERC litigation to determine whether its facilities were transmission facilities with costs properly includable in the zonal revenue requirement.
- He has represented clients in the ongoing general rate cases filed by Panhandle Eastern Pipe Line Company, LP, Columbia Gas Transmission, and Southern Star Central Gas Pipeline.
- He has represented the New Jersey Division of Rate Counsel at FERC and the D.C. Circuit opposing the grant of a certificate that would allow the construction of the proposed PennEast Pipeline.

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