



Bob Fallon

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EXPERIENCE Veteran attorney Bob Fallon helps clients navigate the complexities of the Federal Energy Regulatory Commission (FERC). Having dedicated 33 years to mastering the intricacies of FERC (including 12 years as an agency lawyer), Bob is uniquely prepared to develop strategies that provide the greatest client value consistent with established objectives. As one client commented after a successful (and timely) outcome in a case, “[y]our FERC strategy and execution was very impressive.” His clients rely on him to translate arcane FERC jargon into language understandable to agency decision makers and to pave the way to a successful relationship with FERC Staff. Bob’s old school pride in providing exemplary client service has earned him these comments from corporate general counsel: “his client service is impeccable” and from another, “as always you go above and beyond and are one of the most responsive lawyers we have.”

Those who seek out Fallon's expertise include:

- Market participants including trade associations, in designing wholesale natural gas and power markets
- Entities entering into transactions in wholesale power, natural gas and hydroelectric markets
- Shippers transporting natural gas and refined petroleum products by pipeline
- Market participants in investigating and responding to a FERC enforcement action and in complying with FERC rules.

More specific to FERC rules, Bob regularly advises, trains and represents clients attempting to comply with FERC rules including FERC and the Commodity Futures Trading Commission (CFTC) rules on market manipulation. As one client has said, Bob "brings a passion" to normally dry compliance work – a passion required to connect with energy traders on these issues. A regulator of commodities markets have referred to Bob's compliance deck on CFTC market manipulation as "better than any top-ranking New York law firm deck we've seen."

[Click here to view Bob's "Red Flags of Potential Market Manipulation."](#)

[Click here to view the requirements FERC market-based holders must keep in mind.](#)

[Click here to view FERC gas rules on capacity release.](#)

REPRESENTATIVE MATTERS

Electric

- Litigated the definition of a fast-start resource in PJM.
- Reviewing and editing internal compliance plan for electric generator
- Advised a prospective purchaser of assets in PJM on reactive power and black start revenues.
- Advising on Minimum Offer Price Rule and fuel security issues in ISO-NE.
- Updated market-based rates and qualifying facilities recertification for a client

implementing an internal corporate restructuring.

- Represented a client in opposing the MISO Competitive Retail Solution Filing, which the FERC rejected.
- Represented a client in the United States Court of Appeals for the District of Columbia Circuit and U.S. Supreme Court opposing the allocation of reliability must run costs as illegal under Section 206 of the Federal Power Act.
- Filed a successful complaint in FERC Docket No. EL15-89 against Midcontinent Independent System Operator for acting without tariff authority.
- Obtained FERC 203 approval opposed by two entities in 32 days.
- Advised subject matter experts for a utility in preparing for an audit of compliance with the standards of the North American Electric Reliability Corporation.
- Advising a qualifying facility on PURPA reform issues.
- Representing QF required to make refunds for selling electricity without Commission authorization.
- Advised electric utility on interlocking directorate issues

Natural Gas Pipelines

- Participated in forming the strategy behind and the implementation of FERC Order No. 636, including the mitigation of straight fixed variable rate design and the requirements for pre-granted abandonment under the right of first refusal.
- Routinely represents shippers on cost of service and cost allocation issues on interstate pipelines, including the allocation of administrative costs under an incremental rate design.
- Advised on capacity turnback issues on interstate pipelines.
- Represented a natural gas fired generator in settling cost allocation issues on the Eastern Shore pipeline.
- Advised on the force majeure provisions of the NAESB contract.
- Routinely advises on Asset Management and Capacity Release Agreements under FERC Order No. 712 and transportation agreements under 311 of the Natural Gas Policy Act.
- Represented a client in opposing the application of pipeline right of first refusal provisions.
- Representing a client in the FERC's review of its natural gas pipeline policy statement
- Advising a generator on jurisdictional aspects of line running from interstate pipeline

to plant.

Hydroelectric

- Successfully navigated an exchange of land at FERC involving his hydroelectric client, a residential developer and current leaseholders
- Led a team of attorneys in a five-month effort culminating in the sale of a FERC-licensed hydroelectric plant and associated industrial facilities.
- Received an amended project boundary for a hydroelectric facility in five months without questions from FERC Staff.
- Representing a client in seeking hydroelectric license extension to coordinate with other hydroelectric owners on the river basin
- Represented a client in updating its recreation plan to add seasonal campsites

Refined Products Pipelines

- Representing a shipper in opposing Colonial Pipeline's proposals for allocating scarce oil pipeline capacity.
- Quashed a subpoena before a FERC administrative law judge issued by a pipeline to a products terminal.
- Prepared all documents required to conduct an "open season" for a new oil pipeline from North Dakota.
- Represented a shipper on an oil pipeline in responding to a FERC subpoena for documents

Pro Bono Matters

- As part of the 2014 Clemency Project, Bob successfully represented a client whose life sentence was commuted to 25 years.
- He also represented a client in overturning at hearing an adverse Social Security Administration (SSA) disability determination.

[Print Bio](#)

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