



## Michael R. Engleman

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### **PRACTICE AREAS**

Energy Regulatory and Enforcement: Electricity

Litigation and Dispute Resolution

### **EDUCATION**

Louis D. Brandeis School of Law

University of Louisville,

J.D., 1988 cum laude

University of Louisville,

B.S., 1984

### **BAR ADMISSIONS**

District of Columbia

Kentucky

### **COURT ADMISSIONS**

U.S. District Court for the District of Columbia; United States Circuit Court of Appeals for the D.C., 1st, 4th, 6th and 7th Circuits

### **EXPERIENCE**

For more than 15 years he has advised energy sector clients on all aspects of power project and electric transmission development throughout the United States. He protects client interests before Federal Energy Regulatory Commission (FERC), preparing client submissions and meeting with FERC commissioners and key staff on rulemaking for transmission cost allocation and planning, transmission incentive rates, market rules and RTO and ISO governances, among other matters. At the state level, Mike has appeared formally on behalf of clients before more than a dozen state regulatory commissions. In addition, Mike has managed the legal aspects of project development, from certificates of public convenience and necessity to air permits, from EPC contracts to post-construction warranty disputes. Mike has also provided regulatory diligence review for transactions involving electricity assets and made regulatory filings for approval of such transactions.

Mike has represented clients for more than 25 years involved in state, federal and international complex civil litigation matters, often involving laws that regulate the energy sector. He represents regulated utilities, independent developers, banks and private equity funds in regulatory and adversarial proceedings in federal and state courts, before federal and state administrative bodies, and international arbitration forums. As lead counsel, Mike has represented clients in national and international energy-related litigation, in a variety of forums, in matters including shareholder disputes, qualified facility contract disputes, coal supply contract disputes, power purchase agreement disputes, warranty and performance disputes, tariff disputes, siting matters, utility easement issues, tax disputes and insurance coverage disputes. In his last three matters alone Mike has secured more than \$125 million in favorable rulings or settlements. Mike also spent five years as in-house litigation counsel for a regulated utility with an

independent development arm.

### **REPRESENTATIVE MATTERS**

- Lead litigation counsel for a regulated utility in a contract dispute with an energy supplier resulting in 2 arbitration awards, state District and Supreme Court opinions favorable to client and valued at more than \$49,000,000.
- Lead litigation counsel for a U.S. company in dispute with Indonesian company before the Singapore International Arbitration Center resulting in a settlement for client of more than \$50,000,000.
- Lead counsel for a electric generation facility owner in a successful tax challenge to a county taxing agency seeking more than \$25 million in tax payments from client.
- Lead counsel for independent transmission developer in FERC rulemaking proceeding and 15 regional stakeholder processes regarding transmission development and cost allocation.
- Secured a tariff waiver from the FERC on behalf of a generation entity with regard to PJM Interconnection tariff.
- Counsel for a wind power developer in dispute with state regulatory commission resulting in decision by Federal Energy Regulatory Commission that state had exceeded its authority.
- Counsel for independent developer of gas-fired generation in obtaining certificate of public convenience and necessity for construction of facility.
- Counsel for independent power producer in stakeholder process and FERC proceedings over capacity markets in regional market.
- Counsel for wind power developer in dispute with United States over canceled wind power project on federal land.
- Counsel for foreign sovereign in the development of regulations for consumer protection in the event of retail competition.
- Counsel for electric regulatory entity in Eastern European country with regard to dispute arising over privatization of electricity system.

### **PROFESSIONAL AFFILIATIONS**

D.C. Bar Association

Kentucky Bar Association

Louisville Bar Association

Energy Bar Association

### **HONORS AND AWARDS**

Legal 500, Recommended Lawyer, Energy: Litigation, 2011

Public Utilities Fortnightly, Top Utility Lawyer, federal regulatory matters and litigation, 2011

### **PUBLICATIONS, SPEECHES, PRESENTATIONS**

“FERC Order 1000-FERC Protects Incumbent Transmission Owners, Offers Opportunities to New Entrants,” Electric Light and Power, (September/October 2011)

“The New Energy Battleground: Transmission,” Law360, (April 2010)L

[Print Bio](#)

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