

# Cheryl M. Foley

Skadden

Counsel, Washington, D.C.

Energy Regulation and Litigation

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## Education

J.D., Capital University, 1978  
(*summa cum laude*, Order of the Coif)

B.A., Mount Holyoke College, 1969  
(*cum laude*, major in French, minor  
in economics)

Also attended courses at the University  
of Houston (Houston, Texas)

## Bar Admissions

District of Columbia

Texas

U.S. Courts of Appeals for the  
District of Columbia, Ninth and Tenth  
Circuits

U.S. Supreme Court

Cheryl Foley's practice involves representing utilities, governmental entities, independent power producers, transmission and generation developers, marketers, and other electric power and natural gas market participants regarding utility regulatory matters, in administrative litigation before the Federal Energy Regulatory Commission (FERC), and in appeals of FERC orders in the federal appellate courts. Before joining the firm in 2001, Ms. Foley served as a consultant on behalf of Cinergy Corp., where she negotiated the establishment of a new technology and energy infrastructure investment company to be partially owned by Cinergy Corp. Before this, she held the position of vice president, general counsel and corporate secretary of Cinergy Corp., and its predecessor, PSI Resources, Inc.

Ms. Foley has a wide range of experience in the energy industry, as demonstrated by her work serving as general counsel of a major United States electric and gas utility company and as president of its international energy development group managing a diverse portfolio of energy assets in the United States, Europe, Africa and South America. Her experience also includes energy deregulation and privatization initiatives in countries such as England and Argentina. In her capacity as general counsel, she was responsible for mergers, acquisitions, partnerships and joint ventures, federal and state regulatory issues (Federal Energy Regulatory Commission and Securities and Exchange Commission under the Public Utility Holding Company Act), litigation, human resources, labor relations, corporate securities, tax and finance, environmental issues, contracting and energy project development worldwide.

In 1992, Ms. Foley served on the team that negotiated a merger agreement between PSI Energy, Inc. and The Cincinnati Gas and Electric Company to form Cinergy Corp. In the wake of this merger, she managed the legal and regulatory aspects of a hostile takeover attempt of PSI by IPALCO Enterprises, Inc. (which had objected to the PSI/Cincinnati Gas merger) and the ultimate consummation of the Cinergy merger.

Ms. Foley formerly served as vice president and general counsel of a major interstate pipeline company. She also has served on the legal committees of the Electric Edison Institute, the American Gas Association and the Interstate Natural Gas Association of America, chairing the latter in 1988-1989.

# Cheryl M. Foley

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## Associations

Member of the Energy Bar Association

Former Chairman of the Board of Trustees of Union Institute & University

Former Vice President of the Board of Directors of Eagle Valley Land Trust

Previously served on the boards of the: Cincinnati Arts Association; Connor Prairie of Indianapolis; Indianapolis Symphony Orchestra; Indianapolis Red Cross; Indianapolis Legal Aid Society; Federal Energy Bar Association; and *Federal Energy Law Journal*

Former Chairman of the Corporate Counsel Section of the Houston Young Lawyers Association; and former advisory director for the University of Houston energy law division

## Publications

Co-Author, Chapter 1, "The U.S. Energy Industry," *Energy Law & Transactions* (2013)

Co-Author, "Open Access on Trial," *Public Utilities Fortnightly*, December 2011

Co-Author, "Electric Transmission: The Feds Are Here to Help," *Bloomberg Law Reports*, July 2011

"Increasing Competition Through Capacity Brokering," *Public Utilities Law Anthology*, January 1990

Chapter 35, "Pipeline Rates," Chapter 36, "Procedures in Pipeline Ratemaking," 1982, and an update of Chapter 12, "Pipeline Gas Supplies," *Regulation of the Gas Industry*, (American Gas Association), 1988

"The Gas Inventory Charge: Policymaking Through Rate Design," *The Natural Gas Lawyers Journal*, published by the Legal Section (American Gas Association), March 1988 (Vol. 2, No. 2)