

Timothy T. Mastrogiacono

Skadden

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Energy Regulation and Litigation



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Education

J.D., Georgetown University Law Center, 2011 (*magna cum laude*, Executive Editor, *The Georgetown Law Journal*)

B.A., Georgetown University, 2008 (*magna cum laude*)

Bar Admissions

District of Columbia

Government Service

Captain, U.S. Army National Guard, 2008-16

Publications

"Energy Law Handbook: Third Edition," *Skadden, Arps, Slate Meagher & Flom LLP*, December 2015

"Skadden Energy Law Handbook 2014," *Skadden, Arps, Slate Meagher & Flom LLP*, November 2014

"Showdown in the Rose Garden: Congressional Contempt, Executive Privilege, and the Role of the Courts," *99 GEO. L. J. 163*, 2010

Timothy T. Mastrogiacono represents and advises electric utilities, power suppliers, project developers and other electric industry clients in regulatory litigation and investigations before the Federal Energy Regulatory Commission (FERC). Mr. Mastrogiacono has represented clients in rate proceedings, tariff disputes, interconnection and transmission disputes, merger applications and other matters involving the Federal Power Act. His experience includes representing clients in complaint proceedings, protested filings, settlement proceedings and at hearings before administrative law judges. Mr. Mastrogiacono also represents and advises clients who are the subjects of non-public investigations by FERC's Office of Enforcement. He has represented clients facing investigations involving various types of allegations, including energy market manipulation. Mr. Mastrogiacono also has litigated trials in the Superior Court of the District of Columbia on behalf of *pro bono* clients.

Mr. Mastrogiacono served as a captain in the U.S. Army National Guard and was the commander of the 276th Military Police Company as well as the 372nd Military Police Battalion Headquarters Detachment. He served as the commander of the CENTCOM Theater Field Confinement Facility during a deployment to Kuwait.

Representations have included:

- NextEra Energy in obtaining FERC approval for its acquisition of Gulf Power Company and other assets from Southern Company, a \$6.5 billion acquisition that required multiple approvals under Section 203 of the Federal Power Act (FPA) as well as complex transmission arrangements to be established under FPA Section 205;
- FirstEnergy in FERC litigation and a judicial appeal regarding the liability of transmission owners withdrawing from the Midcontinent Independent System Operator (MISO) for Multi-Value Project transmission facility costs;
- leading negotiations for AltaGas Services Inc. and AltaGas Sonoran Energy in connection with a FERC protest filed by EDF Renewables (EDF) regarding California Independent System Operator (CAISO) tariff compliance;
- defending an electric public utility in connection with an investigation by FERC's Office of Enforcement regarding allegations of tariff violations and energy market manipulation;
- Geronimo Energy and the Courtenay Wind Farm in connection with an effort by Minnkota Power Cooperative to assess additional transmission charges for the wind farm's use of the MISO's transmission system;
- Public Service Company of Colorado (PSCo), an Xcel Energy subsidiary, in obtaining a declaratory order holding that FERC approval would be required for the city of Boulder, Colorado's planned acquisition by condemnation of transmission facilities owned by PSCo as part of the city of Boulder's effort to form a municipal utility;
- Dynegy in obtaining FERC approval for its acquisition of over 6,000 MW of generation from Energy Capital Partners and EquiPower Resources, a \$3.45 billion transaction;
- defending an electric public utility in connection with an investigation by FERC's Office of Enforcement regarding allegations of FERC Standards of Conduct violations; and
- Prairie Rose Wind in defending against a FERC complaint challenging Prairie Rose's use of a Net Zero interconnection with Northern States Power's Angus Anson generation facility.