

Energy and Utilities

Overview

The firm's energy lawyers provide a wide range of legal services to energy-related companies and public authorities, including electric and natural gas firms. We provide counseling and advice and represent such firms before state regulatory agencies, state and federal courts, and arbitration panels.

Experience

- Provided advice to subcontractor during construction of the Glatfelter Cogeneration Project involving paper-manufacturing process for private owner. Assisted in claim preparation and instituted litigation in dispute with design-build contractor.
- Represented contractor on successful claims resolution with the U.S. government on construction of power transmission towers and lines in Haditha, Baiji, and al-Qaim.
- Represented engineer in lawsuit with owner on West Virginia hydroelectric project (Omega II joint venture).
- Contract drafting of project development agreement for planning, designing, constructing, owning, and operating interstate natural gas pipeline system for the Portland National Gas Transmission System.
- Provided ongoing counsel to the Orlando Utilities Commission in the successful negotiated resolution of approximately \$30 million in construction claims at the Stanton Energy Center. The contract was a multiple prime with construction management and fast-track design.
- Represented general contractor for Washington, D.C., Virginia, and greater Baltimore in arbitration with trench and bore subcontractor.
- Represented pipeline contractor in successful jury trial in the U.S. District Court for the Eastern District of Virginia.

- Represented utility in FPSC prudence review proceeding arising out of nuclear containment building delamination during steam generator replacement project at nuclear powered generating facility
- Defended contract claims in federal and state litigation involving waste to energy management agreements.
- Handled "full requirements" electric utility rates cases before the FPSC including a two-week full requirements rate case evidentiary hearing.
- Prosecuted utility claims for, and recovery of, hundreds of millions of dollars in preconstruction and carrying costs for the development of two nuclear power plants in annual nuclear cost recovery evidentiary proceedings.
- Prosecuted utility claims for, and recovery of, hundreds of millions of dollars incurred to prepare for, respond to, and recover from the 2004 hurricanes (storm cost recovery proceedings).
- Defended electric utility against claim for \$143 million refund for allegedly imprudent coal procurement decisions in proceeding resulting in four-day evidentiary hearing.
- Obtained determinations of need for three state-of-the-art, combined-cycle electric power plants in three separate need determination proceedings and for the expansion of a nuclear facility due to the largest power uprate in the state.
- Obtained determination of need for two advanced design nuclear power plants through a weeklong evidentiary hearing.
- Defended lawsuits brought by various individuals, local governments, and conservation groups opposing the siting and construction of a major electric transmission line.
- Prosecuted lawsuits to invalidate local government efforts to alter the route of, or prevent construction of, transmission lines.
- Represented owner-utility in major construction litigation and product defect litigation over a nuclear powered generating facility.
- Represented utility in major FPSC prudence review proceedings arising out of operational outages of a nuclear powered generating facility.
- Defended litigation in which local governments sought to compel electric utilities to place all electric distribution lines underground at utility expense.
- Litigation involving electric utility disputes with cogenerator operators.

- Represented retail load serving electric utility in several contested cases before the FPSC, and ultimately in the Florida Supreme Court, involving efforts by "merchant" plant developers to site plants in Florida.
- Advocated utility positions in an FPSC workshop concerning possible modifications to the FPSC's bidding rule.
- Represented utility interests in investigation into adequacy of reserve margins in Florida.
- Defended court actions by municipalities regarding disputes over franchise agreements with the public utility.
- Represented public utility and affiliated telecommunications company in class action litigation over the right to use electric utility transmission line easements for telecommunications purposes.
- Handled numerous, multi-week arbitration proceedings to establish value of electric utility distribution systems; and entitlement to, and amount of, "stranded costs" associated with the sale of such facilities under FERC Order No. 888.
- Defended breach of contract and other claims by cogeneration facilities on behalf of public utility.

Insights

03.26.2020

Eleventh Circuit Affirms Confirmation of Arbitration Award Over Claims of Fraud, AAA Rule-Breaking, and Lack of Jurisdiction

04.04.2019

The Developing Climate: How Climate Change Affects the Development Industry

06.03.2016 2016 Florida Legislative Post-Session Report

01.01.2016 2016 Annual Report of the Electricity Committee

10.01.2014 Florida's Fight to Save the Apalachicola: An Environmental and Cultural Treasure at Risk

06.12.2014 2014 Florida Post-Session Report Released

03.11.2014 What Happens In Ecuador Does Not Stay In Ecuador

06.26.2013 Index of Sustainable Development Provisions in Florida Municipal Codes

06.21.2010 2010 Florida Legislature Post-Session Report

05.28.2010 PACE (Energy Finance Districts) Now Enabled in Florida

09.22.2009 Florida Renewable Energy Regulations & Power Purchase Agreements

06.18.2009 2009 Florida Legislature Post-Session Report

06.03.2009 New Case on Class Action Settlement

04.08.2009 Capitol Report - Affordable Housing Construction May Get a Boost from Federal Stimulus Funding

10.17.2008 Positioning Real Estate and Lending Practitioners to Respond to the Emergency Economic Stabilization Act of 2008 06.25.2008 Capitol Report - Governor Signs Energy Bill Climate Change Legislation will Impact Building and Development Industries

06.02.2008 2008 Florida Legislature Post-Session Report

07.13.2007 Carlton Fields Newsflash - Governor Crist Takes On Climate Change

07.10.2007 Carlton Fields Newsflash - Green Building & Climate Change: Another LEEDing Move!

06.11.2007 2007 Florida Legislature Post-Session Report

Our Team

Additional Members



D. Matthew Allen SHAREHOLDER

Tampa



H. Ray Allen II OF COUNSEL

Tampa



David P. Burke SHAREHOLDER

Tampa



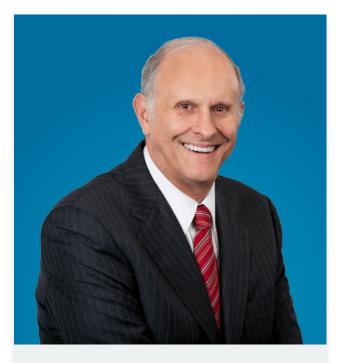
Chris S. Coutroulis SHAREHOLDER

Tampa



Daniel L. DeCubellis SHAREHOLDER

Orlando \$ 407.244.8228



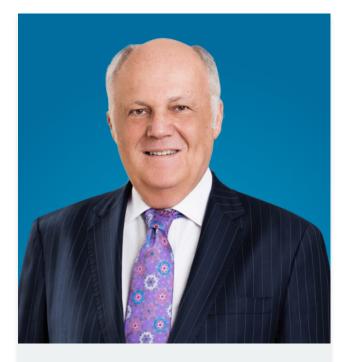
Nathaniel L. Doliner SHAREHOLDER

Tampa



Kari B. Hebrank SENIOR GOVERNMENT CONSULTANT

Tallahassee



Emil Hirsch Shareholder

Washington, D.C. \$ 202.965.8184



Jin Liu Shareholder

Tampa



Laurel Lockett SHAREHOLDER

Tampa



Andrew J. Markus OF COUNSEL

Miami \$ 305.539.7433



Neal McAliley SHAREHOLDER

Miami **&** 305.530.4039



George J. Meyer OF COUNSEL

Tampa



Luigi Orengo Jr. ASSOCIATE

Tampa



Robert W. Pass

Tallahassee



Jason Perkins SHAREHOLDER

Orlando \$ 407.244.8250



Kenneth A. Tinkler SHAREHOLDER

Tampa



James Michael Walls OF COUNSEL

Tampa

Related Capabilities

Practices

- Construction
- Appellate & Trial Support
- Business Transactions
- Development
- Construction Litigation
- Corporate Law and Governance
- Cybersecurity and Privacy
- Environmental, Land Use & Development Approvals and Litigation

Industries

Construction

- Environmental Regulation & Litigation
- Government Law & Consulting
- Labor & Employment
- Litigation and Trials
- Mass Tort and Product Liability
- Real Property Litigation
- Tax
- Administrative Litigation and Appeals
- Government Affairs and Lobbying
- International: Latin America
- International: Mexico
- Government Contracts
- Class Actions