



D. Kirk Morgan II

Partner

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About Kirk

Kirk Morgan focuses his practice on advising oil and gas pipelines on the commercial and regulatory issues that are central to their business. He is regularly called upon by pipeline clients regarding new infrastructure projects, including greenfield pipelines and expansion projects. In this role, Kirk leads clients through the process of preparing open season materials, negotiating and drafting precedent and transportation agreements, and preparing tariffs. Kirk also works closely with clients to obtain regulatory approvals required for new pipeline infrastructure, services, and rates. He routinely represents pipeline clients in administrative litigation before the Federal Energy Regulatory Commission, including rate cases and complaint proceedings. Kirk represents not only interstate pipelines, but also gatherers, intrastate pipelines, and Hinshaws. Kirk advises numerous natural gas intrastate pipelines on the nuances and requirements associated with Section 311 of the Natural Gas Policy Act of 1978.

Kirk has extensive experience navigating complex energy issues, but clients can count on him to make things understandable and be commercially minded. According to *Chambers USA*, clients comment that Kirk's "work ethic is unquestionable and his work product is impeccable" (2021), that he is "one of the best in the business; he's instrumental to our success" (2020), "at the cutting edge of regulatory issues in the oil and gas space; his mastery of this area helps us successfully navigate sometimes rough waters" (2019), and how he "has a deep understating of the regulator with whom we interact; he has been instrumental in guiding our transactions in a way that satisfies our commercial needs while complying with sometimes arcane regulatory requirements" (2018).

Recent Notable Matters

Kinder Morgan, Inc. — in numerous proceedings before the Federal Energy Regulatory Commission, including proposed rulemakings and policy statements concerning the process for certificating new interstate natural gas pipelines, the assessment of greenhouse gases in the certificate process, and pipeline open season practices

Tallgrass Energy — preparation and prosecution of an application for FERC abandonment and certificate approval to allow a major segment of a natural gas pipeline system to be repurposed for transportation of alternate products

Permian Highway Pipeline — in connection with the construction of a new intrastate natural gas pipeline in Texas and the provision of interstate transportation services pursuant to Section 311 of the Natural Gas Policy Act of 1978

Gulf Coast Express — in connection with the construction of a new intrastate natural gas pipeline in Texas and the provision of interstate transportation services pursuant to Section 311 of the Natural Gas Policy Act of 1978

Greenfield Interstate Natural Gas Pipeline — preparation, filing, and prosecution of an application for FERC certificate approval of a new, approximately 250-mile interstate natural gas pipeline system

Rockies Express Pipeline — disputes before the Federal Energy Regulatory Commission stemming from a customer's attempt to terminate service agreements as a result of its bankruptcy

Marketlink, LLC — preparation and prosecution of an application for FERC approval of market-based rate authority

Enterprise TE Products Pipeline Company LLC and Enterprise Crude Pipeline LLC — rate structures, terms of service, and proration procedures associated with the expansion of its existing liquids pipeline system

Offshore Interstate Natural Gas Company — preparation and prosecution of a general Section 4 rate case before the FERC

Targa Resource Partners LP — preparation and prosecution of a general Section 4 rate case before the FERC

DT Midstream, Inc. — preparation, filing, and prosecution of an application for FERC to convert storage facilities from intrastate service to interstate service

Targa Resource Partners LP — in connection with the establishment of rates and services pursuant to Section 311 of the Natural Gas Policy Act of 1978

Publications and Speeches

"Understanding Federal Agency Actions: Rulemakings, Guidance, and Other Authority," LEPA 2022 Annual Business Conference, September 2022.

Chair, Platts Annual Pipeline Development and Expansion Conference, 2013-2016.

"Reasonable Rates of Return Benefits Pipelines and Shippers Alike," *Pipelines & Gas Journal*, October 2016.

“Court Decision Could Change Tax Burden on Pipeline MLPs,” *Midstream Business*, July 2016.

“Another Bite at the Apple: Renegotiating Rates with Distressed Shippers,” *Pipelines & Gas Journal*, July 2016.

“Handling Change Management,” *Midstream Business*, February 2016.

“Credit Challenges to Project Development,” *Midstream Business*, July 2015.

Education

Catholic University of America, Columbus School of Law, J.D.
2001 – *magna cum laude*

Catholic University of America, Bachelor of Arts
1998 – *summa cum laude*

Noteworthy

Chambers Global, Energy: Oil & Gas (Regulatory & Litigation), 2020 - 2024

Chambers USA, Nationwide Energy: Oil & Gas (Regulatory & Litigation), 2010 - 2023

The Legal 500 United States, Energy Regulation: Oil and Gas, 2017 - 2020, 2023 (Leading Lawyer, 2023);
Energy: Regulation, 2012 - 2016; Energy Litigation: Oil and Gas, 2019

Delinian Limited, *IFLR1000 Financial & Corporate and M&A Guide*, 2018 - 2023

BL Rankings, *Best Lawyers*, Energy Law, 2018 - 2024; Oil and Gas Law, 2018 - 2024; Washington, DC Lawyer of the Year, Oil and Gas Law, 2023

Lawdragon Inc., *Lawdragon 500 Leading US Energy Lawyers*, Energy Regulation, 2024

Affiliations

Energy Bar Association

Bar Admissions

District of Columbia
Maryland