



## **Catherine P. McCarthy**

Partner

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### **About Cathy**

Catherine McCarthy has represented asset owners and others on energy regulation and policy matters for more than two decades. She chairs Bracewell's Energy Regulatory Department and is the immediate past Chair of the American Bar Association's Infrastructure and Regulated Industries Section and current Chair of the Section's Renewable Energy Committee. Her experience includes obtaining Federal Energy Regulatory Commission (FERC) and state authorizations for major projects and transactions; FERC compliance and enforcement matters; FERC transmission and centralized markets issues; and rate, tariff and refund matters. She also represents energy clients before the Department of Energy, the Federal Communications Commission and the Nuclear Regulatory Commission.

Cathy provides regulatory advice for commercial transactions, including asset sales, mergers and acquisitions. She also advises clients on generation and transmission development, such as providing advice on various ownership and rate structures available to transmission developers/owners and advice on generator interconnections. In addition, she has represented transmission owners in fully litigated FERC rate cases and in related appeals to the federal appellate courts. Cathy also advises on emerging legal issues presented by energy storage.

Cathy is consistently recognized as a top energy lawyer by *Chambers Global* (2014-2022) and *Chambers USA* (2010-2022); selected as one of *The American Lawyer's 45 Under 45* (2011); and included in *The Legal 500 United States*, Energy: Regulatory (2011-2013, 2016-2022).

### **Recent Notable Matters**

**Sol Systems** — minority investment from KKR to scale Sol Systems' Impact + Infrastructure approach and the formation of a strategic partnership with a commitment from KKR of up to \$1 billion to acquire

shovel-ready solar development projects

**Central Maine Power Company and The United Illuminating Company** — FERC transmission Return on Equity Section 206 complaint proceedings, including three full administrative hearings, and related appeals to the D.C. Circuit (Coakley cases)

**Rockland Capital, LLC** — FERC approvals and other energy regulatory submittals for Rockland's asset acquisition of a portfolio of six generating plants with a combined generation capacity of 972.5 MW from AES Ohio Generation

**Various clients** — obtain Federal Energy Regulatory Commission approvals and submit required notices pursuant to Federal Power Act Sections 203, 204, 205 and 305

**Utilities** — represent before FERC, DOE and FCC on rate, market, merger, affiliate transaction, affiliate restriction, holding company and enforcement matters, including investigations

**Renewable energy, conventional energy and energy storage project developers** — advise on FERC and state regulatory issues, as well as centralized market issues, including advice on Qualifying Facility status, Exempt Wholesale Generator status and interconnection issues.

**Great Plains Energy Incorporated** — FERC regulatory submittals, including Federal Power Act Section 203 authorization, for the revised stock-for-stock merger of equals transaction with Westar Energy, Inc., creating Energy Inc., a company with a combined equity value of approximately \$14 billion, and with nearly 13,000 MW of generation capacity and more than 51,000 miles of distribution lines

**Transmission developer** — represent on FERC cost-of-service rate matters and related filings for an approximately \$1 billion proposed transmission project to deliver clean energy to New England load

**Engie (f/k/a GDF SUEZ Energy North America, Inc.)** — energy regulatory matters and related assignments (before the FERC and the FCC) regarding its sale of 1.2 GW of pumped storage hydro assets and 0.2 GW of conventional hydro assets located in Massachusetts and Connecticut

**AP Energy Holdings Inc. and South Field Energy LLC** — regulatory matters for \$1.3 billion project financing and equity arrangements for the construction of the South Field Energy project, a 1,182 MW combined-cycle natural gas electric generating facility located near Wellsville, Ohio

## Publications and Speeches

“Renewable Energy – Regulatory Update,” American Bar Association’s Infrastructure and Regulated Industries Section Spring Conference, March 2022.

“Chair’s Column,” *Infrastructure* Volume 60, Number 1, Fall 2020; Number 2, Winter 2020; Number 3, Spring 2021; and Number 4, Summer 2021.

“Renewable Projects Must Keep Up With FERC Filings,” *Law360*, August 2019.

"Utilities Must Track FCC Licensing, Spectrum Issues," *Law360*, October 2019.

"FERC Issues Transmission Notices of Inquiry Focused on Return on Equity and Transmission Incentives," *National Law Review*, March 2019.

"FERC Revises Interlocking Directorate Reporting Requirements," *National Law Review*, March 2019.

"Federal Energy Regulatory Approvals for Power M&A Transactions," American Bar Association, *Infrastructure*, August 2018.

"Regulated Industry M&A Transactions: Special Considerations and Recent Developments," Panelist, *American Bar Association Webinar* January 2018.

"Investing in Energy: Outlook and Opportunities, Power – Supply and Demand for Private Capital, Acquisition & Divestiture Driver and the Regulatory Dynamic," Panelist, *Bloomberg BNA* (New York, NY) November 2017.

"A Call to Focus on Strengthening Grid Resiliency and Reliability," *National Law Review*, September 2017.

"FERC Compliance," Panelist, Portland, OR, October 2016.

"FERC Reconsiders Horizontal Market Power in Transactions," *Law360*, September 2016.

"Changing Mix of U.S. Power Generation Presents Opportunities and Legal Challenges," Panelist, *American Bar Association*, Webinar, May 2016.

"Energy & Utilities Sector," Roundtable Speaker, *Financier Worldwide*, December 2015.

"Energy Infrastructure Development Faces Impediments," *Natural Gas & Electricity Journal*, April 2015.

"Impacts of New FERC ROE Calculation Formulae on Transmission Owners and Projects," Panelist, *Infocast's 18th Annual Transmission Summit*, Washington, DC, March 2015.

"Utility M&A: Mid-Year Update," Panelist, *SNL Energy Webinar*, September 2013.

"Rolling Off Long-Term Power Sales Agreements? Plan Ahead to Avoid Regulatory Speed Bumps," Speaker, *21st Annual North American Waste-to-Energy Conference*, Naples, FL, April, 2013.

"FERC Order 1000 gives transmission planning an update," *Windpower Engineering & Development*, April 2012.

"Transmission Incentives and Order 1000," Speaker, *Yale Alumni in Energy Annual Conference*, New Haven, CT, March 2012.

## **Education**

Georgetown University Law Center, J.D.

1993

Yale University, B.A.

1989

## **Noteworthy**

*Chambers Global*, Energy: Electricity (Regulatory & Litigation), 2014 - 2022

*Chambers USA*, Nationwide Energy: Electricity (Regulatory & Litigation), 2010 - 2022

*The Legal 500 United States*, Energy Regulatory: Conventional Power, 2017 - 2022; Energy: Regulatory, 2011 - 2013, 2016 - 2017; Energy Litigation: Conventional Power, 2019 - 2022; Transaction and Regulatory, 2011

BL Rankings, *Best Lawyers*, Energy Law, 2022

Euromoney Institutional Investor plc, *Expert Guides*, Energy & Natural Resources, 2012 - 2021

Euromoney Institutional Investor plc, *Expert Guides*, *Women in Business Law*, Energy & Natural Resources, 2012 - 2021

Euromoney Institutional Investor plc, *Expert Guides, USA Best of the Best*, 2017 – 2021

Thomson Reuters, *Washington, DC Super Lawyers*, 2013, 2015 - 2021

ALM Media Properties, LLC, *The American Lawyer*, 45 Under 45, 2011

Georgetown University Law Center, *Georgetown Immigration Law Journal*, Administrative Editor

Columbus School of Law, *The Catholic University of America*, Adjunct professor, 1996-1998

## **Affiliations**

Section Chair, Infrastructure and Regulated Industries Section, American Bar Association

## **Bar Admissions**

District of Columbia

New York