

David S. Berman

Shareholder

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David has been a pillar of the energy regulatory industry for over thirty years, representing electric utilities, regional transmission organizations (RTOs), transmission groups within RTOs and other clients before the Federal Energy Regulatory Commission (FERC), federal courts, and other regulatory agencies. His practice is primarily focused on interconnection matters, and electric tariff and rate filings. He provides clients with advice on a range of issues, including rulemakings and regulatory compliance issues, regional and interregional planning and cost allocation, interconnection issues within RTOs, and transactional matters related to the sale or acquisition of generation and transmission assets. David also assists clients in waiver and compliance proceedings, as well as representing them in rate proceedings.

David is particularly well-versed in interconnection and electric transmission matters. His knowledge in these areas has helped numerous clients navigate the complexities of energy regulation and proven his importance in the industry. He is currently a member of the Energy Bar Association Compliance and Enforcement Committee and previously served as chair of the committee, and hosted a number of conferences for the committee.

SERVICES

Electric Energy Regulation

Natural Gas Pipelines

EXPERIENCE

Assisting in a rulemaking proceeding concerning standard generator interconnection processes and agreements that are necessary to ensure reliable, efficient, and timely interconnection of resources at a time when the volume of resources seeking to interconnect to the transmission grid is increasing exponentially.

Representing and advising RTO in the filing of tariff revisions constituting a comprehensive reform of its interconnection process by transitioning to a “first-ready, first-served” cycle approach.

Representing transmission owner clients in a rulemaking proceeding to help develop appropriate transmission line ratings to ensure reliable transmission system operations, the use of properly designed and implemented ambient-adjusted and seasonal line ratings to increase transfer capabilities and congestion reduction.

Participating in discovery review for FERC enforcement investigation.

Representing and advising transmission owner clients on a wide variety of federal regulatory and compliance matters, including counseling on Order No. 1000 compliance.

Counseling and representing a group of RTO members through a successful prosecution before FERC, federal appellate courts, and the U.S. Supreme Court of a major redesign of regional transmission cost allocation.

Representing public utility client in a proceeding for approval of transmission rate incentives and related tariff changes.

Representing transmission owner and other clients in comments related to rulemakings and complaints regarding interconnection issues.

Representing transmission owner clients in proceedings to develop formula rate information protocols and in annual protocols filings.

Representing and advising an RTO in negotiating, preparing, and filing numerous generation interconnection and wholesale market participant agreements.

Preparing and filing of Electric Quarterly Reports.

ADMISSIONS

Maryland

District of Columbia

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, District of Columbia Circuit

Supreme Court of the United States

EDUCATION

Catholic University of America, J.D. (1993) (Editorial assistant of the *Catholic University Law Review*; awarded American Jurisprudence Award for Administrative Law)

Washington University in St. Louis, B.A. in history (1982)

PROFESSIONAL ACTIVITIES

Energy Bar Association

PUBLICATIONS

Report of the Compliance and Enforcement Committee, 44:1 Energy Law Journal (2023)

Report of the Judicial Review Committee, 41:1 Energy Law Journal (2020)

Report of the Judicial Review Committee, 40:1 Energy Law Journal (2019)

Report of the Judicial Review Committee, 39:1 Energy Law Journal (2018)

Report of the Judicial Review Committee, 38:1 Energy Law Journal (2017)

Report of the Judicial Review Committee, 35:1 Energy Law Journal (2014)

Report of the Judicial Review Committee, 33 Energy Law Journal 301 (2012)

Report of the Judicial Review Committee, 22 Energy Law Journal 195 (2001)

Report of the Judicial Review Committee, 21 Energy Law Journal 243 (2000)

Report of the Judicial Review Committee, 20 Energy Law Journal 167 (1999)

Report of the Judicial Review Committee, 19 Energy Law Journal 207 (1998)