wright& talisman

Andrew T. Swers

Shareholder

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With a successful twenty-five year career in energy law, Andy focuses his practice on representing a diverse range of energy companies in administrative proceedings before the Federal Energy Regulatory Commission (FERC), state regulatory agencies, and federal and state courts. In 2023, *Chambers USA* stated, “Andy’s judgment on strategic issues is excellent, and he can see through complexity to find a balanced approach on issues.” He is also recognized for being “very bright, diligent and detail-oriented,” proving his thorough approach to understanding complex problems, which enables him to develop effective strategies that achieve results and win cases.

Andy represents clients in gas pipeline certificate proceedings and related appeals, as well as electric utilities and regional transmission organizations (RTOs) concerning tariff and rate issues. He also has significant experience representing clients in oil pipeline proceedings under the Interstate Commerce Act. Andy was part of the team that litigated the Trans Alaska Pipeline System (TAPS) rate cases for Anadarko Petroleum Corporation (Anadarko) and Tesoro Alaska Company (Tesoro). The complex, multi-year TAPS proceedings confronted a wide variety of cost-of-service and prudence issues arising from TAPS rates before both FERC and the Regulatory Commission of Alaska, as well as related appeals. These cases resulted in FERC Opinion No. 502 and Opinion No. 544.

SERVICES

Electric Energy Regulation

Natural Gas Pipelines

Oil Pipelines

EXPERIENCE

Representing Transcontinental Gas Pipe Line Company, LLC in pipeline certificate, rate, and tariff proceedings before FERC and related appeals before the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit).

Representing ISO New England regarding tariff matters before FERC and the D.C. Circuit, including its implementation of the reliability-must-run cost-of-service agreement with Constellation Mystic Power, LLC for the Mystic 8 & 9 generating stations.

Representing surface transportation fuel shippers before FERC regarding attempts to prioritize jet fuel shipments on products pipelines serving major airports.

Representing a client in a FERC enforcement investigation under the Federal Power Act.

Representing Anadarko and Tesoro in the TAPS Quality Bank proceeding before FERC and the D.C. Circuit. Anadarko and Tesoro, as well as other oil producers in Alaska, are defending the existing Quality Bank methodology from challenges raised by a refiner.

Representing Anadarko and Tesoro in TAPS rate cases, resulting in two landmark orders, Opinion No. 502 and Opinion No. 544, which ruled in favor of Anadarko and Tesoro on virtually all issues. Opinion No. 502 concerned the appropriate methodology to calculate TAPS interstate rates. Opinion No. 544 involved concurrent state/federal review of prudence, life-of-line, and cost-of-service rate issues. Also participated in all phases of litigation concerning FERC's authority to order cost pooling on TAPS, which culminated with D.C. Circuit review.

Representing Southwest Power Pool, Inc. in a proceeding before the D.C. Circuit concerning issues arising from non-jurisdictional revenue requirements.

Representation of the MISO Transmission Owners in a variety of tariff and rate matters before FERC.

ADMISSIONS

District of Columbia

New York

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

U.S. Court of Appeals, Sixth Circuit

U.S. District Court, District of Columbia

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

EDUCATION

Columbia University School of Law, J.D. (1996) (Harlan Fiske Stone Scholar, Accelerated Interdisciplinary Legal Education Program)

The Johns Hopkins University, B.A. (1995) (Phi Beta Kappa, Golden Key National Honor Society)

PROFESSIONAL ACTIVITIES

Energy Bar Association, Oil & Liquids Committee

HONORS/DISTINCTIONS

The Best Lawyers in America, Oil and Gas Law (2027)

Chambers Global, Energy: Electricity (2023-2026)

Chambers USA, Energy: Oil & Gas (2022-2026)

Lawdragon, 500 Global Leaders in Energy: Energy Regulation & Litigation (2026)

Lawdragon, 500 Leading U.S. Energy Lawyers: Energy Regulation & Litigation (2023-2025)

PUBLICATIONS

Chapter 145: Settlements, *Energy Law and Transactions*, Matthew Bender, 2018 (co-author)

Chapter 46: Judicial Review, *Regulation of the Gas Industry*, Matthew Bender, 2018 (co-author)

Chapter 11: Pipeline Service Obligations and Chapter 46: Judicial Review, *Regulation of the Gas Industry*, Matthew Bender, 2010 (co-author)

Report of the Oil & Liquids Committee, 39:2 Energy Law Journal 1 (2018) (co-author)

Report of the Oil & Liquids Committee, 38:2 Energy Law Journal 1 (2017) (co-author)

Report of the Oil & Liquids Committee, 37:2 Energy Law Journal 1 (2016) (co-author)

Report of the Oil & Liquids Committee, 36 Energy Law Journal (2015) (co-author)

Report of the Oil & Liquids Pipeline Regulation Committee, 34:1 Energy Law Journal (2013) (co-author)

Report of the Oil & Liquids Pipeline Regulation Committee, 33:677 Energy Law Journal (2012) (co-author)

Report of the Oil & Liquids Pipeline Regulation Committee, 32:727 Energy Law Journal (2011) (co-author)

COMMUNITY INVOLVEMENT

Board of Directors, Stockwell Manor Homeowners Association