Energy Litigation

Steptoe combines its deep knowledge of the energy industry with its extensive litigation capabilities to represent leading energy companies in all forms of complex federal and state energy litigation nationwide. Our lawyers serve a diverse group of energy clients operating across the industry’s many subsectors, including utilities, generators, distributors, equipment manufacturers, pipelines, and related businesses. Our results confirm successful outcomes require lawyers with a deep understanding of the industry.

Steptoe is well versed in the unique issues and matters our energy clients face including:

- Preemption and constitutional challenges
- Antitrust matters
- Intersection of federal and state regulatory schemes
- Operation of wholesale energy markets and regional transmission organizations
- Power outages and business interruption claims
- Power purchase agreement disputes
- Indian law matters
- Renewable energy and qualifying facility disputes
- Investor-state disputes and judgment enforcement
- Business torts and consumer class actions

We collaborate with clients to design creative and effective solutions to meet business and regulatory goals. We also help them anticipate, pinpoint, and address emerging issues, trends, and opportunities. To improve outcomes, we communicate frequently on the important decisions that shape the trajectory and cost of litigation.

Our successful results often are achieved prior to trial through strategic motion practice and targeted discovery. But when necessary, our trial lawyers are ready, willing, and able to take a case to trial. Law360 has recognized several of our first-chair trial lawyers as “Trial Aces.” Chambers and other leading legal publications have praised our trial lawyers as aggressive and effective advocates. And The Legal 500 US describes Steptoe’s energy practice as “market leaders” who are “responsive and highly respected.”
Representative Matters

- Defense of a leading agricultural business in a federal court action alleging wrongful assertion of rights in a Presidential Permit that allows the operation and maintenance of a pipeline at the Canadian-US border for the purpose of transporting crude oil between the United States and Canada.

- Defense of a large energy provider in New England in a federal antitrust class action lawsuit claiming alleged manipulation of the natural gas transportation, wholesale gas, and wholesale electricity markets in violation of federal and state law.

- Representation of a major southeast electric utility in connection with a power outage at the world's busiest airport during the holiday season and claims of business interruption losses.

- Successful representation of one of the largest independent electric energy generators in a groundbreaking Supreme Court case challenging a state price subsidy scheme on federal constitutional and preemption grounds. The Supreme Court affirmed the Fourth Circuit's decision in the case, holding the Federal Power Act preempted the state scheme.

- Successful defense of a major southern electric producer and retail distributor in multiple lawsuits filed by qualifying facilities claiming violations of the Public Utility Regulatory Policies Act (PURPA), breaches of related contracts, and business torts. The US Court of Appeals for the Fifth Circuit affirmed a primary jurisdiction stay we had obtained to permit the Federal Energy Regulatory Commission to rule in a related challenge to the Midcontinent Independent System Operator's tariff as it applies to qualifying facilities.

- Successful defense of a major west coast electric company in a federal court jury trial where a refinery sought business interruption losses arising from a power outage. We defeated the refinery's breach of contract claim and won a comparative fault verdict based on the refinery's negligent construction and maintenance of its electrical systems and interconnection with our client's grid.

- Successful defense of a major public utility in a consumer class action alleging unfair business practices and fraud in the implementation of a low-income customer assistance program. We won dismissal of the trial court action and secured affirmance on state preemption grounds.

- Conversion of a multi-million dollar award from the ICSID on behalf of a major oil company into a judgment against a foreign country in a proceeding in the Southern District of New York.

- Defense of a pipeline operator in a case involving Carmack Amendment and conversion claims arising from gasoline blending operations.
News & Publications

MEDIA MENTIONS

*Law360* Covers Steptoe's Win for Colonial Pipeline in Filed Rate Doctrine Dispute
December 2, 2020

PRESS RELEASES

*National Law Journal* Names Laurie Edelstein a Trailblazer in Litigation
November 2, 2020

PRESS RELEASES

*Global Competition Review* Shortlists Steptoe for Three GCR Team Awards
October 30, 2020

PRESS RELEASES

*Daily Journal* Names Crowther, Edelstein to 'Top 100 Lawyers' List
September 17, 2020

PRESS RELEASES

Steptoe Scores Antitrust Appellate Victory in First Circuit for Eversource
September 15, 2020

PRESS RELEASES

Steptoe Receives 28 Practice Rankings, 29 Individual Awards in *Legal 500 US* 2020
July 7, 2020

PUBLICATIONS

Filed Rate Doctrine: A Powerful Tool in Energy Litigation

*POWER Magazine*

June 2, 2020

By: Jennifer Quinn-Barabanov, Shaun Boedicker

PRESS RELEASES

DCA Live Names Patty Palacios to Emerging Women Leaders in Private Practice List
March 3, 2020

PRESS RELEASES

Steptoe Receives 30 Practice, 149 Individual Mentions in *Legal 500 US* 2019
June 5, 2019

PRESS RELEASES

Steptoe Receives 20 Practice, 63 Individual Mentions in *Chambers USA* 2019
April 29, 2019

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Primary Contacts

Laurie Edelstein
Jennifer Quinn-Barabanov

Practices