

Energy Litigation

Issues pertaining to energy development and transportation are an important part of the legal landscape in the western region, and with developing technology (including fracking and wind power) promise to remain so into the future.

Steele ♦ Evans ♦ Frankel, P.C. has represented clients in this arena, including a client in one of the largest legal disputes in the natural gas industry. Matters Firm attorneys have handled include the following:

- Representing Public Service Company of Colorado in *United States ex rel. Grynberg v. Alaska Pipeline Co., et al.* In that case the relator had sued over 300 companies in the natural gas industry, including PSCo, alleging that those companies had under-measured and under-valued the volume and heating content of natural gas in order to lessen the royalty obligations for gas produced on federal and Indian lands. The relator sought billions of dollars in damages. After the case was dismissed on 9(b) and misjoinder grounds by the district court for the District of Columbia, the relator filed individual actions across the county, which then were consolidated in federal court in Wyoming by the MDL panel. Following extensive discovery, the defendants prevailed on summary judgment, and that decision was affirmed by the Tenth Circuit. The United States Supreme Court denied certiorari, ending a case that had been pending in one form or another for over 12 years.
- Representing Public Service Company of Colorado in other cases arising out of production disputes. The Firm obtained favorable results for PSCo in each of those matters.
- The Firm's partners also have been involved in several high-profile appeals of orders of the Federal Energy Regulatory Commission. Firm lawyers persuaded the D.C. Circuit to overturn the first FERC order purporting to replace the board of directors of an electric utility and litigated the U.S. Supreme Court case affirming FERC's unbundled transmission rules.

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