

# California Public Utilities Commission Practice



Our attorneys have deep experience before the California Public Utilities Commission (CPUC), one of California's most powerful state agencies.

The CPUC oversees public utilities providing energy, telecommunications, water, and transportation services, exercising broad jurisdiction over a wide range of regulatory, transactional, and policy issues. We apply our thorough understanding of the intricacies of the California Public Utilities Code and related statutes and regulations to advance our clients' interests across this entire spectrum of issues. In addition, our team offers expert guidance in navigating the complex, and often political, environment at the CPUC. Our demonstrated ability to work closely with Commissioners, staff and stakeholders enables us to facilitate successful results for our clients. We also represent clients in litigation challenging the CPUC's decisions filed in the California appellate courts.

Comprehensive counseling before the CPUC often involves other federal and state agencies. Our CPUC attorneys regularly work with Perkins Coie's specialists in Washington, D.C. and other Perkins Coie offices to provide insights and assistance on issues relating to the Federal Communications Commission (FCC), Federal Energy Regulatory Commission (FERC), the California Energy Commission (CEC), the California Independent System Operator (CAISO) and many other regulatory bodies.

## ENERGY REGULATION

Perkins Coie is at the forefront of the CPUC's cutting-edge approach to regulating California's energy system. We are involved in the CPUC proceedings designed to ensure sufficient, reliable and cost-effective energy at system and local levels, as well in the Commission's innovative, world-leading efforts to build a cleaner and climate-friendly energy system. Our team assists clients in negotiating transactions and projects that will meet CPUC requirements, including conventional electric, natural gas and renewable energy supply, and novel energy storage, energy efficiency and demand response agreements. Perkins Coie advises clients on the CPUC's complex ratemaking process, compliance with the CPUC's stringent regulatory requirements and enforcement matters. Our attorneys represent energy suppliers, utilities, alternative energy and transmission companies, energy consumers and alternative fuel vehicle manufacturers. Our clients depend on our proven experience to help establish the regulatory environments needed for strategic success.

## COMMUNICATIONS

Our communications specialists work with clients on a wide variety of CPUC regulatory issues covering rate regulation, construction of facilities and pole attachment rights, service quality, consumer protection, and a panoply of other telecommunications matters. In the ever-evolving world of telecommunications, our attorneys are deeply involved in jurisdictional issues related to newer technologies such as Voice over Internet Protocol (VoIP) and broadband services, as well as complex federal preemption issues related to regulation of wireless technology under federal and state law. Our team works with both regulated and unregulated entities, including landline, wireless and VoIP providers and provides effective counseling on compliance, consumer complaints, adjudicatory investigations, policy issues, allocation of numbering resources, and related environmental matters.

## PROJECT SITING

We help clients navigate the complex siting and environmental review process for electric and natural gas facilities, which often includes evidentiary hearings and opposition by sophisticated intervenors raising a wide variety of challenges to a proposed project. Our team has expertise with the myriad of other state and federal agencies that often have jurisdiction over projects before the CPUC, and with the environmental statutes that often apply to these projects, including California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), Clean Air Act, Clean Water Act (CWA), the Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA) and the National Historic Preservation Act (NHPA). We provide assistance with the land and water acquisition and access issues that often are involved with facility siting, whether on private, tribal, or government land. We also provide strategic counsel before, during and after a project's construction concerning compliance with the numerous permit requirements and mitigation measures imposed by the CPUC and other agencies. In addition, large-scale infrastructure projects often raise cutting edge state and federal policy issues, and our team regularly provides assistance at these levels, in Sacramento and Washington, D.C.

## MERGERS AND ACQUISITIONS AND TRANSFERS OF CONTROL

We work with clients at critical points in transactions to obtain approval from the CPUC for the merger or acquisition of utilities in California and other forms of transfers of control and encumbrances of utility properties. These transactions need to be handled efficiently and effectively to bring them to a timely close. We have deep familiarity with the CPUC's processes on these heavily regulated transactions, which vary by the type and size of the entities involved in transactions. Our team is skilled in demonstrating the public interest in a transaction and presenting complex transactions in understandable language. We counsel clients in structuring transactions to facilitate approval, advocate in evidentiary hearings and address issues in regulatory compliance before, during and after the approval.

## "PREFERRED RESOURCES": DEMAND RESPONSE, ENERGY EFFICIENCY, RENEWABLE ENERGY & STORAGE

Our attorneys are deeply engaged in the CPUC's rapidly-evolving efforts to change California's energy supply by increasing demand response, energy efficiency, renewable energy and storage (referred to as "preferred resources"). We guide our clients through the complex regulatory, transactional and financing issues that affect every aspect of California's increasing reliance on these preferred resources. We work on the procurement, rate-setting and policy-making proceedings establishing the market for preferred resources, as well as on the frequently-changing legislation in these areas. Our understanding of our clients' interests, as well as of the perspectives and priorities of the Commissioners, staff and stakeholders, enable us to effectively advocate for preferred resource programs and procurement rules that reflect business realities. We negotiate renewable energy and other preferred resource contracts, including acquisition and financing agreements, and we represent clients in the CPUC's review of these transactions when required. We regularly work on multijurisdictional issues involving the CPUC, the CAISO and the CEC, such as standards for renewable energy and other preferred resources. Our extensive knowledge and understanding of the dynamic CPUC regulatory environment affecting preferred resources contribute to our clients' success in this challenging area.