

**OUR PROMINENCE ENSURES CLIENTS THAT OUR LEGAL ADVICE IS TOP NOTCH AND REFLECTS CURRENT TRENDS IN THIS CONSTANTLY EVOLVING AREA OF LAW.**



**MICHAEL F. DEAN**

*Chair, Public Power & Telecommunications Practice Group*

A founding principal of the Meyers Nave Sacramento office, Mike has over 35 years of legal experience representing public and private clients. For the last six years, he has served as General Counsel for the Northern California Power Agency (NCPA) in which he advises on power purchasing issues involving the interplay of state and federal regulations as well refund litigation arising from the California electric industry restructuring. He also provides clients with advice on the implementation of California Assembly Bill 32 greenhouse gas reduction requirements and the effect of AB 32 on land use planning, as well as California Solar Initiative matters.

Meyers Nave attorneys advise electric utilities and other clients on the full range of legal matters that affect them in their general operations as well as on special projects. We also counsel cities, counties, special districts, and private clients on power issues and matters involving cooperation with public utilities. We have helped clients accomplish everything from licensing and constructing major generating facilities to contracting for wind and solar energy systems to power public agency facilities to litigation arising out of the state's energy crisis.

Our multi-faceted representation has given us a well rounded perspective on power issues and helped us develop relationships with regulatory bodies statewide. We have knowledge and practical experience in all the state and federal laws that affect electric and other public utilities.

Further, the cross-disciplinary structure of our firm, which promotes collegiality and shared learning among ourselves and our clients, helps support our knowledge in this area of law.

**PUBLIC POWER**

We offer in-depth knowledge and a team approach to public agency and private clients on a comprehensive range of energy-related legal services, including the following.

- Acquisition of electrical transmission, water and natural gas facilities.
- Transfer of licenses for a hydroelectric facility.
- FERC proceedings relating to PG&E applications for wave-generation projects off the Northern California coastline.
- Preparation of a request for proposals to solicit energy service companies and energy developers to provide financing, engineering, procurement, operations and maintenance of rooftop and stand-alone solar facilities on or near certain public buildings per the California Solar Initiative.

- Agreements, such as providing for the sale of geothermal energy on a “take and pay” basis; design of a small hydropower plant; project specifications and front-end terms and conditions for a hydropower plant maintenance project; and a cloud seeding project for hydropower plant. Meyers Nave is quite familiar with the form master power purchase agreements promulgated by both Edison Electric Institute (EEI) and the Western Systems Power Pool (WSPP), and master gas purchase agreements as the International Swaps and Derivatives Association (ISDA) and North American Energy Standards Board (NAESB).
- Bid protest procedures, prequalification questionnaires and programs, and design-build requests for proposals for a variety of clients. For example, Meyers Nave has assisted in the writing of requests for proposals for a renewable biomethane project and for a renewable landfill gas project in central California, as well as for the 225mw Lodi Energy Center project now under construction.
- Procurement contracts for the purchase of high-technology information systems. For example, our attorneys have advised on software licensing, the management of application service provider technologies and the purchase of enterprise information technology suites. We have assisted cities in purchasing major software application systems and high-technology equipment.

### POWER MARKETING AND PURCHASING – COMMUNITY CHOICE AGGREGATION

California law permits cities, counties, and joint powers agencies to implement a program to aggregate the electric loads of electric service customers within their jurisdictions to facilitate the purchase and sale of electricity. We provide advice to entities seeking to become community choice aggregators, and to existing publicly owned utilities with respect to the purchase of electric power.

We also represent clients in power purchase transactions and in the formation of joint powers agencies, which purchase natural gas and electricity on behalf of their members.

### CLIMATE CHANGE REQUIREMENTS

We advise on compliance with all existing national and California state climate change laws and regulations.

Utility companies will face unique and significant challenges in attempting to comply with California Assembly Bill 32 on greenhouse gas reduction. We know how to help utilities identify and choose one or more of the options available to them. For example, we have negotiated and prepared agreements to exchange and/or purchase emission reduction credits, giving us insight into potential cap and trade programs for carbon emissions.

And, we have advised clients on the construction of renewable energy facilities (e.g., solar, hydroelectric and cogeneration facilities), including preparing contract documents and contracting under qualifications-based delivery methods rather than lowest-responsible-bidder methods.

### LITIGATION

Meyers Nave attorneys have wide ranging experience in litigation, including in connection with a geothermal project from a forest fire and a net metering tariff. Our firm maintains a dedicated Litigation Practice Group whose members focus on the representation of public agencies in all types of litigation.

Members of that practice group have represented in the California Refund litigation as well as appearing on behalf of other public agencies at FERC. Several of our attorneys have experience in litigation at the California Public Utilities Commission (CPUC).

### TELECOMMUNICATIONS LAW AND RIGHT-OF-WAY MANAGEMENT

Public agencies have seen unprecedented demand for access to public right-of-way by companies seeking to install high-speed fiber optic conduit and cables. We have extensive experience in advising local agencies of their regulatory authority under the Telecommunications Act of 1996, as well as the California Digital Infrastructure and Video Competition Act of 2006.

We have assisted agencies in negotiating encroachment agreements with nearly every major telecommunications company active in the California market. We counsel our clients on methods to reduce the impact on the public right-of-way through encroachment permit conditions, moratoria, mitigation fees, use of joint utility trenches, and requiring the use of agency-owned fiber optic conduit. We have assisted numerous clients who are approached for joint pole agreements by private firms wishing to use existing utility structures for their telecommunications wires and facilities.

### CONTINUING EDUCATION

We have attended such conferences as the American Public Power Association Legal Conference and the California Municipal Utilities Association (CMUA) conference. Meyers Nave is itself an associate member of CMUA.

Our attorneys are also members of the Power Association of Northern California and the Conference of California Public Utility Counsel. All these activities enable our attorneys to stay up to date in this evolving area of law.

*Public Power & Telecommunications Services*

- Energy
- Public utilities
- Utility rate structures
- Telecommunications and cable television
- Climate change