



Daniel E. Frank

Partner
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Education

J.D., University of Chicago Law School, Senior Comment Editor, *The University of Chicago Legal Forum*, Senior Editor, *Harvard Journal of Law & Public Policy*
B.A., *magna cum laude*, University of Washington, Phi Beta Kappa

Bar Admissions

District of Columbia
Virginia

Background

Dan Frank guides electric industry clients in compliance matters before the Federal Energy Regulatory Commission (FERC), the North American Electric Reliability Corporation (NERC) and state public service commissions. Dan also advises clients on cybersecurity and data protection matters. His clients include electric cooperatives and other electric utilities, transmission companies, energy trading companies, generators and end users.

Before FERC, Dan regularly counsels clients on market access requirements, filing and reporting obligations, transmission regulatory matters, and transaction approvals.

In NERC compliance matters, Dan helps clients respond to audits, prepares delegation agreements, and advises on compliance with NERC's cybersecurity (critical infrastructure protection) and other Reliability Standards.

Dan counsels transmission owners and other market participants on transmission access, pricing and cost allocation issues. He drafts and negotiates power sales, interconnection and transmission service agreements, and he advises clients in disputes over power transactions and transmission matters. Dan also assists clients in preparing for and responding to data breaches and other cyber incidents.

Experience

- Represented Midwest electric cooperative in NERC audit.
- Represented two major oil and gas companies in self-reports to FERC on EQR compliance requirements.
- Represented Mid-Atlantic energy company in two FERC enforcement matters.
- Represented electric coop in FERC investigation during California power crisis.
- Advised Texas-based transmission and distribution utility on allocation of compliance obligations and in NERC audits.
- Advised generation and transmission cooperative on reliability compliance.
- Advised an electric cooperative in international power lines negotiations.

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- Advised public utility district in alleged NERC violations.
 - Advised electric cooperative on reliability violation mitigation plans.
 - Counseled Midwest cooperative in GFA proceedings.
 - Represented public utility district in rate cases.
 - Advised firms on qualifying facility (QF) and other PURPA matters.
 - Advised client on wind project transmission and regulatory issues.

Awards

- Recognized by *The Legal 500 United States* in the area of energy: regulatory (2015-2016); energy regulatory: conventional power (2017, 2019) and energy regulatory: oil & gas (2017)
- Recognized by *Chambers Global: World's Leading Lawyers* in the area of electricity regulation and litigation (2015-2019)
- Recognized by *Chambers USA: Guide to Leading Business Lawyers* in the area of electricity regulation and litigation (2011-2019)

Professional Activities

- Energy Bar Association, Board of Directors (2012-2015), Primer Coordinator (2015-2019)
- Member, Electricity Regulation and System Reliability & Planning Committees, Energy Bar Association
- Member, Electricity Committee, Infrastructure and Regulated Industries Section, American Bar Association
- Charter Member, Electric Cooperative Bar Association
- Observer, Cyber Attack Task Force, North American Electric Reliability Corporation (2011-2012)
- Secretary (2011-2019), Trustee (1995–2011), The Churchill Fund
- Member, The Federalist Society

Articles

- Cybersecurity and Data Privacy review and update: Looking back on 2018 and planning ahead for 2019 (March 1, 2019)
- Five Tips for Utilities to Combat Cybersecurity Threats (October 30, 2018)
T&D World

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- Energy Bar Association's Energy Law Series: QF Purchase Obligation (May 2018)
Public Utilities Fortnightly
 - Cybersecurity Information Sharing: Guidance for Companies (Spring 2016)
Partnering Perspectives
 - Information Sharing Under CISA: How DHS Guidance Helps (February 24, 2016)
Law360
 - Information Sharing Under CISA: What it Means for Companies (February 23, 2016)
Law360
 - Costs of FERC Market Surveillance Rule Could Be Shocking (November 2, 2015)
Law360
 - New DOE Cybersecurity Rules Point to Possible Rules to Come (January 8, 2015)
The Energy Daily
 - A Roadmap: How In-House Counsel Can Prepare For and Mitigate the Risk of a Cyber Attack (April 14, 2014)
Association of Corporate Counsel
 - Cybersecurity: How to Prepare for and Respond to Cyber Attacks (March 2014)
ACC Docket
 - NIST Cybersecurity Framework: Participate Now Or Pay Later (July 30, 2013)
Law360
 - An Activist Framework for Cybersecurity Oversight (October 12, 2012)
Law360
 - Mounting Compliance Challenges Under New CIP Standards (May 24, 2012)
Reprinted with permission from *Energy Law360*
 - Taking Cybersecurity to the Next Level (February 23, 2012)
Reprinted with permission from *Energy Law360* and *Project Finance360*
 - Power Grid Cyber Security Strategies (January 1, 2012)
Reprinted with permission from *Managing Power*
 - Power Grid Cybersecurity: How to Achieve Results in an Uncertain Regulatory Environment (November 1, 2011)
 - Combating Cybersecurity Threats to the Power Grid (March 17, 2011)
 - Preparing for the Inevitable: Mitigating Enforcement Penalties in NERC Hearings and Appeals (March 2010)
Posted with permission *Public Utilities Fortnightly*

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- New Enforcement Power for FERC (July 2007)
Counsel to Counsel

Presentations

- EBA Primer Series – An Introduction to the Federal Regulation of the Natural Gas Industry (November 28-29, 2018)
- Webcast: Cybersecurity considerations for electric cooperatives (September 25, 2018)
- An Electric Cooperative Bar Association (ECBA) Webcast: An intro to GDPR—How the EU’s General Data Protection Regulation may impact electric cooperatives, presented by Eversheds Sutherland (US) LLP (June 13, 2018)
- EBA Primer Series – Electric Industry Technology for Lawyers (February 15-16, 2018)
- EBA Primer Series – Electric Reliability (January 19-20, 2018)
- Ten Things You Should Do Now to Plan for a Cyber Incident (And Three That You Shouldn’t) (May 3, 2016)
- EBA Primer Series – An Introduction to Electricity and Electric Rate Regulation (April 4-5, 2016)
- Podcast: Quick Call: Interim Policies Under the Cybersecurity Information Sharing Act of 2015 (February 23, 2016)
- Interactive Discussion: Managing a Cyberattack on SCADA Systems (January 26, 2016)
- Webcast: Information Sharing Under the Cybersecurity Act of 2015 (January 21, 2016)
- EBA Primer Series – Energy Trading (December 7-8, 2015)
- Privacy and Data Security in an Increasingly Connected World (April 21, 2015)
ACC Georgia Value Challenge
- Managing A Cyber Attack: An Interactive Simulation (October 16, 2014)
- You’ve Been Hacked – Now What? (April 22, 2014)
ACC 2014 Value Challenge
- 2014 Georgia ACC Value Challenge (April 22, 2014)
- Sutherland/ACC Energy Committee Webcast: You’ve Been Hacked, Now What? (February 26, 2014)
- NIST Cybersecurity Framework: What It Means for Energy Companies (November 14, 2013)
- Natural Gas Transactions (October 9, 2012)
2012 Webinar Series: Electric Cooperative Issues

- Electric Transmission Infrastructure - Regulatory & Policy Developments (May 17, 2012)
UBS Conference, FERC Transmission Policy
- EBA Midwest Chapter's 15th Annual Energy Conference (March 13, 2012)
Energy Bar Association
- High-Voltage Grid of the Future (May 18, 2011)
Georgia Tech Clean Energy Speaker Series
- Understanding, Managing & Mitigating Risk Across the Enterprise (February 4, 2011)
TechAmerica Cybersecurity Forum
- Legal Overview Session (October 19, 2010 - October 20, 2010)
National Rural Electric Cooperative Association 2010 Reliability Compliance Workshop
- Post-Conference Workshop: NERC Compliance Strategies and Practices (September 29, 2010)
American Conference Institute's 4th National Forum on Energy Trading Compliance
- Preparing for a NERC Audit (April 19, 2010 - April 21, 2010)
Infocast's FERC & CFTC Compliance Summit 2010
- Interlocking Officer and Director Reporting 101: Practice Pointers on FERC Form 561 (March 10, 2010)
Energy Bar Association's Young Lawyers Committee Lunchtime 101 Series
- NERC Audits and Culture of Compliance: Practice Pointers (August 10, 2009)
Sutherland Webinar
- The NERC Hearing & Appeals Process (November 6, 2008 - November 7, 2008)
NRECA G&T Legal Seminar
- American Conference Institute's National Forum on Energy Trading Compliance (January 28, 2008)
- NRECA G&T Legal Seminar (November 11-12, 2004)

Clerkships

- Honorable Danny J. Boggs, U.S. Court of Appeals - Sixth Circuit.