



EMILY P. MALLEEN

PARTNER

*Energy
Government Strategies*

EMALLEEN@SIDLEY.COM

WASHINGTON, D.C. +1 202 736 8447

EMILY PITLICK MALLEEN counsels clients in the natural gas, oil and products pipeline industries in federal regulatory and transactional matters. She helps her clients understand and comply with their obligations under energy and environmental laws, with particular focus on the Natural Gas Act (NGA), the Natural Gas Policy Act (NGPA), the Interstate Commerce Act (ICA) and the National Environmental Policy Act (NEPA). Emily has provided strategic advice to pipelines in over a dozen NGA Section 4 and 5 rate case proceedings. She works with in-house counsel to shepherd pipeline projects through the NGA Section 7 certificate process and provides advice on day-to-day regulatory compliance matters before the Federal Energy Regulatory Commission (FERC). She also has experience with proceedings before the Texas Railroad Commission and the federal courts, and advising energy industry and trade association clients working through emerging issues in energy and natural resources law.

Emily's recent experience includes:

- Representing a trade association before the D.C. Circuit in a proceeding that focused on FERC's NEPA review of downstream greenhouse gas emissions in natural gas pipeline certificate projects.
- Assisting a hub-services provider in Texas with obtaining market-based rates from FERC for transportation services provided under section 311 of the NGPA.
- Representing a pipeline that delivers crude oil from the Permian Basin to the Houston Gulf Coast in a hearing proceeding at FERC on challenges by its anchor shipper to expansion shippers' prorationing policy and contract rates, while advising the pipeline in a parallel proceeding at the Texas Railroad Commission.
- Providing regulatory due diligence on a number of transactions concerning natural gas, crude oil and products pipelines transporting commodities from strategic supply basins throughout the U.S.

Prior to joining Sidley, Emily practiced with a FERC regulatory specialty firm, working with over a dozen regulated pipeline companies.

Some of Emily's representative matters prior to joining Sidley include:

- Represented a natural gas pipeline company before FERC in a NGA section 4 rate case proceeding that resulted in the company's first uncontested settlement.
- Represented natural gas pipeline projects in obtaining their NGA section 7 certificate authorization from FERC while orchestrating strategic responses to project opponents.
- Represented a natural gas pipeline company in its efforts to convert segments of its system from natural gas to natural gas products transportation by providing counsel on NEPA and NGA section 7 matters as well as the converted pipeline's common carrier obligations under the ICA.
- Represented a natural gas pipeline in a litigated acquisition premium dispute before FERC and on brief before the D.C. Circuit Court of Appeals.

- Represented a new crude oil pipeline located in Texas and Oklahoma before FERC, which included a Petition for Declaratory Order on the pipeline's rate and tariff structure, the crafting of tariff language and the drafting of open season materials, transportation services agreements and other transactional documents.

Pro Bono

Emily focuses her pro bono efforts on representing military veterans in healthcare benefits proceedings and assisting 501(c)(3) tax-exempt entities.

Memberships & Activities

- American Bar Association, Section on Environment, Energy, and Resources Law
- Energy Bar Association
- Women's Council on Energy and the Environment

Publications

- Navigating the Permitting Process, *Midstream Business* (September 2019)
- Environmental Challenges Clash with Reality, *Texas Lawyer* (March 2019)
- Pipeline Politics, *World Pipelines* (September 2018)
- Pipeline Outlook: How FERC Reliance on Precedent Agreements Could Change, *Texas Lawyer* (March 1, 2018)
- The Future of DAPL and Tribal Consultations, *Law360* (December 19, 2016)
- Uncertainty Ahead for FERC Income Tax Allowance Policy, *Law360* (July 11, 2016)
- AGA FERC Manual: A Guide for Local Distribution Companies, 2015–2016 Edition, *American Gas Association* (June 1, 2016)
- Pipeline Organization, chapter in *Energy Law and Transactions* (October 1, 2013)

Events

- Moderator, "Status of Western US/California Capacity and Deliverability," S&P Global Platts 17th Annual Gas Storage Outlook Conference (Houston, TX, January 10–11, 2018)
- "Challenges in Major Project Development," Northwest Gas Association's 2016 Annual Energy Conference (Stevenson, WA, June 9, 2016)

Admissions & Certifications

- U.S. Court of Appeals for Veterans Claims
- U.S. Court of Appeals, D.C. Circuit
- District of Columbia
- Virginia

Education

- Duke University School of Law (J.D., 2007)
- Washington University in St. Louis (B.A., 2002)