

Professional Biography



JANE RUEGER | PARTNER

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Jane Rueger draws on her deep knowledge of the electric and natural gas industries and markets to advise clients in transactional, litigation, policy, and regulatory matters.

Jane regularly represents clients in the negotiation of power purchase agreements (PPA) (conventional and renewable generation), gas purchase and sale agreements, mergers and acquisitions (M&A) transactions, project financings, interconnection agreements, gas pipeline precedent agreements, and asset management agreements. She also counsels market participants on regional transmission organization (RTO) and independent system operator (ISO) market rules around the United States and the development of creative strategies to successfully operate within those markets.

Her experience includes Federal Energy Regulatory Commission (FERC) litigation matters and settlements that involve electric or gas pipeline rates and RTO/ISO market structures. She also represents clients in non-public investigations into alleged violations under FERC's market manipulation rules, the Federal Power Act (FPA), Natural Gas Act (NGA), and Natural Gas Policy Act (NGPA).

In addition, Jane advises clients on advancing their energy policy goals at both federal and state levels in areas such as transmission planning, grid interconnection, market structures, and adoption of policies favorable to cutting-edge technologies that are critical to decarbonizing the energy industry, such as zero-emission vehicles. She is a trusted advisor to energy market participants with regard to all aspects of FERC regulation, including obtaining and maintaining market-based rate authority, obtaining prior authorization for mergers and acquisitions under Section 203 of the FPA, FERC audits, North American Electric Reliability Corporation (NERC) compliance issues, and tariff administration and compliance.

A core strength of Jane's practice is the diverse nature of her knowledge and client base, including electric and gas utilities, financial institutions, large industrial consumers of power, offtakers of renewable power, pipeline developers, energy marketers, and other utility service providers.

Jane has been an active member of the Energy Bar Association (EBA) for many years. In 2020-21, she served as president of the EBA.

A published thought leader, Jane regularly writes on topics relevant to the electric and natural gas industries, such as electric battery storage. Jane also serves as an adjunct professorial lecturer in law at George Washington University School of Law, teaching a seminar on offshore wind development and transmission planning.

At her previous firm, Jane was the co-chair of their LGBTQ affinity group, and she maintains an active pro bono practice such as representing the Solar Foundation, a nonprofit, nonpartisan organization dedicated to advancing the use of solar and solar-compatible technologies worldwide.

RTO/ISO FERC Tariff Change Filings & Petitions

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PROFESSIONAL RECOGNITION

- Named a *Lawdragon* 500 Leading Energy Lawyers, 2023

PROFESSIONAL LEADERSHIP

- Energy Bar Association, President, 2020 – 2021; President-Elect, 2019 – 2020; Vice President, 2018 – 2019
- Charitable Foundation of the Energy Bar Association, President, 2017 – 2018

EXPERIENCE

CLEARWAY ENERGY, INC.

Represent leading publicly-traded energy infrastructure investor, in related transactions in which it acquired equity interests in a 1,204 MW portfolio of renewable energy projects, including five geographically diversified wind, solar, and solar-plus-storage assets, and formed a joint venture with Hannon Armstrong, a leading climate-solutions investor, through which Clearway and Hannon, to co-invest in the development of the portfolio, with Clearway as manager of the joint venture and the renewable energy projects.

FERC REGULATORY IMPLICATIONS OF TAX EQUITY PARTNERSHIPS

Advise several large electric utilities with regard to FERC implications of various tax equity partnership structures, including application of FPA Section 203 and affiliate restrictions.

CORPORATE RENEWABLE POWER PROCUREMENT

Represent corporate offtakers in the negotiation of power purchase and sale agreements (both physical and virtual) for solar, wind and other renewable resource facilities in wholesale markets around the United States.

FERC MARKET-BASED RATE AUTHORITY

Advise generators, power marketers, and large electric utilities with regard to obtaining and maintaining market-based rate authority from FERC and associated regulatory compliance.

GENERATOR INTERCONNECTION

Negotiate generator interconnection agreements for large gas-fired and wind/solar generators in MISO and NYISO markets. Advise clients regarding implications of changes to the pro forma interconnection agreements and procedures over time, including with respect to reliability obligations.

PROTEST OF MISO TARIFF FILINGS

Advise market participant regarding impacts of proposed changes to MISO tariff relating to storage as a transmission only asset. Crafted protest of the proposed changes and coordinated submission on behalf of multiple stakeholders.*

QF LITIGATION AND COMPLIANCE

Represent large electric utility with regard to litigation over the obligation under the US Public Utility Regulatory Policies Act of 1978 to purchase power from qualifying facilities at the electric utility's avoided cost rate. Advise owners of qualifying facilities under PURPA with regard to FERC regulatory compliance, including obtaining and maintaining self-certifications and waivers from certain requirements.

NATURAL GAS REGULATORY COMPLIANCE

Represent an LDC (a Hinshaw pipeline) and its affiliated gas storage provider with regard to all aspects of FERC compliance, including jurisdictional analysis of proposed transactions, SOC / OS maintenance and market-based rate compliance, advice on and submission of FERC filings related to new products and services, and representation in interstate gas pipeline rate proceedings before FERC.

FIRM INTERSTATE PIPELINE CAPACITY TRANSACTIONAL COMPLIANCE

Advise LDCs, generators and energy marketers with regard to compliance with FERC AMA requirements and other FERC shipper considerations.

FERC APPROVALS ASSOCIATED WITH M&A TRANSACTIONS

Represent generators, investment funds, governmental entities and others with respect to application of FPA Section 203 to complex M&A transactions, as well as FERC regulations and filings applicable to complex reorganizations. Advise firm interstate pipeline capacity holders regarding need for FERC waivers or other approvals in connection with asset sales and mergers and acquisitions, and submission of applications for waivers and approvals where required.

JURISDICTIONAL ANALYSIS

Advise multiple large oil and gas producers with regard to FERC jurisdiction over natural gas gathering and production facilities and associated intrastate pipeline systems.

FERC PIPELINE CERTIFICATES

Representation of DTE Midstream Appalachia, LLC with respect to its application for a FERC certificate to construct and operate a natural gas pipeline lateral serving new gas-fired generation in Pennsylvania.*

FERC PRESIDENTIAL PERMITS

Secured approval of Presidential Permits for natural gas export facilities into Canada.*

FERC OIL REGULATION

Advised infrastructure fund with respect to federal regulatory considerations associated with its over US\$1.8 billion acquisition of one of the largest, privately held crude oil transportation systems in West Texas. Negotiated terms of a joint tariff agreement between two interconnected crude oil transportation systems.*

ELECTRIC STORAGE SERVICES AGREEMENTS

Represented large investor owned utility in the negotiation of energy storage services agreements to meet energy storage mandates, as well as renewable power purchase agreements to meet the utility's RPS mandates, in the California electricity markets.*

*Prior experience

NEWS

07.27.2022

Jane Rueger Quoted in Law360—3 Biggest Hurdles For States Pushing Greener Energy

General News

[*Law360*](#)

Jane Rueger was quoted in "3 Biggest Hurdles For States Pushing Greener Energy," an article in *Law360*, regarding how states are making goals to decarbonize their energy supplies.

05.09.2022

Jane Rueger Quoted in Law360—Grid Hurdles Can't Be Overlooked In U.S. Offshore Wind Push

General News

[*Law360*](#)

Jane Rueger quoted in, "[Grid Hurdles Can't Be Overlooked In U.S. Offshore Wind Push](#)," an article in *Law360*, regarding the opening of federal offshore wind development waters and the grid power challenges.

01.04.2021

Perkins Coie Represents Clearway Energy, Inc. in 1.6 GW Renewable Energy Deal

Press Releases

Perkins Coie represented Clearway Energy, Inc. (CWEN), a leading publicly traded renewable energy infrastructure investor, in a multipart [transaction](#) in which it acquired from its parent company and renewable development partner, Clearway Energy Group LLC, equity interests in a geographically diverse 1.6 GW portfolio of wind, solar, and energy storage projects.

05.19.2020

Jane Rueger Mentioned in Multiple Publication Regarding Joining the Firm

General News

Partner Jane Rueger was mentioned in multiple publications regarding joining the firm's Environment, Energy & Resources practice in Washington, D.C.

05.12.2020

Perkins Coie Adds Veteran Energy Partner Jane Rueger in Washington, D.C.

Press Releases

Perkins Coie is pleased to announce that Jane Rueger has joined the firm's Environment, Energy & Resources practice as a partner in the Washington, D.C., office. Jane has deep experience in federal energy regulation and markets as well as renewable transactions. She is also the president of the Energy Bar Association.

PUBLICATIONS

Updated 04.2023

Federal Energy Regulatory Commission (FERC)

Lawyer Publications

05.17.2023

DOE Proposes National Interest Electric Transmission Corridor Designation Process

Updates

The U.S. Department of Energy published a combined Notice of Intent and Request for Information on May 9, 2023, that proposes a new applicant-driven, route-specific process to designate National Interest Electric Transmission Corridors.

05.16.2023

FERC Meeting Agenda Summaries for May 2023

Updates

Brief summaries of the agenda items for the Federal Energy Regulatory Commission's (FERC or the Commission) open meeting to be held on May 18, 2023, at 10:00 a.m. ET.

05.03.2023

New Jersey Directs Second Offshore Wind Transmission Procurement Through PJM SAA

Updates

On April 26, 2023, the New Jersey Board of Public Utilities formally requested that PJM Interconnection, L.L.C. incorporate New Jersey's increased offshore wind goals into the PJM transmission planning process via the "State Agreement Approach."

04.20.2023

IRS Issues Guidance on Battery Sourcing Requirements for Clean Vehicle Tax Credits

Updates

The Internal Revenue Service published guidance on April 17, 2023, in the form of a Notice of Proposed Rulemaking, detailing the critical minerals and battery components requirements under Section 30D, enacted by the Inflation Reduction Act of 2022.

Updated 04.2023

FERC Meeting Agenda Summaries

Lawyer Publications

04.18.2023

FERC Meeting Agenda Summaries for April 2023

Updates

Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's (FERC or the Commission) open meeting to be held on April 20, 2023, at 10:00 a.m. ET.

04.17.2023

Maryland Commits to 8.5 GW of Offshore Wind by 2031, Looks Ahead to Offshore Wind Transmission

Updates

The Maryland General Assembly passed the Promoting Offshore Wind Energy Resources Act on April 10, 2023, committing the state to develop 8.5 gigawatts of offshore wind by 2031.

03.23.2023

An Active Quarter for Offshore Wind and Interregional Transmission Planning

Updates

This Update discusses a flurry of activity in the first quarter of 2023 from state and federal agencies focused on offshore wind transmission.

03.15.2023

FERC Meeting Agenda Summaries for March 2023

Updates

This Update provides brief summaries of the agenda items for the Federal Energy Regulatory Commission's March 16, 2023, open meeting.

03.07.2023

FERC Establishes New Monitoring Requirements for Bulk Electric Systems

Updates

The Federal Energy Regulatory Commission has published a final rule calling for the North American Electric Reliability Corporation to develop standards for internal network cybersecurity monitoring that will be required for all high-impact bulk electric systems and medium-impact bulk electric systems with external roundtable activity and conduct a study of the security of other bulk electric systems.

01.23.2023

FERC Proposes To Update Its Backstop Siting Authority for Electric Transmission Facilities

Updates

The Federal Energy Regulatory Commission issued a notice of proposed rulemaking to update its regulations governing backstop siting authority for electric transmission projects.

11.10.2022

FERC Sharpens Its Application of Change in Control and Affiliation Concepts Regarding Utility Board Representation

Updates

FERC announced clarifications regarding what constitutes a change of control of a public utility or public utility holding company under the Federal Power Act and how it will assess the presumption that investors who own less than 10% of the voting securities of a FERC Regulated Entity are not affiliated with that entity.

09.14.2022

New England Requests Information on Electric Grid Upgrades To Integrate Offshore Wind

Updates

Five New England states recently issued a Request for Information seeking comment by October 14, 2022, on changes and upgrades to the regional electric transmission system to integrate renewable energy resources, particularly offshore wind. Through the RFI, the five states seek to improve the grid's reliability, resilience, and affordability for the region's electricity customers by integrating renewables and leveraging federal funding for transmission investments. Information received during the comment period will inform the states' decisions to procure or facilitate transmission investment, inform planning activities, and further inform efforts to secure federal funding, including under the Infrastructure Investment and Jobs Act and the Inflation Reduction Act, and otherwise support infrastructure investment decisions.

04.25.2022

FERC Greenlights PJM and New Jersey Offshore Wind Transmission Agreement

Updates

On April 14, 2022, the Federal Energy Regulatory Commission accepted a "State Agreement Approach" Agreement between PJM Interconnection, LLC and the New Jersey Board of Public Utilities effective April 15, 2022.

03.30.2022

Record-Setting Auction, Flurry of Transmission Planning Activity Demonstrate Growing Momentum for Offshore Wind

Updates

Offshore wind energy development received a huge dose of momentum at the end of February, as the Bureau of Ocean Energy Management (BOEM) held the largest offshore wind lease sale ever in the United States.

02.02.2022

Law of Environmental Protection—Oil & Gas

Articles

[Environmental Law Institute](#)

12.16.2021

Opportunities and Challenges in Biden's Plan for a Zero-Carbon Federal Government by 2050

President Biden signed an executive order on December 8, 2021, directing the federal government to use its scale and procurement power to slash its carbon emissions by 65% by 2030 and achieve net-zero emissions by 2050

12.16.2021

The Biden Administration's Plan for a Zero-Carbon Federal Government by 2050

Updates

President Biden signed an executive order on December 8, 2021, directing the federal government to use its scale and procurement power to slash its carbon emissions by 65% by 2030 and achieve net-zero emissions by 2050.

11.15.2021

How the Infrastructure Investment and Jobs Act and Build Back Better Bill Would Advance the Offshore Wind Sector

Updates

The \$1.2 trillion Infrastructure Investment and Jobs Act, which President Biden signed into law today, and the proposed \$1.75 trillion Build Back Better Act (H.R. 5376) each set aside historic investments in clean energy.

11.01.2021

DOE Loan Programs Office Backs Loan Guarantees to Foster Innovation and Achieve 2050 Net Zero Carbon Economy

Updates

Under the new leadership of Director Jigar Shah, the U.S. Department of Energy's Loan Programs Office (LPO) has announced that more than \$40 billion is available in loans and loan guarantees to fund innovative energy infrastructure projects.

07.27.2021

FERC Steps Toward Potential Overhaul of Transmission Planning and Cost Allocation

Updates

The Federal Energy Regulatory Commission recently signaled potential wide-reaching reforms to regional electric transmission planning, cost allocation, and generator interconnection processes. Nearing the tenth anniversary of its landmark Order No. 1000, FERC issued an Advanced Notice of Proposed Rulemaking, which examines whether existing approaches adequately account for the transmission needs of a changing resource mix. The ANOPR probes a wide range of topics and appears likely to generate specific proposals for fundamental reform to how we plan and pay for the grid.

07.09.2021

FERC's Market-Based Rate Relational Database Requirements Go Live

Updates

FERC's twice-delayed new relational database is now live and parties must begin to use it in connection with new applications for market-based rate authority or changes to existing market-based rate tariffs.

10.28.2021 - Updated 05.12.2023

RTO/ISO FERC Tariff Change Filings & Petitions

Lawyer Publications

05.17.2021

Ransomware, Cyberattacks, and Cybersecurity for Pipelines and LNG Facilities

Updates

The recent ransomware attack on Colonial Pipeline—one of the largest oil pipelines in the United States that delivers nearly 45% of the fuel consumed on the East Coast—has put a spotlight on a regulatory gap in reliability standards for pipeline infrastructure. This update reviews the current status of federal regulation of pipeline reliability as well as several legislative fixes under consideration.

04.19.2021

FERC Issues Supplemental Proposed Rulemaking on Incentives for Transmission Investment

Updates

On April 15, 2021, the Federal Energy Regulatory Commission supplemented the notice of proposed rulemaking (Supplemental NOPR) for transmission incentives it issued last year (2020 NOPR). In its Supplemental NOPR, FERC focused on one hotly contested incentive—the return on equity (ROE) adder for transmitting and electric utilities that join a regional transmission organization, independent system operator, or similar entity (Transmission Organization) and abandoned its proposal in the 2020 NOPR to increase the incentive from 50-basis-points to 100-basis-points. FERC also proposed to sunset the ROE adder three years after the recipient transfers control of its transmission facilities to a Transmission Organization.

03.26.2021

FERC Announces GHG Emissions Assessments in Pipeline Certificate Proceedings

Updates

On March 22, 2021, FERC took a step toward reforming the way in which it analyzes greenhouse gas (GHG) emissions for purposes of natural gas pipeline certificates. However, FERC did so via a certificate order rather than a revised policy statement, as many had anticipated, and garnered sharply dissenting opinions from two commissioners as a result.

01.29.2021

Commissioners' No Votes Speak Volumes About Upcoming Issues Facing FERC

Updates

The Federal Energy Regulatory Commission held its first monthly meeting of 2021 on January 19, welcoming new Commissioner Mark Christie to his first meeting and taking on a packed agenda.

10.20.2020

Energy Bar Association Ignites Discussion at Virtual Fall Forum

Updates

The Energy Bar Association held a very well-attended virtual Fall Forum last week. Perkins Coie Partner Jane Rueger, who is president of the EBA this year, opened the Fall Forum with an address that built on the event theme of "Commit, Engage, Ignite."

09.23.2020

FERC Plants the Seeds for DER Aggregators' Participation in the RTO/ISO Markets: Work Must Be Done to See What Will Grow

Updates

The Federal Energy Regulatory Commission issued Order 2222 on September 17, 2020.

07.22.2020

FERC Adopts Sweeping Overhaul to Its PURPA Regulations

Updates

For the first time in fifteen years, the Federal Energy Regulatory Commission (FERC) significantly revamped key aspects of its regulations implementing the Public Utility Regulatory Policies Act of 1978 (PURPA).

07.06.2020

D.C. Circuit Overturns Decades of Precedent, Finds FERC Cannot Delay Appellate Review With Tolling Orders

Updates

On June 30, 2020, in an *en banc* review, the U.S. Court of Appeals for the D.C. Circuit concluded that the Federal Energy Regulatory Commission cannot delay judicial review of its decisions by issuance of tolling orders.

09.25.2019

Signals for US Electric Storage

Articles

Project Finance International

05.30.2019

Electric Storage: From Idea to Action

Articles

White & Case

06.14.2017

FERC at 40: A Look Back and Ahead

Articles

Law360

09.2016

Electric Energy Storage: Preparing for the Revolution

Articles

White & Case

10.2015

Power Dynamics: Forces Shaping the Future of Coal in the United States

Articles

White & Case

PRESENTATIONS

01.18.2023

Transmission and Interconnection Challenges

Speaking Engagements

Moderator

Tulane Offshore Wind Conference: Overcoming Barriers in the Gulf / New Orleans, LA

10.19.2022

Wired for Wind: The New Landscape for Transmission and Interconnection

Speaking Engagements

Panelist

American Clean Power Offshore WINDPOWER Conference 2022 / Providence, RI

11.04.2021

Emerging Topics in Energy – Environmental Justice, Renewables and Infrastructure

Speaking Engagements

Virginia Bar Association 27th Annual Administrative Law Conference / Richmond, VA

During its 2020–21 Session, the Virginia General Assembly enacted the Virginia Clean Energy Act and a host of bills impacting various aspects of renewable energy resource development.

06.22.2021

Pride Month - A Conversation with LZ Granderson

Webinars

Moderator

LZ Granderson shared his journey from being in the closet while growing up in a rough neighborhood in Detroit to becoming one of the most visible, openly gay men working in sports today.

01.27.2020

PJM Capacity Markets & Out-of-Market Subsidies

Speaking Engagements

Equipment Lease & Financing Association / Webinar

02.06.2018

Sector Focus: Energy and Climate Finance Opportunities Within

Speaking Engagements

Panelist

Financial Times 2018 Climate Finance Summit / New York, NY

AREAS OF FOCUS

PRACTICES

- Environment & Natural Resources
- Climate Law

INDUSTRIES

- Energy Law
- Mining

BAR AND COURT ADMISSIONS

- District of Columbia
- California
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Fourth Circuit

EDUCATION

- Indiana University Maurer School of Law, J.D.
- Indiana University, Kelley School of Business, M.B.A.
- Wellesley College, B.A.