



Daniel E. Frank

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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.

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- Advised generation and transmission cooperative on reliability compliance.
 - Advised an electric cooperative in international power lines negotiations.
 - 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.
 - Advised a multinational energy transportation company in a cross-border deal in connection with its divestment of a large transmission line in the West through the sale of Canadian and US entities owning relevant portions of the transmission line.

Awards

- Recognized by *The Legal 500 United States* in the area of energy: regulatory **(2015-2016)**; energy regulatory: conventional power **(2017, 2019-2022)** and energy regulatory: electric power **(2023)**
- Recognized by *Chambers Global: World's Leading Lawyers* in the area of electricity regulation and litigation **(2015-2023)**
- Recognized by *Chambers USA: Guide to Leading Business Lawyers* in the area of electricity regulation and litigation **(2011-2023)**
- Named to *The Best Lawyers in America* in the area of energy law **(2023-2024)** and energy regulatory law **(2024)**
- Named to the inaugural *Lawdragon 500 Leading U.S. Energy Lawyers* **(2023)**

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

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- 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

- The Laws and Regulations Affecting Physical Security of Electric Cooperatives(March 2023)
NRECA Legal Reporting Service
- The Laws and Regulations Affecting Physical Security of Electric Cooperatives(February 2023)
NRECA Legal Reporting Service
- 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
- Energy Bar Association’s Energy Law Series: QF Purchase Obligation(May 2018)
Public Utilities Fortnightly

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)
- Managing A Cyber Attack: An Interactive Simulation(October 16, 2014)
- Natural Gas Transactions(October 9, 2012)
2012 Webinar Series: Electric Cooperative Issues
- NRECA G&T Legal Seminar(November 11-12, 2004)

Legal Alerts

- The seismic shift after Schrems II: The future of cross border data flows for the energy and industrial sectors (August 4, 2020)
- Implications of the Bulk-Power System Electrical Equipment Executive Order on energy infrastructure transactions (May 13, 2020)
- CARES Act Summary for Coops (April 8, 2020)
- Remaining section 45Q guidance submitted to OIRA for review (March 16, 2020)
- Ready, set, sequester? — A guide to the recently released section 45Q guidance (February 25, 2020)
- Section 45Q Guidance Released (February 19, 2020)
- Legal Alert: IRS releases 2019 inflation adjustment for section 45Q carbon oxide sequestration credit (May 15, 2019)
- FERC to examine electric, gas and oil return on equity policies (March 26, 2019)
- FERC proposes to revise prior approval obligations for mergers/acquisitions of facilities under \$10 million (November 16, 2018)
- FERC directs NERC to adopt revised cyber security incident reporting requirements (July 25, 2018)
- NERC and power company reach settlement on violations of cybersecurity standards (March 22, 2018)
- NIST Releases Second Draft of Revised Cybersecurity Framework (December 22, 2017)
- Legal Alert: Plan of Defense: White House Issues Executive Order on Cybersecurity (May 17, 2017)

Clerkships

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