

David A Fitzgerald

David Fitzgerald is a twenty-five-year veteran of practicing energy law in private practice. David joined Davison Van Cleve in 2019 after spending 24 years affiliated with Washington, D.C. based energy practices. A native of Colorado, David has represented consumer owned utilities in regulatory, transactional, lobbying, and litigated matters for more than twenty-four years. He began his work in the energy field staffing Senator Howard Metzenbaum (D-OH) on the Senate Energy and Natural Resources Committee during the consideration of the Energy Policy Act of 1992.

Over the years, David has appeared in proceedings before the Federal Energy Regulatory Commission (“FERC”) litigating electric matters including enforcement of the Public Utility Regulatory Policies Act (“PURPA”), Federal Power Act Section 205 and 206 filings, formula rates, Return on Equity (“ROE”), and the exercise of FERC’s jurisdiction over non-jurisdictional utilities. In matters before state regulatory commissions, David has represented electric vehicle charging companies on matters involving rate design and regulatory jurisdiction.

David has represented customers of each of the Power Marketing Administrations (“PMAs”) including major cases involving applicability of Section 211A over the PMAs, the development of marketing policies including the allocation of Renewable Energy Credits (“RECs”), and litigated proceedings involving the operations of Federally owned hydropower projects. These efforts have involved lobbying on Capitol hill, negotiating customer funding arrangements and power contracts, and representing customers in U.S. District Court and the U.S. Court of Appeals for the D.C. and Eleventh Circuits.

In transactional matters, David has assisted clients with wholesale power supply agreements to meet partial and all requirements needs. In these negotiations and preparation of short- and long-term agreements, David has represented G&T Cooperatives, distribution cooperatives, joint action agencies and municipalities. These power supply arrangements have been structured for clients in and outside organized markets.

David has presented multiple times at the National Rural Electric Cooperative Association (“NRECA”) G&T Legal Seminar and the American Public Power Association’s (“APPA”) legal seminar. In recent years, he coauthored a primer on Distributed Generation (“DG”) and PURPA for NRECA. In 2020 David was a featured author on state policies for the American Bar Association (“ABA”) book entitled Distributed Generation Law. For more than fifteen years, David has been an articles editor for the Energy Law Journal.

David resides in Seattle, Washington.

Admitted in Colorado, Washington, D.C., Washington State

Admitted to practice before U.S. District Court for District of Columbia and the U.S. Court of Appeals for the District of Columbia