

## **Legal and Regulatory Developments in the Midwest Region**

**Carrera Thibodeaux**, *Energy Regulation and Litigation Associate*, Whitt Sturtevant LLP

Carrera's background experience consists of working in the legal department for a public utility and most recently, Carrera was a Legal and Policy Advisor to Commissioner Kimbrel at the Illinois Commerce Commission. During her time at the Commission, Carrera advised her Commissioner on matters such as rate and tariff approval, eminent domain, electric transmission siting, system acquisitions, and Certificate of Public Convenience and Necessity applications among other proceedings before the Illinois Commerce Commission. She was also appointed as a member of the NARUC Staff Subcommittees on Critical Infrastructure, Energy Resources and the Environment, and Water. She has completed Michigan State University's Institute of Public Utilities (IPU) Ratemaking Course and Co-authored *Sampling of Methane Emissions Detection Technologies and Practices for Natural Gas Distribution Infrastructure* in 2019; a handbook published by NARUC-DOE Natural Gas Infrastructure Modernization Partnership.

Carrera is licensed to practice law in Illinois. She earned her Juris Doctorate from Loyola University Chicago School of Law and a Bachelor of Arts from University of Tennessee Knoxville. She is a member of the Black Women Lawyer's Association where she previously held a Board of Directors position. She currently sits on their Scholarship Fund Board and is Chair of their Membership Services Committee.

**Bryan Little**, *Assistant General Counsel*, NiSource

Bryan is the Assistant General Counsel—Federal Regulatory for NiSource Inc. and its operating companies located in six states. His primary areas focus include MISO, FERC hydroelectric and Endangered Species Act regulation, FERC Natural Gas and Renewable Natural Gas matters, NERC 693 and Cybersecurity Infrastructure Protection, TSA Cybersecurity compliance, FERC Order 717 compliance, corporate and interlocking directorate matters.

**Haley Van Loon**, *Partner*, BrownWinick Law Firm

I work in two areas that I enjoy immensely - energy and fiduciary litigation.

I am co-chair of BrownWinick's Energy, Natural Resources and Environmental Law Practice Group where my energy practice involves a wide variety of clients, including utilities, private developers, commercial and industrial customers, and municipalities. I have been trusted by these clients to serve as their advocate in litigation and regulatory proceedings, and to manage and lead transactions involving renewable development and other energy matters. Some examples of the type of projects I have worked on include ratemaking, rulemaking, permitting, compliance, financing, power purchase agreements and renewable development. I frequently appear before the Iowa Utilities Board and in related court proceedings where my clients trust me to help achieve their business goals in an arena that is ever-changing.

My fiduciary litigation practice involves working with and representing trust officers, financial institutions and professionals, and individuals. I handle complex and contentious matters in a wide array of disputes centered on trusts, estates and guardianships and conservatorships. I

advise clients on best practices to minimize risk and avoid litigation in carrying out their fiduciary responsibilities. When litigation is unavoidable, I serve as a zealous advocate to protect their interests.

**Andrew Schulte**, *Shareholder*, Polsinelli

Andrew Schulte guides energy industry clients through the complex and dynamic regulatory environments at the local, state, and federal levels. As former counsel to both the Kansas Corporation Commission (“KCC”) and the Federal Energy Regulatory Commission (“FERC”), Andrew uses his understanding of the legal, procedural, and political issues at play in regulatory proceedings to help clients achieve their business goals.

Andrew has represented electric cooperatives, municipalities, independent transmission companies, independent power producers, and private equity investors in connection with the development, financing, operation, and divestiture of a wide variety of electric assets.

Andrew has extensive experience with proceedings before regulatory bodies, including preparing filings and testimony, negotiating multi-party settlements, managing discovery, presenting oral arguments, cross-examining expert witnesses, and drafting motions and briefs for presentation to regulatory decision-makers. For example, Andrew recently guided a transmission-owning public utility through the application and hearing process at the KCC to obtain regulatory approval for its sale to a foreign holding company.

Andrew also excels in advising independent power producers and distributed generation providers on how to structure deals to avoid tripping regulatory jurisdiction, where appropriate. For example, he has advised solar developers on the nuances of the definition of “public utility” in various states and made regulatory “opt-out” filings for independent power producers.

Moreover, Andrew counsels energy developers and investors on project development, local permitting, and working with opposition groups.

In addition to his regulatory background, Andrew has significant experience with energy-related transactions, including the purchase and sale of energy assets, interconnection agreements, and power purchase agreements. Andrew has conducted due diligence, drafted and reviewed contracts for the transfer of interests in electric assets, and obtained the necessary regulatory approvals for such transactions.

**Justin Ooms**, Potomac Law Group

Justin Ooms is a Counsel in the firm’s Energy and Environmental group. His practice focuses on energy law, where he represents clients before the Michigan Public Service Commission, including energy suppliers and marketers, independent power producers, manufacturers, agricultural processors, public entities and institutions, and trade associations representing competitive power supply and business interests. He has also represented developers and lenders as Michigan counsel on the development of energy generation projects in Michigan.

Mr. Ooms' wide-ranging regulatory experience also includes anti-trust law, assisting clients with pre-merger filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1978, and insurance agency/brokerage regulatory law.

**Zev Simpser**, Partner, Dorsey & Whitney LLP

Zev has served clients in the energy industry for over a decade. Unlike many energy attorneys who concentrate on only one or two aspects of the industry, Zev has a truly diversified practice. His experience ranges from counseling clients regarding rates, PURPA, economic development, infrastructure development, municipal relations, electricity sale and purchase transactions, and asset transfers to representing clients in all manner of regulatory proceedings before state and federal commissions including rate cases, resource plans, and interjurisdictional matters.

Zev's broad energy industry perspective is informed by his service as a legislative aide to United States Senator Bob Graham, who he advised on energy, environmental and agricultural issues. Clients appreciate Zev's multi-dimensional experience because it enables him to more effectively evaluate their legal challenges and develop solutions to advance their business interests.

**Doug Law**, *Associate General Counsel*, Black Hills Corporation

Doug Law is the Associate General Counsel at Black Hills Corporation. In this role, Doug provides legal advice to business clients on a variety of natural gas and electric legal matters affecting Black Hills Corporation, represents the company before regulatory and other governmental authorities, manages outside counsel support relationships focusing primarily on regulated and non-regulated gas utilities, and works with the legal team in supporting the Mission, Vision, and Values of the company. Doug received a B.S.B.A. from the University of Nebraska-Lincoln and a J.D. from the University of North Dakota School of Law.

**Devan K. Flahive**, *Partner*, Nelson Mullins

Flahive is part of the firm's Midwest Commercial Litigation Team and advises clients on regulatory and contract issues relative to energy generation and transmission infrastructure, including construction, operation, and compliance for projects certificated by the Ohio Power Siting Board (OPSB). Drawing on her considerable track record securing OPSB approvals for major utility facilities, she provides strategic insight to utilities and developers of energy projects in PJM Interconnection territory.

She also counsels upstream oil and gas operators, pipelines, chemical companies, and power marketers on a broad range of regulatory and litigation matters, practicing before state and federal courts, the Federal Energy Regulatory Commission, and the Public Utilities Commission of Ohio.

Flahive is a graduate of the Penn State University Dickinson School of Law and received her undergraduate education at Cornell University. She joins a growing team in Cleveland, as Nelson Mullins recently expanded with the opening of its office in the city in March 2022.

**Buford Pollett, *Managing Attorney*, EMC Law PLLC**

Buford Boyd Pollett is a licensed Attorney in Oklahoma, Texas, Louisiana, and Georgia. He is also a licensed Geoscientist in Texas and a proctor in maritime law. Pollett is also the Genave King Rogers Assistant Professor of Energy Law and Commerce at The University of Tulsa bringing over 15 years of domestic and international legal experience serving his clients at the senior counsel, manager and director level.

His energy experience includes work with Eni (the Italian National Oil Company), Wilson Offshore & Marine, McDermott, Technip, Entergy, Amoco, Texaco, Nabors, and a Shell-Exxon joint venture in Germany (BEB Erdgas und Erdöl).

He has an MS/BS in Geology from the University of Georgia, a Master in International Business Management from Pepperdine University and a Juris Doctor degree from Loyola University School of Law, New Orleans.

**Richard Heinemann, *Attorney*, Boardman & Clark LLP**

Richard A. Heinemann has spent nearly his entire twenty-plus year career in the energy industry, primarily representing municipal electric utilities and joint action agencies. He currently serves as outside general counsel for four such agencies: Central Minnesota Municipal Power Agency (CMMPA), Great Lakes Utilities (GLU), Northern Illinois Municipal Power Agency (NIMPA), and the Upper Midwest Municipal Energy Group (UMMEG). The municipal electric utility members of these agencies are located in states throughout the Upper Midwest, including Wisconsin, Illinois, Iowa, Michigan and Minnesota.

Richard has advised clients on a wide range of matters, including power supply contracts; generation project development; agency governance and formation issues; strategic planning; asset transfers; construction agreements, intergovernmental agreements, territorial disputes; sustainability (“green”) practices, brownfield redevelopment; regulatory compliance and transmission matters in both the Midcontinent Independent System Operator (MISO) and PJM Interconnection (PJM).

Mr. Heinemann has a wide-range of experience in state and federal regulatory matters, including environmental and transmission-related issues, and has represented joint action agency clients before the Federal Energy Regulatory Commission (FERC), as well as state municipal utilities and regulatory agencies in Wisconsin, Illinois and Minnesota.