



Richard Bonnifield

OF COUNSEL

WASHINGTON, DC*

PHONE: 202.378.2300

PHONE: 202.378.5390

EMAIL: RICHARD.BONNIFIELD@HUSCHBLACKWELL.COM

OVERVIEW

Rich draws on more than four decades of experience in energy law—including stints in-house at a major public utility company and within the Federal Energy Regulatory Commission (FERC)—to provide developers, independent power producers, and utility companies with strategic legal advice.

Rich began his career with a clerkship for FERC administrative law judges, later moving into a trial staff role at the commission. It was a time of great growth in the energy industry, and Rich was immediately fascinated by the interplay of law, engineering, finance, and business. Particularly drawn to the business side of energy, he knew he wanted to focus his legal career on working hand in hand with businesspeople. He later accepted senior in-house roles with the Long Island Power Authority as well as Public Service Electric and Gas Company, one of the largest combined electric and gas utility companies in the country.

At Husch Blackwell, Rich represents renewable generation project developers and independent power producers before FERC in obtaining the approvals and regulatory mechanisms necessary for their businesses. He routinely assists clients in obtaining market-based rate authority, exempt wholesale generator status, and qualifying facility status, and he also handles applications for transactions that fall under Section 203 of the Federal Power Act. In addition, Rich devotes a significant portion of his practice to the representation of electric transmission and natural gas utility companies, advising on FERC filings, transmission formula rates, transactions, and reliability

Industry

Energy & Natural Resources

Services

Electric Transmission

Energy Regulation

Energy Storage

Litigation & Alternative Dispute Resolution

Oil & Gas

Project Finance

Public Policy, Regulatory, & Government Affairs

Solar Energy

Wind Energy

matters. He also performs FERC compliance audits; assists clients with the development and implementation of regulatory, ethics, and reliability compliance programs; and provides training and representation throughout government investigations.

With experience in virtually all 10 electric power markets, Rich has a truly national practice. He's known for both his extensive, solid experience and his remarkably deep knowledge of the subject matter and the energy industry. After nearly 20 years at utility companies, Rich also has an inside understanding of what clients need from outside counsel.

Experience

- Represent operating wind and solar project companies in all aspects of FERC regulatory compliance including Section 203 approvals, change in status filings and MBR relational database reporting.
- Represent transmission owning utility company seeking recovery of its annual transmission revenue requirements through a cost-of-service formula rate under PJM Open Access Transmission Tariff.
- Secure federal and state approvals required for the acquisition and management of operating wind and solar power projects in Texas, New Mexico, Alabama, Indiana, Nevada, and California.
- Assist interstate natural gas pipeline company in responding to written deposition questions regarding its transportation volumes and pricing over extensive historical time period.
- Provide FERC compliance advice to various clients regarding interlocking directorates, PUHCA 2005, FERC Investigations and Enforcement, market-based rates and MBR relational database reporting.
- Represent PJM Transmission Owner in FERC Show Cause Proceeding regarding Co-Location of Large Loads and Generation Facilities in PJM.
- Assist client with obtaining required approvals under FPA § 203 for disposition of interests in FERC-jurisdictional assets.
- Assure compliance with FERC disclosure and reporting requirements relating to a change in project management to a self-managed investment fund arrangement.

Experience

- Prepare and file with FERC the Triennial Updated Market Power Analysis of clients in various regions, demonstrating that the project companies continue to satisfy FERC's requirements for market-based rate authority and do not have horizontal or vertical market power in the relevant market.
- Prepare and file with FERC Transmission Owner's annual depreciation rate change submissions.
- Obtain FERC authorization for newly-created power marketing company to make wholesale sales of energy, capacity and ancillary services at market-based rates in the markets administered by PJM, NYISO, ISO-NE CAISO, MISO, and SPP.
- Provide FERC and state regulatory due diligence and approvals required for the acquisition of wind generation assets located in California, Texas, and New Mexico.
- Provide regulatory counsel to client's U.S. operating wind and solar project companies, including guidance regarding alleged violations of ERCOT and CAISO compliance requirements, including ERCOT, FERC and SPP registration and market participation requirements, NERC CIP issues, and Qualifying Facility (QF) certifications.
- Obtained market-based rate authority, exempt wholesale generator status, and qualifying facility status for independent power producers.
- Serve as lead FERC counsel to energy project developers in support of debt and equity financings, including the provision of federal energy regulatory opinions.
- Represent independent power producer in obtaining compensation from MISO for must-run-for-reliability generation under a System Support Resource (SSR) agreement.
- Represent major tech company in FERC litigation regarding transmission cost allocation using 12 Coincident Peaks (12 CP) versus one Coincident Peak (1 CP).
- Represent major tech company in successful litigation before the Virginia Corporation Commission regarding an electric utility's minimum charge provision.

Experience

- Successfully defend international energy company against alleged violation of tariff in FERC enforcement investigation.
- Obtain FERC waiver of Affiliate Transaction Pricing Rule for utility's general administrative and management services to its affiliates.
- Perform internal FERC compliance audits for interstate natural gas pipelines and local gas distribution companies.

Recognition

- *The Best Lawyers in America*®
 - Energy Law, 2015–2026
- *The Legal 500 United States*
 - Energy: Energy regulation: electric power, Recommended lawyer, 2024-2026
- Lawdragon 500 Leading Energy Lawyers, 2024 and 2025

Education

- J.D., Gonzaga University School of Law
 - *Law Review*
- M.B.A., Gonzaga University
 - Graduate School of Business
- B.A., Washington and Lee University

Admissions

- District of Columbia
- New York
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Supreme Court

Clerkships

- Honorable Daniel J. Shea, Montana State Supreme Court

Community Leadership

Rich has previously served as president of the Energy Bar Association's Charitable Foundation. He also provides pro bono legal services to the Washington Center for the Homeless.

*Contact Richard to set up an in-person consultation by appointment in the Washington, DC office.



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