



## Richard Bonnifield

PARTNER

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### 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

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 solar project companies in all aspects of FERC and CAISO regulatory compliance including Section 203 approvals, changes in status filings and MBR relational database reporting.
- Represent transmission owning utility seeking recovery of its annual transmission revenue requirements through a cost-of-service formula rate under PJM Open Access Transmission Tariff.
- Provide regulatory compliance advice and assistance to client's operating wind and solar project companies in Texas, New Mexico, Alabama, Indiana and California.
- Assisted client in responding to written deposition questions regarding its natural gas pipeline transportation volumes and pricing over extensive historical time period.
- Provided FERC compliance advice to various client companies including interlocking directorates, PUHCA 2005, FERC Enforcement, market-based rates and MBR relational database reporting.
- Represent client in FERC Show Cause Proceeding re Co-Location of Large Loads and Generation Facilities in PJM.
- Assisted client with obtaining required approvals under FPA § 203 for disposition of its interests in FERC-jurisdictional assets.
- Assure compliance with FERC 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 companies continue to satisfy FERC's requirements for market-based rate authority and do not have horizontal or vertical market power in the relevant PJM market.
- Prepare and file with FERC clients' annual depreciation rate change filings.
- Prepare and file with FERC the Triennial Updated Market Power Analysis of client for various regions, demonstrating that the projects continue to satisfy FERC's requirements for market-based rate authority and do not have horizontal or vertical market power in the relevant CAISO market.
- Applied to FERC on behalf of client's newly created affiliate for authority to make market-based 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 Texas and New Mexico and provide on-going regulatory and environmental compliance advice to operating project companies.
- Provide expert regulatory counsel to client's US operating wind and solar project companies including guidance regarding alleged violations of ERCOT and CAISO requirements, ERCOT, FERC and SPP registration and market participation requirements, NERC CIP issues and Qualifying Facility (QF) certifications.
- Secured federal and state approvals required for the acquisition and management of operating wind and solar energy projects in California, Indiana, Texas, New Mexico, Alabama, and Nevada.
- Obtained market-based rate authority, exempt wholesale generator status, and qualifying facility status for independent power producers.

## Experience

- Provided comprehensive federal and state regulatory compliance advice, assistance, and training to electric transmission utilities and independent power producers.
- Negotiated interconnection agreements and cost-responsibility for network upgrades for IPP in MISO.
- Represents PJM transmission owner seeking recovery of revenue requirements through transmission formula rates at FERC.
- Serves as FERC counsel to renewable energy project developers in support of debt and equity financings.
- Represents clients in electric transmission and natural gas pipeline rate cases, investigations, and audits by FERC Office of Enforcement.
- Performs internal FERC compliance audits, develops remedial compliance plans, and delivers personnel training to electric and natural gas utility clients .

## Recognition

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

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



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