

Catherine P. McCarthy

Partner

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Catherine McCarthy has represented asset owners, developers and investors with energy regulation and policy matters for more than two decades. She chairs Bracewell’s power & renewables regulatory department and is a past Chair of the American Bar Association’s Infrastructure and Regulated Industries Section and current Chair of the Section’s Renewable Energy Committee. Her experience includes obtaining Federal Energy Regulatory Commission (FERC) and state authorizations for major projects and transactions; FERC compliance and enforcement matters; FERC transmission and centralized markets issues; and rate, tariff and refund matters. Most recently, much of her practice has focused on energy transition issues, supporting generation and transmission infrastructure developers and supporting transactions involving renewable energy companies and assets. She also represents energy clients before the Department of Energy, the Federal Communications Commission and the Nuclear Regulatory Commission.

Cathy provides regulatory advice for commercial transactions, including asset sales, mergers and acquisitions. She also advises clients on generation and transmission development, such as providing advice on various ownership and rate structures available to transmission developers/owners and advice on generator interconnections. In addition, she has represented transmission owners in fully litigated FERC rate cases and in related appeals to the federal appellate courts. Cathy also advises on emerging legal issues presented by energy storage.

Cathy is consistently recognized as a top energy lawyer by leading industry publications. She is highly ranked by *Chambers Global* and *Chambers USA* as Band 1 in Energy: Electricity (Regulatory & Litigation) and by *The Legal 500 United States* as Hall of Fame in Energy: Regulation. According to sources, Cathy has “vast experience” (*Chambers USA, 2024*), “is an excellent lawyer”

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(*Chambers USA, 2023*) and “understands her clients’ risk profile and proactively helps manage and mitigate that risk.” (*Chambers USA, 2023*).

Experience

Reworld (formerly Covanta)

- in an agreement by EQT to sell a minority stake in Reworld to GIC, including Section 203 prior approval proceeding, market-based rate authorization and qualifying facility compliance submittals and related regulatory compliance advice due to new affiliations, due diligence support and regulatory review of agreements

Covanta Holding Corporation (now known as Reworld)

- in its \$5.3 billion sale to EQT, including Section 203 prior approval proceeding, market-based authorization and qualifying facility compliance submittals and related regulatory compliance advice due to new affiliations, due diligence support and regulatory review of agreements

Rockland Capital, LLC

- energy regulatory support for the acquisition of the Chalk Point Power Facility, a 1,613 MW natural gas and diesel fuel oil-fired electric power facility located near Aquasco, Maryland, and the Dickerson Power Facility, a 294 MW natural gas and diesel fuel oil-fired electric power facility located near Dickerson, Maryland, from an affiliate of Olympus Power, LLC
- secured state and federal approval for the acquisition of GenOn Bowline Power, LLC, which owns a 1,165 MW dual-fuel power generation facility in New York
- FERC approvals and other energy regulatory submittals for Rockland’s asset acquisition of a portfolio of six generating plants with a combined generation capacity of 972.5 MW from AES Ohio Generation

PLT Energia

- regulatory support for the joint venture with GGS Energy LLC to develop more than 1 GW of renewable energy in Texas

Rockland Capital, L.P.

- regulatory support for acquisition of 330 MW Ector County Power Project in Ector County, Texas

Kinder Morgan, Inc.

- regulatory matters for acquisition of landfill gas-to-power facilities for conversion to renewable natural gas facilities

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Pioneer Natural Resources

- development of a 140 MW wind generation facility on surface acreage owned by Pioneer that will provide renewable power to the Texas electric grid and Pioneer's Permian Basin operations

Arroyo Energy Investment Partners LLC

- sale of two US electric power generation investments, Brandywine and Broad River. The sale includes more than 1,100 MW of power generation.

Sol Systems

- minority investment from KKR to scale Sol Systems' Impact + Infrastructure approach and the formation of a strategic partnership with a commitment from KKR of up to \$1 billion to acquire shovel-ready solar development projects

Central Maine Power Company and The United Illuminating Company

- FERC transmission Return on Equity Section 206 complaint proceedings, including three full administrative hearings, and related appeals to the D.C. Circuit (Coakley cases)

Various clients

- obtain Federal Energy Regulatory Commission approvals and submit required notices pursuant to Federal Power Act Sections 203, 204, 205 and 305

Utilities

- represent before FERC, DOE and FCC on rate, market, merger, affiliate transaction, affiliate restriction, holding company and enforcement matters, including investigations

Renewable energy, conventional energy and energy storage project developers

- advise on FERC and state regulatory issues, as well as centralized market issues, including advice on Qualifying Facility status, Exempt Wholesale Generator status and interconnection issues.

Great Plains Energy Incorporated

- FERC regulatory submittals, including Federal Power Act Section 203 authorization, for the revised stock-for-stock merger of equals transaction with Westar Energy, Inc., creating Evergy Inc., a company with a combined equity value of approximately \$14 billion, and with nearly 13,000 MW of generation capacity and more than 51,000 miles of distribution lines

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Transmission developer

- represent on FERC cost-of-service rate matters and related filings for an approximately \$1 billion proposed transmission project to deliver clean energy to New England load

Engie (f/k/a GDF SUEZ Energy North America, Inc.)

- energy regulatory matters and related assignments (before the FERC and the FCC) regarding its sale of 1.2 GW of pumped storage hydro assets and 0.2 GW of conventional hydro assets located in Massachusetts and Connecticut

AP Energy Holdings Inc. and South Field Energy LLC

- regulatory matters for \$1.3 billion project financing and equity arrangements for the construction of the South Field Energy project, a 1,182 MW combined-cycle natural gas electric generating facility located near Wellsville, Ohio

Credentials

Education

- Georgetown University Law Center, J.D., 1993
- Yale University, B.A., 1989

Bar Admissions

- New York
- District of Columbia

Affiliations

- American Bar Association, Infrastructure and Regulated Industries Section, Section Chair

Recognition

Chambers Global

- Energy: Electricity (Regulatory & Litigation), 2014 – 2025

Chambers USA

- Nationwide Energy: Electricity (Regulatory & Litigation), 2010 – 2024

The Legal 500 United States

- Energy Regulation: Electric Power, 2017 – 2024 (Hall of Fame, 2023 – 2024)
- Energy: Regulation, 2011 – 2013, 2016 – 2017

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- Energy Litigation: Electric Power, 2019 – 2024
- Transaction and Regulatory, 2011

BL Rankings

- *Best Lawyers*, Energy Law, 2022 – 2025

Euromoney Institutional Investor plc

- *Expert Guides*, *Women in Business Law*, Energy & Natural Resources, 2012 – 2022

Euromoney Institutional Investor plc

- *Expert Guides*, USA Best of the Best, 2017 – 2022

Lawdragon Inc.

- *Lawdragon 500 Leading US Energy Lawyers*, Energy Regulation, 2023 – 2025

Thomson Reuters

- *Washington, DC Super Lawyers*, 2013, 2015 – 2020

ALM Media Properties, LLC

- *The American Lawyer*, 45 Under 45, 2011

Law Business Research Ltd.

- *Who's Who Legal*, Energy – Power/Electricity, 2024

Georgetown University Law Center

- *Georgetown Immigration Law Journal*, Administrative Editor

The Catholic University of America, Columbus School of Law

- Adjunct professor, 1996-1998

Resources

Things Looking Up for Renewable Resources at Federal Energy Regulatory Commission

Blog Post

FERC Proposes To Limit Availability Of Tariff Waivers

Blog Post

Electric Transmission and Distribution Utilities and FERC COVID-19 Relief

Blog Post

FERC Finalizes Reforms to PURPA Regulations

Blog Post

FERC Redefines QF Eligibility Requirements

Blog Post

FERC Issues Landmark Order on Distributed Energy Resources

Blog Post

FERC Proposes New Treatment of Fuel Cells Under PURPA

Blog Post

FERC Offers Limited Clarifications on its PURPA Reform Order

Blog Post

FERC Adopts Expanded Definition of Cogeneration QFs to Include Certain Fuel Cell Systems

Blog Post

Regulators to Review Market Design and Reliability Following 2021 Polar Vortex

Blog Post

FERC Reverses Broadview on Rehearing; Reinstates Focus on Output in Evaluating 80 MW Cap for QFs

Blog Post

FERC Refines DER Wholesale Market Participation Rules

Blog Post

Guarding the Grid: DOE Releases 100-Day Cybersecurity Pilot Program

Blog Post

FERC Staff Issues White Paper on Hybrid Resources; Seeks Industry Input

Blog Post

FERC Endeavors to Encourage Transmission Development in Coordination With States

Blog Post

FERC Launches Sweeping Effort to Gather Input on – and Potentially Overhaul – its Transmission Planning, Cost Allocation and Generator Interconnection Rules

Blog Post

Electricity Transmission Provisions in the Bipartisan Infrastructure Bill

Blog Post

FERC Delays Implementation of New MBR Database Reporting Requirements and Clarifies Obligation To Report Upstream Owners

Blog Post

FERC Proposes Incentive-Based Rate Treatment for Cybersecurity Investments

Blog Post

FERC Seeks Stakeholder Input on Reactive Power Compensation

Blog Post

Third Circuit Provides Guidance on Reviewability of Constructive Approvals Resulting From FERC Deadlocks in PJM Focused-MOPR Appeal

Blog Post

Order No. 1977: FERC Siting Permits for Interstate Electric Transmission Facilities – FERC Finalizes Backstop Transmission Siting Reforms

Blog Post

Order No. 1920: Building for the Future Through Electric Regional Transmission Planning and Cost Allocation – Landmark Order Substantively Expands Planning Obligations for Transmission Providers

Blog Post

FERC Issues Proposal to Overhaul Transmission Planning and Cost Allocation

Blog Post

FERC Proposes Overhaul of Interconnection Procedures

Blog Post

Fifth Circuit Condemns Texas Transmission ROFR Law on Constitutional Grounds

Blog Post

FERC Renews Focus on Order No. 860 Database Compliance

Blog Post

FERC Proposes Reforms to Backstop Transmission Siting Authority, Implementing Changes Required by 2021 Bipartisan Infrastructure Bill

Blog Post

Department of Energy Seeks Public Input on Implementation of \$760 Million Transmission Siting Grant Program

Blog Post

FERC Finalizes Interconnection Queue Reforms

Blog Post

Natural Resources: Renewable Energy

Article

Federal Register Notice on November 26, 2024, Establishes Date for Compliance Filings for FERC Elimination of Generator Compensation for Standard Reactive Power Service

Blog Post

Composition of the Federal Energy Regulatory Commission Under the New Administration

Blog Post

Publications & Speeches

- "FERC Renewable Energy Developments," American Bar Association's Infrastructure and Regulated Industries Section Spring Meeting, March 27, 2025.
- "Policy and Regulatory Issues," Transmission Business School Conference, June 18, 2024.
- "Natural Resources: Renewable Energy," American Bar Association's *Recent Developments in Infrastructure and Regulated Industries 2023*, January 2024.
- "Renewable Energy – Policy and Legal Developments," American Bar Association's Infrastructure and Regulated Industries Section's 2023 Fall Council Group Meeting, October 2023.
- "Electricity Restructuring Developments and Policy," The Transmission Business School (IllionoiSeminars), June 2023.
- "Renewable Energy – Policy and Legal Developments," American Bar Association's Infrastructure and Regulated Industries Section Spring Conference, March 2023.
- "Current Policy and Regulatory Issues," Transmission Business School (IllionoiSeminars), June 2022.
- "Renewable Energy – Regulatory Update," American Bar Association's Infrastructure and Regulated Industries Section Spring Conference, March 2022.
- "Chair's Column," *Infrastructure* Volume 60, Number 1, Fall 2020; Number 2, Winter 2020; Number 3, Spring 2021; and Number 4, Summer 2021.
- "Renewable Projects Must Keep Up With FERC Filings," *Law360*, August 2019.
- "Utilities Must Track FCC Licensing, Spectrum Issues," *Law360*, October 2019.
- "FERC Issues Transmission Notices of Inquiry Focused on Return on Equity and Transmission Incentives," *National Law Review*, March 2019.
- "FERC Revises Interlocking Directorate Reporting Requirements," *National Law Review*, March 2019.
- "Federal Energy Regulatory Approvals for Power M&A Transactions," American Bar Association, *Infrastructure*, August 2018.
- "Regulated Industry M&A Transactions: Special Considerations and Recent Developments," Panelist, *American Bar Association Webinar*, January 2018.
- "Investing in Energy: Outlook and Opportunities, Power – Supply and Demand for Private Capital, Acquisition & Divestiture Driver and the

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Regulatory Dynamic," Panelist, *Bloomberg BNA* (New York, NY), November 2017.

- "A Call to Focus on Strengthening Grid Resiliency and Reliability," *National Law Review*, September 2017.
- "FERC Compliance," Panelist, Portland, OR, October 2016.
- "FERC Reconsiders Horizontal Market Power in Transactions," *Law360*, September 2016.
- "Changing Mix of U.S. Power Generation Presents Opportunities and Legal Challenges," Panelist, *American Bar Association*, Webinar, May 2016.
- "Energy & Utilities Sector," Roundtable Speaker, *Financier Worldwide*, December 2015.
- "Energy Infrastructure Development Faces Impediments," *Natural Gas & Electricity Journal*, April 2015.
- "Impacts of New FERC ROE Calculation Formulae on Transmission Owners and Projects," Panelist, *Infocast's 18th Annual Transmission Summit*, Washington, DC, March 2015.
- "Utility M&A: Mid-Year Update," Panelist, *SNL Energy Webinar*, September 2013.
- "Rolling Off Long-Term Power Sales Agreements? Plan Ahead to Avoid Regulatory Speed Bumps," Speaker, *21st Annual North American Waste-to-Energy Conference*, Naples, FL, April, 2013.
- "FERC Order 1000 gives transmission planning an update," *Windpower Engineering & Development*, April 2012.
- "Transmission Incentives and Order 1000," Speaker, *Yale Alumni in Energy Annual Conference*, New Haven, CT, March 2012.