

## Michael W. Brooks

Partner

michael.brooks@bracewell.com

WASHINGTON, DC  
+1.202.828.5879



Michael Brooks focuses his practice in the areas of energy, commodities and derivatives law. He represents energy companies and commodity trading companies in a wide variety of commercial, regulatory, compliance and enforcement matters and routinely advises clients regarding federal rules and regulations governing the trading, ownership, transportation and transmission of energy commodities.

In addition to actively representing clients in investigations and regulatory matters involving the Federal Energy Regulatory Commission (FERC), the North American Electric Reliability Corporation (NERC), the Commodity Futures Trading Commission (CFTC), and designated contract markets such as CME Group and ICE Futures US, Michael conducts internal compliance reviews and trainings, works with clients to develop effective compliance programs and collaborates with commercial teams to structure large commodity transactions and acquisitions to comply with FERC and CFTC regulations. He also advises clients regarding compliance with the US Federal Trade Commission's (FTC) petroleum market manipulation regulations and federal and state laws related to carbon emissions, renewable energy, and green energy claims.

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## Experience

### **Electric generators, large natural gas infrastructure companies, and natural gas sellers (FERC/NERC)**

- multiple clients across multiple energy sectors in responding to a joint inquiry conducted by FERC and NERC into Winter Storm Uri

## **Industries**

[Energy](#)

## **Practices**

[Cryptocurrency & Blockchain](#)

[Energy Regulatory](#)

[Government Enforcement & Investigations](#)

[Litigation](#)

[Oil & Gas](#)

[Power](#)

[Midstream Transactions](#)

[Upstream Transactions](#)

[Energy Commodities & Trading](#)

[Energy Regulatory Compliance & Enforcement](#)

[Electric Power](#)

[Oil & Gas Regulatory](#)

## **Independent energy company (Compliance & Investigations)**

- trading compliance advice and represent client in multiple government inquiries into Winter Storm Uri, including state attorneys general inquiries

## **Mutli-national energy company (Litigation & Investigations)**

- act as subject matter expert to local counsel in litigation of force majeure and contract breach cases associated with Winter Storm Uri and represent client in government inquiries, including state attorneys general inquiries

## **Investor-owned utility (Energy Disputes)**

- matters related to recovery of costs and losses during February 2021 natural gas and electricity disruptions caused by Winter Storm Uri, including potential claims against third parties, pipeline curtailments, cost submissions and invoice challenges in organized market, and rate recovery in state regulatory proceedings

## **Distributed generation company (Energy Disputes)**

- force majeure claims and price dispute with natural gas supplier

## **Global energy commodities merchant (Trading, Regulatory & Compliance)**

- draft asset management agreements, advise regarding discrete compliance issues related to natural gas markets, including regarding preparation for Winter Storm Uri and potential government response following the event

## **Energy manager (Enforcement)**

- successfully defend against non-public allegations of market manipulation involving offering generation in a FERC-jurisdictional organized market

## **Distributed energy resource manager (Enforcement)**

- non-public investigation into participation in FERC-jurisdictional organized market

## **Nationwide energy management company (Internal Investigation)**

- conduct investigation into whistleblower claims of former employee related to possible fraud and misappropriation of information

## **Joint venture company (Trading Compliance)**

- develop and help implement compliance program for new natural gas trading business

## **Power generation company (Derivatives Compliance)**

- CME Group / NYMEX and ICE Futures US rules, including position limits, procedures for moving positions, and controls for spoofing and other compliance risks

## **Natural gas marketer (Trading Compliance)**

- wash trades, FERC's buy-sell prohibition, and the CFTC's and FERC's anti-manipulation rules in connection with natural gas exchange transactions

## **Non-US energy marketing & trading (Energy & Derivatives)**

- natural gas and power trading and compliance with CFTC and exchange regulations, including requirements related to the Dodd-Frank Act

## **Canadian oil and natural gas E&P company (Regulatory & Compliance)**

- US regulation of the importation of natural gas and US wholesale markets

## **Electricity power generator and wholesale marketing company (FERC Regulatory)**

- represent client at FERC in proceedings to address sales of electricity above the soft price cap imposed on bilateral spot transactions in the West

## **Global energy and commodities company (M&A Trading Compliance)**

- establish procedures to mitigate insider trading risk associated with review of confidential information in context of potential acquisition

## **American wholesale energy company (M&A Regulatory Diligence)**

- conduct regulatory diligence related to acquisition of retail marketing business, including issues related to authorizations and renewable energy claims

## **Wholesale gas and power company (Renewable Energy)**

- clean energy claims and contracting for environmental attributes

## **Retail energy company (Green Claims)**

- federal and state laws related to qualified claims of environmental attributes and benefits

## Credentials

### Education

- The Antonin Scalia Law School at George Mason University, J.D., 2005, *magna cum laude*
- College of William & Mary, B.A., 1998

### Bar Admissions

- Virginia
- District of Columbia

### Affiliations

- Energy Bar Association
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## Recognition

### ***Chambers Global***

- Energy: Oil & Gas (Regulatory & Litigation), 2022 – 2025
- Derivatives, 2025

### ***Chambers USA***

- Nationwide Energy: Oil & Gas (Regulatory & Litigation), 2017 – 2025
- Nationwide Derivatives, 2024 – 2025
- Nationwide Energy: Electricity (Regulatory & Litigation), 2025

### ***The Legal 500 United States***

- Energy Regulation: Electric Power, 2017 – 2025 (Next Generation Partner, 2018 – 2022)
- Energy Regulation: Oil and Gas, 2017 – 2025 (Leading Partner, 2024 – 2025; Next Generation Partner, 2017 – 2023)
- Energy Litigation: Electric Power, 2022 – 2025
- Energy: Regulatory, 2016

### BL Rankings

- *Best Lawyers*, Oil and Gas Law, 2020 – 2025
- *Best Lawyers*, Energy Law, 2021 – 2025

## Resources

### **Things Looking Up for Renewable Resources at Federal Energy Regulatory Commission**

Blog Post

### **FERC Proposes Policy Statement Encouraging RTOs/ISOs to Develop Rules Incorporating State Determined Carbon Prices**

Blog Post

### **FERC Issues Settlement Order Reaffirming “Gaming” Prohibition in Power Markets**

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 Refines DER Wholesale Market Participation Rules**

Blog Post

### **FERC Issues Carbon Pricing Policy**

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

### **Navigating the Rapid Tempo of Evolving Sanctions and Export Controls**

Video

## **Bracewell's Oil & Gas Regulatory Group 2020 Top 10 Highlights**

Video

### **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

### **Compliance Take Heed: CFTC Fines Tyson Foods \$1.5 Million for Position Limits, Reporting, and Record Keeping Violations**

Update

### **FERC Renews Focus on Order No. 860 Database Compliance**

Blog Post

### **Virtual PPAs: Forwards Masquerading as Swaps**

Article

### **CFTC, DOJ and SEC Announce Landmark Prosecutions Alleging Fraud in Connection With Voluntary Carbon Credits**

Update

### **The CFTC's New Advisory on Self-Reporting, Cooperation and Remediation**

Blog Post

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## **Publications & Speeches**

- "Ag, Energy and Metals: What's New in Regulation and Enforcement?," FIA Law & Compliance Division Conference, April 25, 2025.
- "CFTC Regulatory Matters," RITA Spring Conference: Empowering Change with Self-Directed IRAs, April 23, 2025.
- "The Derivatives Docket: Perspectives of Outside Council," Commodity Markets Council's State of the Industry 2025 Annual Meeting, February 4, 2025.

- "FERC Enforcement," FIA Forum: Commodities 2024, September 17, 2024.
- "Virtual PPAs: Forwards Masquerading as Swaps," *Futures and Derivatives Law Report*, Vol. 44, Issue 7, Thomson Reuters, July/August 2024.
- "CFTC Enforcement Action," Commodity Trading Week Americas 2024, June 2024.
- "Special Issues Facing Commercial End-Users," American Bar Association's Derivatives and Futures Law Winter Committee Meeting 2024, January 2024.
- "What's New at FERC?" FIA Forum Commodities, September 2023.
- "Update from Exchanges / Enforcement Panel," Energy Trading Compliance Discussion Group Roundtable, June 2021.
- "Regulators," Energy Bar Association Energy Law Academy Course 107: An Introduction to Energy Trading, September 2020.
- "Electricity – the Changing Grid," Birmingham Bar Association, September 2020.
- "The Unsinkable: A Look at Blockchain's Potential and Pitfalls," *Pipeline & Gas Journal*, June 2018.
- "Another Year of Enforcement at FERC and CFTC," *Law360*, January 2017.
- "Court Clarifies Application of FERC Anti-Manipulation Rule to Demand Response Service Providers," *Electric Light & Power*, July 19, 2016.
- "Handling Change Management," *Midstream Business*, February 12, 2016.
- "Operating a Utility in Today's Enforcement Climate: FERC and Beyond," Utilities & Energy Compliance & Ethics Conference, February 24, 2015.