



DEBORAH A. SWANSTROM

Partner

Energy and Natural Resources
Electricity
Municipal Representation
Construction Projects, Infrastructure, and Finance

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Education

- George Washington University Law School, J.D., *with honors*, 1988
- St. Cloud State University, B.A., *summa cum laude*, 1985

Bar Admissions

- District of Columbia
- Maryland

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the 5th Circuit
- U.S. Court of Appeals for the 9th Circuit

Awards and Honors

- Recognized, Washington Super Lawyers, 2008 and 2009
- Rated AV by Martindale-Hubbell
- Outstanding Member at Large Award, Women's International Network of Utility Professionals (2005)

Debbie Swanstrom's broad range of transactional, regulatory and litigation skills enable her to serve clients cost-effectively throughout the course of an energy project—from inception of a creative idea for a transaction, during negotiations and the regulatory approval process, and in subsequent litigation, if necessary.

Ms. Swanstrom guides clients through the jurisdictional maze of federal and state regulation and advises them on strategies to achieve increased revenues or energy cost savings while minimizing regulatory burdens. She negotiates project development, supply, electric transmission and gas transportation contracts; counsels clients on Federal Energy Regulatory Commission (FERC) regulations; conducts compliance training and internal audits or investigations; and litigates disputes before FERC, state commissions and courts.

Ms. Swanstrom is skilled in FERC's policies and regulations regarding renewable energy, demand response, smart grid, open access transmission, the siting of new transmission facilities, generation interconnections, standards of conduct, regional transmission organizations (RTOs), reliability, asset acquisitions and divestitures, contract and tariff complaints, anti-market manipulation rules and reporting requirements. She helps clients proactively shape regulatory policies both before FERC and in the press, builds coalitions and advocates clients' interests in rule-making proceedings.

Ms. Swanstrom has more than 20 years of experience representing clients from diverse segments of the electric and natural gas industries, resulting in a well-rounded perspective of strategic issues facing participants in those evolving markets. She has represented government and investor-owned electric utilities; investors in generation, transmission and distribution projects; industrial electricity consumers; state and local regulators; gas pipelines; producers; marketers; and local distribution companies.

Representative Matters

- Successfully advocated interests of coalition of government and investor-owned utilities on transmission policy issues in major open access transmission and standards of conduct rule-making proceedings at FERC.
- Provided compliance training on FERC anti-market manipulation and standards of conduct rules to numerous clients to successfully prevent regulatory problems before they occur.
- Achieved FERC approval of sale of transmission assets, along with major power plant, for buyer without regulatory conditions or extensive market power analysis.
- Won FERC appeal reversing North American Electric Reliability Corporation decision that too broadly applied reliability standards to retail power marketer.
- Achieved FERC approval of ground-breaking open access transmission

reciprocity tariff and standards of conduct filed voluntarily by non-jurisdictional electric utility at FERC.

- Successfully resolved, without litigation, complaint phoned into FERC Enforcement Hotline regarding transmission service priorities.
- Won litigation at FERC against power marketer seeking an electric contract termination payment from buyer in excess of \$100 million and persuaded Administrative Law Judge to recommend disgorgement of \$1.6 billion in unjust profits.
- Victorious in numerous discovery motions at FERC, including a request for sanctions, and uncovered audio recordings of Enron phone calls containing evidence of market manipulation that gained national media attention.
- Achieved favorable ruling from FERC Administrative Law Judge recommending approximately \$21 million refund for energy purchased by electric utility.
- Achieved favorable dismissal of unsupported allegations of electric market manipulation on behalf of electric utility.
- Successfully negotiated reduction in gas transportation rates, providing approximately \$3.8 million in savings and obtained right to terminate contract early for purposes of switching suppliers.
- Successfully negotiated innovative electricity supply, lease and management agreements on behalf of corporation providing financing for construction of new co-generation facilities on college campus.
- Performed comprehensive analysis of application of antitrust laws to electric industry.
- Retained as expert witness in contract dispute involving gas imbalance penalties that settled successfully.
- Persuaded FERC to impose unique condition on merger of large gas and electric companies to protect competition from harm.
- Managed team of attorneys and professional consultants in victorious effort to obtain government funding for clean coal technology.

Professional Affiliations:

- Chair, Women in Power® Forum (2004-Present)
- Chair, Legislative Issues Committee of Women's International Network of Utility Professionals (formerly, Electrical Women's Roundtable) (1996-2005)
- Electric Utility Regulation and Finance & Transactions Committees of Energy Bar Association (2003-2005)
- Chair, Natural Gas Regulation Committee of Energy Bar Association (2002-2003)
- Women's Council on Energy and the Environment (1992-2005)
- Environment, Energy and Resources Section of American Bar Association (1989-2005)

ARTICLES

[DOE Transmission Corridor Designations & FERC Backstop Siting Authority: Has The Energy Policy Act of 2005 Succeeded In Stimulating The Development of New Transmission Facilities?](#)
- Energy Law Journal
December 2009

[Corporate Compliance Challenges By Industry: Regulated Energy \(FERC & NERC\)](#)
November 2009

[Patton Boggs TechComm Industry Update – Smart Grid Focus, November 25, 2009](#)
November 25, 2009

[Patton Boggs Podcast - Week of November 2, 2009 \(Audio\)](#)
November 9, 2009

[Smart Grid Summary](#)
July 2009

[Litigation Achievements](#)
2008 Edition

[ALERT: Update on American Recovery and Reinvestment Act Smart Grid Provisions](#)
Updated April 2009

[ENERGY AND NATURAL RESOURCES: The Stimulus Package and Its Impact](#)
February 13, 2009

- "DOE Transmission Corridor Designations and FERC Backstop Siting Authority: Has the Energy Policy Act of 2005 Succeeded in Stimulating the Development of New Transmission Facilities?" *Energy Law Journal* (Dec. 2009)
- "Practical Guidance on Organizational Structures that Mitigate Compliance Risks: Has Your Company Taken All the Necessary Steps to Promote Compliance with Anti-Manipulation Rules?" *Infocast FERC Compliance Summit Workshop* (March 2009)
- "Demand Response in the Wholesale World," American Public Power Association Legal Seminar (2008)
- "How a Company's Organizational Structure Can Foster Compliance or Create Risks of Penalties for Non-Compliance with Rules Prohibiting Fraud and Market Manipulation in the Energy Industry: Is Your Company Sufficiently Protected?" *Infocast FERC Compliance Summit* (2008)
- "Compliance Programs to Protect Against Fraud and Market Manipulation in the Energy Industry," *Energy Risk Magazine's* 12th Annual Energy Risk USA Conference (2008)
- *Energy Compliance and Litigation Case Strategies* (Aspatore Books 2007)
- "Energy Market Manipulation: Not Your Problem? Don't Be Too Sure," Patton Boggs' Texas Seminar, Dallas, Texas (November 2007)
- Reliability Takes Center Stage at FERC as It Implements New Authority Under the 2005 Energy Policy Act, *Connection Newsletter of Women's International Network of Utility Professionals* (Summer 2006)
- "Compliance with FERC's New Rule Prohibiting Fraud, Deception and Misleading Statements," American Public Power Association National Conference (June 2006)
- "Complying with Energy Market Manipulation Rules," American Public Power Association Training Seminar (May 2006)
- "FERC Gains Greater Enforcement Authority: Is Your Company Prepared?" *Connection Newsletter of Women's International Network of Utility Professionals* (Winter 2006)
- "FERC Plans to Revisit Open Access Transmission Rules," *Connection Newsletter of Women's International Network of Utility Professionals* (Winter 2004)
- "FERC's Market Behavior Rules and Assertion of Jurisdiction Over Government Utilities in Investigations," American Public Power Association Legal Seminar (November 2004)
- "Electricity: How Tribes & Tribal Corporations Can Reduce Costs and Earn Revenues from Its Sale," UIDA Eastern Tribal Economic Roundtable (Aug. 2004)
- "Legislators Turn Up the Heat on Enron & FERC This Summer," *Connection Newsletter of Women's International Network of Utility Professionals* (Summer 2004)
- "The Breakdown of Comprehensive Energy Legislation on Capitol Hill," *Connection Newsletter of Women's International Network of Utility Professionals* (Winter 2003)
- "Buyer Beware: The Heart of the Federal Power Act Is Barely Beating," American Public Power Association Legal Seminar (October 2003)
- "Legislative Update - Energy Bill Likely to Stretch into Fall," *Connection Newsletter of Women's International Network of Utility Professionals* (Spring 2003)
- "The Fate of Energy Bill Lies in House-Senate Conference," *Connection Newsletter of Women's International Network of Utility Professionals* (Spring 2002)
- "Legal Concerns Raised by e-Commerce: Piloting Your Utility's Legal Course through Cyberspace," American Public Power Association Legal Seminar (Oct. 2000)
- "Presidential Candidates Unveil Their Energy Policy Strategies," *Connection Newsletter of Women's International Network of Utility Professionals* (Summer 2000)
- "Electric Restructuring Legislation Not a Top Priority for Congress this Election Year," *Connection Newsletter of Women's International Network of Utility Professionals* (Spring 2000)
- "Courts Tell Federal Government to Keep Out of States' Backyard," American Public Power Association Legal Seminar (Oct. 1999)
- "Gas Industry Regulation: Where is the Industry Now and Where is it Headed?" Tennessee Bar Association Utilities Symposium (June 1999)
- "Congress Turns Its Attention to Electric Restructuring Legislation," *Connection Newsletter of Electrical Women's Roundtable* (Spring 1999)

- "The Clinton Plan: or Is It?" *Connection Newsletter of Electrical Women's Roundtable* (Spring 1998)
- "Antitrust Strategies for Plaintiffs and Defendants," Energy Institute Conference on Antitrust in Competitive Electric Markets (February 1998)
- "Congress May Not Pass Electric Restructuring Legislation this Year," *Connection Newsletter of Electrical Women's Roundtable* (August 1997)
- "Securitization of Stranded Costs in the Electric Industry: Lessons to be Learned from the PECO Proceeding," *Energy Daily 2nd Annual Finance Forum* (June 1997)
- "Congress Wraps Up with Two More Electric Competition Bills," *Connection Newsletter of Electrical Women's Roundtable* (December 1996)
- "FERC Issues Final Rule on Open Access Electric Transmission Service," *Women's Council on Energy and the Environment Newsletter* (May 1996)
- "Legal Issues in Forming a Municipal System," American Public Power Association (October 1993)
- "Basic Principles and Structure of Natural Gas Pipeline Rate Proceedings," *Natural Resources & Environment* (Spring 1992)