

## FERC and CFTC Enforcement and Compliance

In this regulatory environment, energy companies must have strong compliance programs in place and have a defense strategy in the event of a U.S. Federal Energy Regulatory Commission (FERC) investigation.

Our lawyers provide compliance counseling to utilities, energy marketers, electric cooperatives, natural gas and petroleum pipelines, and independent power producers in FERC and Commodity Futures Trading Commission (CFTC) regulated markets. We help develop internal codes of conduct for inter-affiliate transactions and information sharing and address antitrust concerns.

Our lawyers are highly experienced in dealing with external investigations. When noncompliance or misconduct allegations arise, the practice has a rapid response protocol that assembles a multidisciplinary team to ascertain the facts, minimize client liability, and develop corrective action to remedy noncompliance.

### Representative experience

TransCanada for various pipeline companies in conducting compliance reviews, drafting self-reports and as counsel in FERC enforcement investigations.

The largest energy companies in North America conducting compliance audits and FERC-regulated operations reviews, advising on enhancing compliance programs and organizational structures to manage regulatory compliance.

### Contacts

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### Practices

Energy Regulatory

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A power generator in a nonpublic investigation into its bidding practices in the PJM Interconnection day-ahead market. FERC allegations centered on possible market manipulation violations under relevant statutes.

A large interstate natural gas pipeline company in a FERC enforcement investigation including significant discovery, regarding an abandonment by sale application where the investigation was closed with no further action.

Multiple electric market participants in reliability compliance investigations, including negotiations of resolutions of such investigations by NERC and FERC staff.

A gas-fired utility company in litigation against El Paso Corporation alleging it contributed to the California electricity crisis. We led the case to a successful settlement of US\$1.7bn.

A utility holding company and affiliated intrastate pipelines in an investigation into allegations of gas transportation and storage facilities operation preferences the intrastate natural gas pipelines allegedly provided.

Numerous interstate pipeline companies in connection with internal compliance investigations and self-reports to FERC enforcement staff.

## Latest thinking and events

### [Hogan Lovells Publications](#)

[U.S. FERC takes measures on regulatory compliance in response to COVID-19 emergency](#)