George Pond

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Partner

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Education

- University of Michigan Law School, *Magna Cum Laude*, JD
- University of Michigan, BA, *High Honors*

Practices & Industries

- Energy
- Oil & Gas
- Regulatory
- Renewable Energy

Admitted to Practice

- New York
- District of Columbia

Biography

A former trial attorney in the Antitrust Division of the US Department of Justice, George primarily concentrates his practice on the interplay between regulation and competition in energy markets. George represents electric and gas utilities, pipeline companies, generators, and marketers in administrative proceedings before the NY Public Service Commission (PSC) and the US Federal Energy Regulatory Commission (FERC) as well as in commercial matters and proceedings before the NY Independent System Operator, Inc. (NYISO).

George assists generators and transmission providers in connection with the siting of new facilities under Articles 7 and 10 of the Public Service Law and also advises generators, pipeline companies, and commercial landowners in obtaining lightened regulation from the PSC. He also obtains approvals for transfers of assets and ownership interests under the Public Service Law, counsels retail energy service providers in matters before the PSC, and assists electric-power marketers in obtaining market-based rate authority from FERC and in complying with FERC's evolving regulatory requirements for market-based rate authority.

As a former federal-regulatory-affairs attorney at a major NY electric utility during the formation and early years of NYISO, George continues to advise clients with respect to NYISO interconnection and governance matters, relicensing of hydroelectric generating facilities, and in complying with the mandatory reliability rules of the North American Electric Reliability Council.

Bar Associations

- New York State Bar Association, Public Utility Law Committee Chair
- Energy Bar Association

Representative Experience

- Represents the NY Power Authority in connection with its request for a certificate of environmental compatibility and public need for the reconstruction of NYPA's Moses-Adirondack 1 and 2 230 kV transmission lines.
- Obtained siting approval from the PSC for a gas pipeline now serving the Greenidge Generating Station in Dresden, New York, as well as lightened regulation for both the pipeline and the Greenidge Station.
- Obtained market-based rate authority from FERC for the Greenidge Station.
- Represented Direct Energy, LLC in hearings before the PSC on the charges and other conditions of service offered by retail energy marketers in New York State.
- Successfully defended a number of consumer complaints brought against Direct Energy, LLC at the PSC.
- Drafted tariff language for a major NYS utility to implement section 79-a of the Public Service Law governing the sale of utility street lighting systems to municipal customers.
- Represents a major NYS utility in connection with disputes concerning the rates and charges for street lighting services.
- Successfully represented Direct Energy, LLC in connection with the investigation by the staff of the Department of Public Service of Direct Energy's acquisition of NYSEG Solutions and Energetix.
- On behalf of Direct Energy, LLC, challenged the PSC's implementation of New York's Freedom of Information Law in court litigation.
- Obtained Article VII siting approval for Transmission Developers, Inc. from the PSC for a 1,000MW HVDC transmission line running from New York's border with Canada to New York City.
- Represented a major NYS electric utility in the development of individually negotiated rate agreements with its large industrial and commercial customers and in the development of contracts with customers receiving commodity supplies from the NY Power Authority as well as in street-lighting and electric-rate proceedings before the PSC.
- Represented a major NYS utility in the formation and early implementation of the NYISO.
- Represented a major NYS utility in the FERC relicensing proceeding for NYPA's Niagara Hydroelectric Project and in FERC licensing proceedings for the utility's own hydroelectric generating plants.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was

awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel, Barclay Damon has prepared and filed an Article VII application for a part of the offshore wind project, is responding to a deficiency letter from DPS staff, and is answering questions from DPS staff to ensure the completion of the application. We have also assisted the client with the posting of security in the NYISO Class Year Facilities Study for the offshore wind project as well as the negotiation of support services agreements with another energy company and the negotiation of the interconnection agreement for that facility. Barclay Damon also filed a petition with FERC seeking an extension in the period for achieving commercial operation to be stated in that interconnection agreement.

- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel on environmental issues, Barclay Damon is developing the Article VII application materials for the offshore wind project. We are also assisting in its participation in the NYISO Class Year facilities study process.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel on environmental issues, Barclay Damon is working with the client to develop Article VII application materials for its offshore wind project.
- Representing the New York Power Authority with respect to the siting and construction of a rebuild of an 86-mile-long transmission line that traverses 15 municipalities. Barclay Damon attorneys prepared and finalized the Article VII Application, assisted the NYPA with supplementing filings to achieve a “complete” application, handled the discovery phase, and led months of settlement conferences. The settlement negotiations culminated in a joint proposal for settlement support by all of the active parties and state agencies. A CECPN was issued by the PSC without the need for an evidentiary hearing. We then assisted the NYPA in the preparation of the Environmental Management and Construction Plans (EM&CP) for the project, which were also approved by the PSC. Construction is currently ongoing for this project. We continue to support the NYPA with compliance issues during construction.
- Representing the New York Power Authority (NYPA) on rebuilding a major 100-mile transmission line (known as the Smart Path Connect Project) designated by the Public

Service Commission (PSC) as a “priority transmission project.” In partnership with National Grid as a co-applicant, we represented NYPA in preparing and filing the Article VII application for the project and participated in months of settlement negotiations with various state agencies and stakeholders, which resulted in a joint settlement. Construction on the project commenced in October 2022. Our attorneys continue to work on various compliance studies and filings for this priority transmission project.

Prior Experience

- Hiscock & Barclay, LLP, Partner
- Niagara Mohawk Power Corporation, In-House Attorney
- Peeper, Martin, Jensen Maichel and Hetlage, Associate
- Pepper Hamilton, Associate
- US Department of Justice Antitrust Division Energy Section, Trial Attorney

Selected Honors

- *Chambers USA*, New York State: Energy: State Regulatory & Wholesale Electric, 2011–2023

Selected Speaking Engagements

- New York State Bar Association Business Law Committee, “What’s New in Public Utility Law”
- Independent Power Producers of New York, “Article 10 and SEQR Under the Clean Energy Standard”

Selected Alerts & Blog Posts

- NYS PSC Commences Planning for Upgrades to Utility Distribution and Local Transmission Facilities
- Challenge to Net Metering Before FERC May Have Broader Impact
- FERC Decision on NYS Capacity Market Potentially Limits Renewable Energy Supplier Participation