

# Energy Newsletter



May 2014

## DISPUTE RESOLUTION

### Oil & Gas Litigation

#### **Important Case on Subsurface Trespass Pending before the Texas Supreme Court**

*C. Brannon Robertson*

In Texas, exploration and production companies are generally shielded from subsurface trespass liability when they use fluids to stimulate production. Whether they are also shielded from liability when their disposed fluids cross property lines remains an open question, but one that will hopefully be decided shortly. [More »](#)

### Regulatory Litigation

#### **U.S. Fifth Circuit: The CWA and OPA Preempt State Law Claims for Pollution Incidents on the OCS**

*Andrew Stakelum*

The U.S. Fifth Circuit recently addressed whether state law claims by local governments could co-exist and supplement the Clean Water Act (CWA) and the Oil Pollution Act (OPA) in a decision that provides important clarity on the risks that a company may face after an offshore pollution event. [More »](#)

### Business Litigation

#### **Texas Supreme Court Issues Opinion with Implications for Power Purchase Agreements**

*Elizabeth R. Taber*

The Texas Supreme Court recently issued an opinion with implications for negotiating terms in power purchase agreements in the renewable energy market. The Court examined the nature of electricity as a good, finding it should be treated no differently than any other commodity when interpreting contracts. [More »](#)

### Tort Litigation

#### **"Hydraulic Fracturing" Verdict in Texas State Court --Texas family recovers \$3 million based on nuisance theory**

*R. Bruce Hurley, C. Brannon Robertson, Elizabeth R. Taber*

A Texas jury recently rendered a verdict awarding \$2.925 million arising out of personal injury claims based on medical problems allegedly caused by natural gas development. [More »](#)

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### In The News

**Philip Weems, Monica Hwang Win 2014 Burton Award for Legal Writing** [More »](#)

**U.S. Energy Secretary Ernest Moniz is Guest Speaker at Executive Dinner** [More »](#)

**King & Spalding Advises Weatherford International In Sale of Its Pipeline Business to Baker Hughes for \$250 Million** [More »](#)

**Charles Correll and Jeremiah Anderson to Speak at Los Angeles Groundwater Law Conference** [More »](#)

**Adrian Cole to Discuss Selection of International Arbitration Tribunals at Dubai Construction Law Conference** [More »](#)

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## REGULATORY

### FERC

#### **FERC Issues NOPR Regarding Coordination of the Scheduling Processes of Interstate Natural Gas Pipelines and Public Utilities**

*William E. Rice*

FERC rejects, for the first time, an oil pipeline petition seeking approval of proposed rates and terms of service, a prorationing policy, and preferential allocation of excess capacity. [More »](#)

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## TRANSACTIONAL

### Transactions

#### **Commingled Oil and Gas – Why allocation matters**

*Merrick White, Sylvia Meilisa Taslim*

Frequently oil and gas are transported through or stored in facilities where they are commingled with the oil or gas of third parties. If a facility does not provide for the allocation of the oil or gas or if the allocation procedure is faulty, then who owns it and in what proportions? [More »](#)

### Project Development / Finance

#### **EU State aid rules and the UK's nuclear future**

*Anthony Long*

New rules on state aid announced in April may make it harder for UK and other governments to subsidise nuclear energy projects like the reactors at Hinkley Point. [More »](#)

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