

Energy Newsletter



August 2011

TRANSACTIONAL

Corporate/London

The EU's Third Energy Package: Reforms Kick-In but Member State Implementation Lags Behind

Suzanne Rab, Nina Howell, Khaled Dahlawi

A revised regulatory framework for promoting integration of, and increased competition in, EU natural gas and electricity markets awaits national legislation by each of the 27 EU Member States required for the Third Energy Package to take full effect. [More »](#)

Construction

Best Practices: Avoiding Unenforceable Liquidated Damage Provisions

Scott Greer, Angelica G. Alfaro, Heleina L. Formoso

Tips on how to negotiate and draft an enforceable liquidated damage provision in construction contracts. [More »](#)

Transactions

Representations and Warranties in Energy Transactions

Emily M. Leung, Matthew F. Salo

Energy M&A transactions present opportunities for buyers and sellers to negotiate Representations and Warranties clauses that are targeted to the type of asset being acquired. [More »](#)

REGULATORY

Government Advocacy & Public Policy

With Partisan Gridlock in Washington, Chances for Energy Legislation Are Limited But May Include Electric Vehicle Development

Thomas J. Spulak, Allison F. Kassir

Electric vehicle development seems poised to be one of the few areas where the Obama Administration and congressional majority and minority could find common ground. [More »](#)

Mining & Natural Resources

Extractive Industries, International Transparency, and Royalty Management Efforts

Jeff Perry

International efforts to alter royalty regimes in developing and resource-rich nations combined with corporate social responsibility (CSR) efforts can pay dividends in investment sustainability. [More »](#)

Upcoming Events

King & Spalding Energy Forum: U.S. and U.K. Anti- Bribery Laws: Recent Trends and Major Developments

Date:

September 13, 2011

Presentations:

5:00-6:30 PM

Where:

The Houstonian Hotel
Houston, Texas

Presenters:

Zachary J. (Zack)
Harmon, King &
Spalding; Russell G.
(Russ) Ryan, King &
Spalding; Pulina
Whitaker, King &
Spalding

Additional panelists
will be announced
shortly and further
details will follow.

In The News

**UK Government
Backs Away from
Proposed Tax on Oil
& Gas Producers –
Increases Ring Fence
Expenditure
Supplement to**

DISPUTE RESOLUTION

International Arbitration

Challenging a Host State's Tax Measures Through International Arbitration

Thomas Childs

If a host State alters a settled tax regime in a way that negatively impacts economics of an energy project, a bilateral investment treaty could offer an affected investor certain protections. [More »](#)

Tort Litigation

Keystone XL: Collateral Damage from the Silvertip Spill

James K. Vines, Drew T. Bell, William Clarkson

In July, ExxonMobil's Silvertip pipeline ruptured along the Yellowstone River in Montana, releasing an estimated 1,000 barrels of crude oil. The event occurred as the U.S. State Department decides whether to authorize an Alberta to Gulf oil pipeline and presents additional challenges for Keystone XL's proponents. [More »](#)

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U.S. State Department Issues Statement on Dodd-Frank's Conflict Minerals Provision

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FERC Affirms Transmission Owner and Transmission Operator Registration of Wind Facilities that Own and Operate Interconnection Facilities

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The UK Bribery Act: Be Prepared

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