

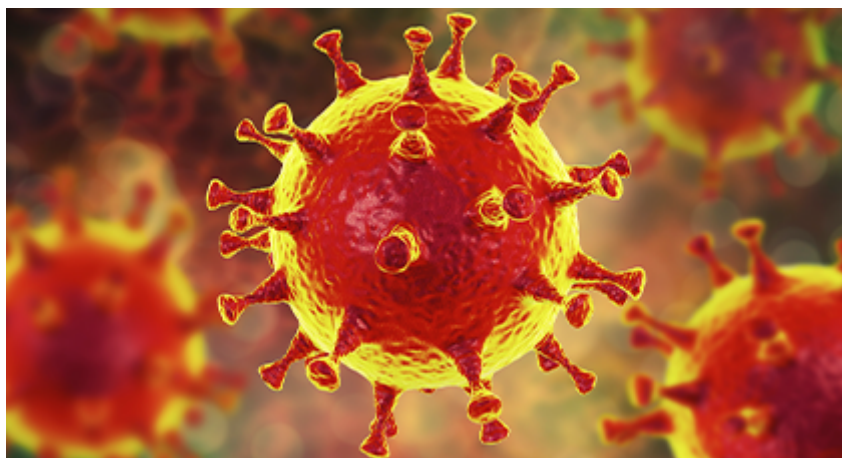
KING & SPALDING

# Energy Newsletter



March 2020

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## CONSTRUCTION, TRANSACTIONS

GLOBAL

### Disrupting the Disruptor: How a Prepared and Proactive Owner Can Mitigate the Effects of Coronavirus on Construction Projects

*Scott Greer, Jack Fontham and Kaleb Walker*

Once a remote health issue in China, the rapidly spreading coronavirus (COVID-19) has become not only a global health concern but also potentially a global economic disruptor that could impact nearly every industry. The construction industry is no exception, and owners and contractors alike should evaluate and take proactive measures with respect to the physical and economic risks that coronavirus could pose for their projects. [More »](#)



## GOVERNMENT RELATIONS, REGULATORY

LNG, OIL & GAS - U.S./CANADA

# PHMSA Issues Final Rule on Underground Natural Gas Storage Safety Establishing a Phased-in, Multi-Year Timeframe for Integrity Management

*Jim Bowe and William Rice*

On February 12, 2020, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued its long-awaited Final Rule establishing safety regulations applicable to underground natural gas storage facilities. The Final Rule largely ratifies PHMSA's 2016 incorporation of certain API recommended procedures. PHMSA modified its regulations adopted in 2016 by establishing a seven-year timeframe for integrity management baseline risk assessments and extending detailed risk management requirements to operators of solution-mined salt cavern natural gas storage facilities. The effective date for the rulemaking changes is March 13, 2020. [More »](#)

## REGULATORY, TRANSACTIONS

### OIL & GAS – U.S./CANADA

## Freedom of Contract Cited as the Reason for Texas Supreme Court's Affirmation of Court of Appeals Judgment in *ETP v. Enterprise*

*Stuart Zisman and Alyssa Ladd*

On January 31, 2020, the Texas Supreme Court (the "Court") affirmed the 2017 judgment of the Dallas Court of Appeals that Texas law upholds the rights of contracting parties to agree not to be partners unless certain conditions precedent are satisfied or waived. The Court held that "parties can conclusively negate the formation of a partnership under Chapter 152 of the [Texas Business Organizations Code ("TBOC")] through contractual conditions precedent. [More »](#)

## INTERNATIONAL TRADE

### GLOBAL

## Overview of the New Algerian Hydrocarbons Law



## IN THE NEWS

Stuart Zisman, Chris Delphin, Jason Peters, Josh Petersen and David Lang represent Trafigura in a deepwater port transaction [The Texas Lawbook »](#)

Construction partner Ingrid Myers joins the firm's Corporate, Finance and Investments practice group in Houston [The Texas Lawbook»](#) [citybizlist»](#) and [Bisnow»](#)

K&S among the most mentioned firms by Law360 last week [Law360»](#)

Peter Hsiao and Cynthia Stroman comment on the possibility of ten Democratic attorneys general suing the EPA regarding its oversight of chemicals [Bloomberg Environment»](#)

Government contracts partners Rick Vacura and Steve Cave join the firm's Special Matters and Government Investigations team in Washington, D.C. [The Washington Post»](#) [The American Lawyer»](#) [Financial Times\\*»](#) [Bloomberg Big Law Business»](#) [The Deal»](#) [Bloomberg Law»](#)

"How Enviros Will Challenge Trump's NEPA Update" by Marcella Burke and Cason Hewgley [Law360»](#)

David Lang advises NextDecade

*Mehdi Haroun and Nora Djeraba*

After a decade and a half of a poor track record of investment and new discoveries, Algeria recently enacted a new hydrocarbons law, expected to offer the oil and gas sector in Algeria new impetus. In this article, we outline key features of this new oil & gas law in the resource-rich country of Algeria. [More »](#)

on the sale of its Rio Bravo Pipeline to Enbridge for \$25M [The Texas Lawbook»](#)

## REGULATORY, INTERNATIONAL TRADE

OIL & GAS / LNG – GLOBAL

# Risk Mitigation in International Petroleum Contracts

*John Bowman*

Risk mitigation provisions in an upstream petroleum contract between host government (HG) and international oil company (IOC) can make the difference between success and failure when the HG exercises its legislative competence unilaterally to take a greater share of project value. Over the course of a century of sometimes highly contentious dealings between HGs and IOCs, a complex system of contract stabilization developed, typically on a one-off basis in negotiation of a concession or production sharing agreement. [More »](#)

## INTERNATIONAL TRADE

GLOBAL

# Coronavirus and Force Majeure Declarations

*Wade Coriell, Bill Gordon, Elizabeth Silbert, Sara McBrearty and Anisha Sud*

Roughly three weeks after the World Health Organization declared the coronavirus to be a “public health emergency of international concern,” the outbreak has begun to disrupt global supply chains severely. The virus, now officially named “Covid-19,” remains first and foremost a public health emergency. Since the first cases were reported in December 2019, it has sickened more than 72,000 people, killed nearly 2,000, and spread to every province and region in China—and from there to 26 other countries. [More »](#)

## EDITORIAL CONTACTS



**Andrew M. Stakelum**  
+ 1 713 276 7341  
[astakelum@kslaw.com](mailto:astakelum@kslaw.com)  
[View Profile »](#)



**Steven Williamson**  
+1 713 276 7311  
[swilliamson@kslaw.com](mailto:swilliamson@kslaw.com)  
[View Profile »](#)



**Katherine E. Dugat (Katie)**  
+ 1 713 276 7419  
[kdugat@kslaw.com](mailto:kdugat@kslaw.com)  
[View Profile »](#)

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