

Energy Newsletter



April 2012

TRANSACTIONAL

Transactions

FERC's Pine Prairie Energy Center, LLC Order and Its Implications for Gas Storage Expansion Projects

Ned Crady, Matt Salo

FERC stated that "going forward, we will apply our open season policies to all new construction projects, including market-based rate storage projects, that create capacity." [More »](#)

Corporate/London

Shale Gas in Europe: Today and the Future

Nina Howell

While it is widely predicted that shale gas will play an important part in Europe's future energy mix, even with the most optimistic projections, shale gas will not substantially impact European gas production for almost a decade. [More »](#)

Construction

Performance Security - Protections Available to Mitigate the Risks of Contractor Default During Construction of a Large Energy Project

Scott A. Greer, Robert B. Garner

The right performance security, in connection with a well-drafted construction agreement, heavily strengthens an owner's position by reducing risks associated with contractor default and providing additional remedies should a default occur. [More »](#)

Project Development/Finance

Splitting EPC Contracts in Energy Projects

Tim Burbury

Under a split engineering, procurement, and construction (EPC) structure, a company's legal and contractual positions can be protected to the same extent that they would be under a single turnkey EPC structure, while at the same time ensuring that taxation and other commercial benefits obtained by splitting the works are not jeopardized in the process. [More »](#)

Corporate/London

Negotiating by email - Beware!

Hywel Jones

In a recent decision, the UK Court of Appeal confirmed that an enforceable contract and guarantee can be created under English law by a series of email exchanges. [More »](#)

In The News

An Overview of U.S. Tax Policies

[More »](#)

El Paso: Another Black Eye For Investment Banks

[More »](#)

How Directors Use Spin-Offs to Add Value

[More »](#)

Reform of UK Competition Regime – One Step Closer

[More »](#)

Treasury Issues Proposed FATCA Regulations

[More »](#)

Upcoming Events

King & Spalding Energy Forum: International Trade Conflicts: Renewable Energy Today and Trends for Tomorrow

Date:

Wednesday,
April 11, 2012

Agenda:

7:30 am Registration and Breakfast
8:00 - 9:30 am Presentations / Q&A

A Brief Overview of Venezuela's Oil Policies

Alberto Ravell

The Chávez administration continues to adopt measures aimed at dismantling the *apertura petrolera* initiatives that were instituted during the 1990s in order to attract foreign investors to the Venezuelan oil industry. [More »](#)

REGULATORY

U.S. Antitrust/D.C. Regulatory

DOJ Announces First-Ever Settlement of False Claims Act and Antitrust Claims Involving Mineral Rights Lease Auctions

Brian R. Meiners

In a recently-settled civil antitrust case, the DOJ sent a clear message to energy firms that they should expect close scrutiny of their conduct in bidding for government leases for development rights. [More »](#)

Global Competition Law

India Turns Up the Heat on Cartel Enforcement with First Fines in the Energy Sector

Suzanne Rab

The Competition Commission of India (CCI) has sent a clear signal that cartel-like behavior will not be tolerated and significant fines await violators of the prohibition on restrictive agreements. [More »](#)

Environmental

Marcellus Shale: Implications of Ohio DNR's Report Regarding the Youngstown Tremors

Drew T. Bell, Lynn Kerr McKay

In the wake of preliminary findings that “strongly indicate” a Class II injection well induced tremors, including an earthquake measuring 4.0 on the Richter scale, Ohio proposed regulations to address concerns about induced seismicity from disposal wells. [More »](#)

EU Competition Law

European Commission Fines Energy Companies for Obstructing Competition

Suzanne Rab

The European Commission announced fines totalling EUR 2.5 million against two Czech energy companies for obstructing an EU competition inspection. [More »](#)

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