

Energy Newsletter



November 2011

DISPUTE RESOLUTION

Business Litigation

Texas Supreme Court Ruling May Slow the Installation of Certain Pipelines

C. Brannon Robertson

Texas confers upon private pipeline developers the power of eminent domain, so long as pipeline is designated a “common carrier” available for “public use.”

Historically, whether or not a pipeline company is a “common carrier” has largely been for the company itself to decide. A recent Texas Supreme Court decision —*Texas Rice Land Partners, Ltd. v. Denbury Green Pipeline-Texas, LLC*—may change this historic rule. [More »](#)

Environmental Litigation

Marcellus Shale - Recent Environmental Actions in Pennsylvania

Lynn Kerr McKay, Cynthia A.M. Stroman

This article reviews recent key environmental actions in Pennsylvania addressing concerns about the speed of development, air emissions, and state regulatory oversight of this gas play. [More »](#)

TRANSACTIONAL

Project Development & Finance / Middle East

Monetising Utility Assets in Difficult Financial Markets

Tim Burbury, Hoda Naghdy

Master Developers of a steady stream of greenfield utility projects coming online in the Middle East are taking advantage of opportunities to ‘monetise’ their utility assets. [More »](#)

Transactions

Consolidation of Natural Gas Pipelines Continues

Crayton L. Bell

Kinder Morgan, Inc.’s \$38 billion acquisition of El Paso Corporation reflects a key move toward the consolidation of the natural gas pipeline business in the U.S. It appears likely to trigger more M&A activity in the sector. [More »](#)

REGULATORY

International Antitrust

European Commission Launches Dawn Raids on Energy Companies in Eastern Europe

Suzanne Rab

In The News

Office of Fair Trading Reports on Off-grid Energy Competition [pdf]

[More »](#)

Philip Weems, Dan Rogers to Speak at Australia’s First Strategic Gas Conference

[More »](#)

Upcoming Events

King & Spalding Energy Forum: New Frontiers in LNG Exports

Date:

Tuesday,
December 13, 2011

Agenda:

7:30 am Registration and Breakfast
8:00 - 9:30 am Presentations, Panel Discussion and Q&A

Where:

The Houstonian Hotel, 111 North Post Oak Lane, Houston, Texas

More information and registration details to come.

The European Commission announced it conducted unannounced inspections - so-called “dawn raids” - at the premises of companies active in the supply, transmission, and storage of natural gas in ten EU Member States, mainly in Central and Eastern Europe. [More »](#)

FERC

Ninth Circuit Denies Challenges To FERC’s Market-Based Rate Policies

David G. Tewksbury, Grace Su

On October 13, 2011, in *Montana Consumer Counsel v. FERC*, the United States Court of Appeals for the Ninth Circuit re-affirmed the lawfulness of the Commission’s market-based rate approach under the Federal Power Act. [More »](#)

Government Advocacy and Public Policy

Keystone XL Pipeline Moving Forward to the Chagrin of Some in Congress

Thomas J. Spulak

TransCanada's Keystone Pipeline Appears to Be Headed Toward Approval by the Obama Administration. Will Congressional Opponents Be Able to Reverse This Outcome? [More »](#)

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King & Spalding Seminar: Practical Solutions to Common Issues in the Energy Sector

Date:

Wednesday,
December 7, 2011

Agenda:

5:15 pm Registration
5:30-7:30 pm
Seminar
7:30 pm Drinks and
Canapés

Where:

King & Spalding
125 Old Broad Street
London EC2N 1AR

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**Seminar:
Dawn raids,
criminalization of
cartels and beyond:
Are you ready?**

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