

Kenneth G. Jaffe

Senior Counsel

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Ken Jaffe is a senior counsel focusing on regulatory matters affecting participants in restructured competitive energy markets. He has extensive experience in utility mergers and asset transactions, the development and operations of regional transmission system operators, and regulatory litigation. Ken represents one of the largest regional independent system operators, as well as major transmitting utilities and market participants, in a variety of matters before the Federal Energy Regulatory Commission. Those matters include applications for approval of innovative transmission and market structures, transmission incentive rate applications, rate proceedings, and disputes arising under power purchase, interconnection, and transmission agreements. He established leading regulatory and appellate precedents on the recovery of utilities' investments in prematurely retired nuclear generating plants, as well as the associated decommissioning costs, prudence issues, jurisdictional issues, and regional market issues.

Ken is a leading energy lawyer ranked as Band 1 in *Chambers Global* for USA, Energy: Electricity (Regulatory & Litigation). In Washington, he is ranked in *Chambers USA: America's Leading Lawyers for Business* and *The Best Lawyers in America*®. *Best Lawyers*® named him "2012 Washington, D.C. Lawyer of the Year" in the energy area. He is a member of the Energy Bar Association and speaks regularly at the EBA's meetings and seminars.

Representative Experience

- Counsel to one of the largest independent transmission system operators for federal regulatory matters, including cost recovery, market structure, and rate design matters.
- Defended comprehensive reforms of a regional energy market before U.S. Court of Appeals for the District of Columbia Circuit.
- Obtained federal regulatory approvals for mergers of electricity delivery and generation companies and natural gas delivery companies involving domestic and foreign parties.
- Obtained federal regulatory approvals for generation asset sales by electric utilities.
- Obtained federal regulatory approvals for rate incentives for transmission investment.
- Litigated transmission, power sales, and interconnection contract disputes before FERC in state and federal courts and in arbitration.
- Litigated prudence of nuclear generation station decommissioning expenses and the recovery of associated costs.
- Obtained federal regulatory approvals for incentives for participation in regional transmission organizations.
- Obtained federal regulatory approvals for a for-profit, independent transmission company.

Publications & Presentations

Publications

- “FERC Issues Rehearing Order on Reform of Large Generator Interconnection Procedures and Agreements,” *Pratt’s Energy Law Report*, Vol. 19 No. 7, July-August 2019.
- “FERC Issues Notices of Inquiry on Electric Transmission Incentives and Calculating Return on Equity,” *Pratt’s Energy Law Report*, Vol. 19 No. 6, June 2019.
- “FERC Addresses ADIT in Light of Decrease to Federal Corporate Income Tax Rate,” *Pratt’s Energy Law Report*, Vol. 19 No. 2, February 2019.
- “FERC Acts to Address Decrease in Federal Corporate Income Tax Rate,” *Pratt’s Energy Law Report*, Vol. 18 No. 5, May 2018.
- Energy Partner Ken Jaffe Discusses Trends in Electricity Markets

Professional & Community Engagement

- District of Columbia Bar
- U.S. Supreme Court
- Energy Bar Association

Education

- Harvard University (J.D., 1981)
- State University of New York at Binghamton (B.A., 1978)

Admitted to Practice

- District of Columbia

Related Services

Corporate & Finance | Oil & Natural Gas