

Energy Newsletter



October 2012

DISPUTE RESOLUTION

International Arbitration

Extra Heavy Crude Oil: An Increased Potential for International Disputes

Louis-Alexis Bret

Extra heavy crude is so dense and viscous as to require special techniques and installations to be economically produced, transported, and refined. These characteristics bestow unique vulnerabilities to disputes and underline the importance of ensuring that a party be able to navigate through potential disputes under the best conditions possible. [More »](#)

International Arbitration

Second Circuit Clarifies Scope of Post-Award Judicial Review of Arbitrability

James E. Berger, Charlene C. Sun

The Second Circuit recently clarified the scope of the so-called “competence-competence” doctrine and affirmed that where a party agrees to arbitrate under rules that authorize an arbitration tribunal to rule upon its own jurisdiction, a party who subsequently opposes confirmation of an award will be foreclosed from obtaining independent judicial review of the tribunal’s arbitrability determinations. [More »](#)

Climate Change Litigation

Ninth Circuit Rejects Plaintiffs’ Claims for Damages for Alleged Climate Change-Related Injury

Jonathan L. Marsh

The Ninth Circuit’s holding in *Kivalina* forecloses the use of “federal common law” to create a cause of action where none previously existed. The decision affirmed that the Clean Air Act displaces an Alaska Native village’s claim for money damages against select oil, coal, and utility companies for historic emissions of significant quantities of greenhouse gases under a theory of federal common law nuisance. [More »](#)

TRANSACTIONAL

Corporate

International Joint Ventures in the Oil & Gas Sector

Marcus Young

Given that international joint ventures are intended to benefit from synergies of co-operation and mutuality, what are the problems that frequently arise when negotiating and operating in emerging markets? [More »](#)

Upcoming Events

King & Spalding
Energy Forum:
Mega Projects:
Building Them On
Time, On Budget

Where: Houston,
TX and Online

When: Tuesday,
October 16, 2012

[More Info / Register»](#)

In The News

Tim Burbury
Examines
Infrastructure
and Project
Finance in the
UAE in *Financier
Worldwide* [PDF]

[More »](#)

Greater Scrutiny of
Corporate Lobbying
and Political
Activity Underway
[PDF]

[More »](#)

Brian White to
Present at American
Society of
International Law
Meeting

[More »](#)

Ken Culotta Named
Head of King &
Spalding’s Global

REGULATORY FERC

FERC Issues Show Cause Order Against J.P. Morgan Ventures Energy Corporation

Neil L. Levy, David G. Tewksbury, Grace Su

FERC recently issued an order directing the firm to show cause why it should not be found to have violated FERC's Market Behavior Rules, and why its authorization to sell electric energy, capacity, and ancillary services at market-based rates should not be suspended in connection with allegations of submission of misleading information and omission of material information. [More »](#)

EU Competition Law

Greek Public Power Company Wins EU Court Challenge

Suzanne Rab

The EU General Court recently decided in favor of a Greek state-owned power company appealing a European Commission decision opposing the utility's virtual monopoly rights over lignite or "brown coal" because the EC failed to prove actual or potential abuse of a dominant position. [More »](#)

Global Competition Law

Competition Commission of India goes full power with investigation against Coal India—A Study in Contrast to a Recent European Commission Decision

Suzanne Rab

The Competition Commission of India's investigation against Coal India Limited alleging unfair trade practices and abuse of dominant position further illustrates the increasingly complaints-led nature of competition probes in India. [More »](#)

Editorial Contacts

Charles J. (Tim) Engel III

+1 202 661 7800

tengel@kslaw.com

[View Profile »](#)

Jeffrey H. Perry

+1 202 626 5521

jperry@kslaw.com

[View Profile »](#)

About King & Spalding's Energy Practice

King & Spalding's energy practice has more than 240 lawyers in the U.S., Europe, the Middle East and Asia, giving King & Spalding one of the broadest and deepest benches of energy lawyers in the world. The firm is one of the most active law firms in the global energy industry advising and representing clients on a broad spectrum of transactions and disputes, and has received top rankings from *Chambers Global*, *Chambers USA*, *The Legal 500*, *The International Who's Who of Oil & Gas Lawyers*, *Euromoney's World's Leading Energy & Natural Resource Lawyers* and *The Best Lawyers in America*. For additional information, visit www.kslaw.com/practices/Energy.

The content of this publication and any attachments are not intended to be and should not be relied upon as legal advice. If you are not currently on our Energy Practice Group mailing list under your own name, and you would like to join to receive our monthly Energy Newsletter publication and to receive notices of future programs and occasional notices of legal developments in the industry, or wish to be taken off the distribution list for this Newsletter, you can make that request by submitting

Transactions Practice

[More »](#)

Tom Sprange and Tom Childs Co-author Chapter in Arbitration Book

[More »](#)

J.C. Boggs Named Lawyer of the Year by the RNLA

[More »](#)

2012 Legal 500: UK Rankings Swell as King & Spalding Continues London Expansion

[More »](#)

Chambers Latin America Results Demonstrate King & Spalding's Global Strength in International Arbitration and Projects

[More »](#)

Super Lawyers Names 13 King & Spalding Lawyers Among the Best in Texas

[More »](#)

Thirteen King & Spalding Lawyers Named 'Lawyers of the Year'

[More »](#)

your contact information to Jeff Perry at jperry@kslaw.com.

© 2012 King & Spalding

