

# Energy Newsletter



September 2013

## DISPUTE RESOLUTION

### Tort Litigation

#### **New Rule Proposed By OSHA Regarding Silica Exposure Likely To Impact Fracking And Increase Risk Of Litigation**

*H. Victor Thomas*

OSHA has proposed a new rule sharply reducing the limits for workers' exposure to silica that some experts believe could have a major impact on fracking operations and might increase the risk of litigation. [More »](#)

### Oil & Gas Litigation

#### **Texas Supreme Court Reaffirms Minerals Estate's Superior Rights**

*Brannon Robertson*

It has long been a rule in Texas that the mineral estate is dominant over the surface estate. This rule has taken on an increased importance recently with the shale boom driving increased E&P activity in the state. [More »](#)

## REGULATORY

### Natural Resources Regulatory

#### **Department of the Interior Proposes Rule Changes Applicable to All Federal Solid Minerals Leases**

*Jeffrey H. Perry*

The U.S. Department of the Interior's Office of Natural Resources Revenue (ONRR) recently proposed significant changes to federal royalty reporting requirements covering all solid minerals, including coal. The proposed rule would impose new procedures governing the valuation of Federal Coal for advance royalty purposes and impose a new, uniform "Solid Minerals Sales Summary" on all Federal and Indian solid mineral leases. [More »](#)

### Environmental Regulatory

#### **Mitigating the Prospect of Mercury in Hydrocarbons in Exploratory Drilling**

*Kelsey Desloover*

Today's oil and gas exploration increasingly involves drilling deeper, increasing the likelihood of encountering elevated levels of naturally-occurring mercury in hydrocarbons found at these advanced depths. This drilling can lead to damage downstream from the wells in processing equipment. [More »](#)

## FERC

## In The News

**Russia's Supreme Arbitrazh Court Summarizes Application of the Public Policy Clause** [\[PDF\]](#) [More »](#)

**Recent Developments: Zimbabwe—What Legal Options are Available to Mining Companies?** [\[PDF\]](#) [More »](#)

**Recent Developments: Kenya—What Legal Options are Available to Mining Companies?** [\[PDF\]](#) [More »](#)

**NYT: Growth in Global Disputes Brings Big Paychecks for Law Firms** [\[PDF\]](#) [More »](#)

**King & Spalding Receives Law Firm Diversity Award from Chevron** [More »](#)

**King & Spalding Advises GE in Solar Technology Partnership With First Solar** [More »](#)

**Global 20: King & Spalding** [\[PDF\]](#) [More »](#)

## **Barclays and JP Morgan Subject to Penalties and Disgorgement of Profits for Market Manipulation**

*Neil L. Levy, David G. Tewksbury, Stephanie S. Lim*

Two recent Federal Energy Regulatory Commission orders will result in the imposition of civil penalties totaling nearly three quarters of a billion dollars, as well as additional requirements to disgorge unjust profits totaling nearly \$160 million, for alleged market manipulation in violation of Section 222 of the Federal Power Act and FERC's regulations. [More »](#)

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### **TRANSACTIONAL**

#### **Project Development / Finance**

##### **PF2 and its relevance to PPPs in the GCC**

*Tim Burbury, Lachlan Doyle*

The introduction of the UK Treasury's revised approach to public-private partnerships in many respects reflects the model and structure that independent infrastructure projects have taken in the Gulf Cooperation Council. So what has changed and how might the benefits be felt across the GCC? [More »](#)

#### **Corporate / London**

##### **UK Looks to US for LNG Imports: US Regulatory Approvals Required**

*Nina Howell*

UK energy providers have signed deals to buy LNG from the Sabine Pass and nearby Golden Pass LNG export facilities in the US. We look at the role that US natural gas may play in the UK's future energy mix. [More »](#)

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