

KING & SPALDING

Energy Newsletter



May 2015

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Upcoming Events

**King & Spalding Energy
Forum:
The Direction of
Environmental
Enforcement in the
Energy and Petrochemical
Sector**

When: Tuesday, June 5,
2015

Where: Live in Houston,
Texas and Online

*[For Further Details Click
Here](#)*

**Small-Midscale LNG
Investment &
Development Summit**

When: June 9-11, 2015
Where: Houston, Texas

REGULATORY

Environmental / Oil & Gas Regulatory

Recent Settlement Under EPA's Energy Extraction Initiative Provides Insight For Future Enforcement in the Oil and Gas Industry

Joseph Eisert, Ilana Saltzbart, Granta Nakayama

Given its patchwork of regulatory authority over operations in the oil and natural gas industry, EPA has adopted a national enforcement initiative to focus its efforts. A recent settlement provides further insight into EPA's approach under the Clean Air Act and highlights the type of "beyond compliance" requirements on which industry should focus. [More »](#)

Oil & Gas Regulatory / London

Tax Incentives Offer Hope for UK Oil and Gas Industry Affected by Low Oil Prices

Anthony Long

In the face of falling oil prices, Chancellor George Osborne has repealed a 2011 tax increase on oil and gas production. [More »](#)

Government Relations

It's Time to End the Crude Oil Export Ban

Michael A. Andrews

A recent bill seeking to end the ban on crude oil exports provides hope that a policy that no longer serves its original purpose will be repealed in favor of free trade. [More »](#)

FERC

FERC Declines to Change "Gas Day" Start Time; Adopts Other Proposed Natural Gas Scheduling and Contracting Changes

William E. Rice

FERC recently issued a final rulemaking order in which it declined to adopt the controversial proposed change in the "Gas Day" start time, but adopted several other changes contemplated by the notice of proposed rulemaking. [More »](#)

Oil & Gas Regulatory

PHMSA Steps Up Review of Pipeline Construction

Sara E. Peters, James F. Bowe, Cynthia A.M. Stroman

PHMSA has stepped up enforcement efforts concerning pipeline and LNG terminal construction. Increased scrutiny by regulators and the DOJ warrant increased vigilance. [More »](#)

FERC

FERC Issues Policy Statement Regarding Pipeline Modernization Surcharges

William E. Rice

FERC recently issued a Policy Statement regarding Cost Recovery Mechanisms for Modernization of Natural Gas Facilities, which affords interstate natural gas pipelines the opportunity to propose surcharge mechanisms providing for the recovery of costs incurred to comply with certain government mandated programs. [More »](#)

Oil & Gas Regulatory

Reported Relationship Between Indoor Radon Concentrations and Unconventional Marcellus Shale Drilling Must Be Interpreted With Caution

Lynn McKay

Johns Hopkins University researchers reported a significant association between proximity to unconventional Marcellus Shale natural gas wells and radon concentrations on the first floor of buildings in Pennsylvania during the summer. The conclusions reached in this study should be scrutinized because of the methodology and collected data. [More »](#)

DISPUTE RESOLUTION

International Arbitration

The Emergency Arbitrator: Doubling as an Effective Option for Urgent Relief and an Early Settlement Tool

Sarah Zagata Vasani

The Emergency Arbitrator is neither a passing fancy nor a flawed fashion. Emergency arbitration procedures have proven to be an effective means of obtaining urgent relief expeditiously prior to the constitution of an arbitral tribunal, and also have provided parties and counsel with an effective early settlement tool. [More »](#)

Oil & Gas Litigation

Texas Supreme Court Avoids Answering a Fundamental Question in a Wastewater Disposal Case

Brannon Robertson

An important environmental trespass case before the Texas Supreme Court was expected to answer the question of whether migrating saltwater and other disposed wastewaters could give rise to a trespass cause of action. In February of 2015, the Court issued its decision. Unfortunately, for those expecting an answer on the subsurface trespass question, the holding was a narrow one.

[More »](#)

TRANSACTIONAL Transactions

[For Further Details Click Here](#)

In The News

King & Spalding Recruits Simon Cowled to its Asia Pacific Energy Team

[More »](#)

King & Spalding Advises on Pioneering Shuakhevi Hydropower Project in the Caucasus Mountains of Georgia

[More »](#)

Bloomberg and Thomson Reuters Rank King & Spalding Among Top Legal Advisors for Mid-Market Private Equity and M&A

[More »](#)

Rising Star: King & Spalding's Mona Katigbak

[More »](#)

10 Keys To a Successful LNG Export Project

Philip Weems, Kathryn Marietta

With dozens of LNG export projects proposed around the globe in a low oil price environment, it is essential that project sponsors today consider those attributes that facilitate a successful project. This article identifies the ten key attributes of a successful LNG export project. [More »](#)

Project Development & Finance

How Latin American LNG Markets and U.S. Exports are Reshaping the LNG Market

Monica Hwang, Vera de Gyarfas

The implementation of U.S. LNG export projects creates new opportunities for Latin American LNG buyers. [More »](#)

Project Development & Finance

Generating Revenue from a Solar Project – the Power Purchase Agreement

Tim Burbury, Kevin Futch, Usman Ahmad

The nature of solar power projects requires that conventional power sale agreements be appropriately tailored for this sector. This article addresses three key concepts that warrant consideration when drafting such agreements for large scale solar projects. [More »](#)

Project Development & Finance

The Asian Infrastructure Investment Bank – Shaping Development

Alex Blomfield, Mona Katigbak

The fifty-seven prospective founding members of China-initiated Asian Infrastructure Investment Bank now have the opportunity to shape the rules that the bank will use to govern itself, as well as those it will employ in its financing of energy and infrastructure projects in Asia. [More »](#)

Editorial Contacts

Charles J. (Tim) Engel III

+1 202 661 7800

tengel@kslaw.com

[View Profile »](#)

Andrew M. Stakelum

+ 1 713 276 7341

astakelum@kslaw.com

[View Profile »](#)

Jeffrey H. Perry

+1 404 572 2702

jperry@kslaw.com

[View Profile »](#)

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