FERC Enforcement – What to Expect in 2015

Bracewell & Giuliani has posted a white paper taking a look at the Federal Energy Regulatory Commission's (FERC's) Office of Enforcement and what market participants should expect in 2015.

The current pending cases and these developments shed more light on what to expect in 2015 than the statistics FERC released concerning 2014, the authors say.

"In 2014, market participants, for the first time, showed a willingness to challenge Enforcement actions instead of settling. Five companies have refused to pay assessed civil penalties and settle thereby causing Enforcement to go to Federal court or to an administrative law judge to enforce the penalty and manipulation claims," according to the report. "We should expect more challenges in 2015 because another company has publicly vowed to challenge FERC should FERC proceed with a charge of manipulation. However, unless and until the courts narrow Enforcement's reach, we should expect that Enforcement will continue to be aggressive in its prosecutions."

Read the white paper.