

Biography



John N. Estes III

Partner

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Energy Regulation and Litigation*

John Estes, a partner with Skadden's Energy Regulation and Litigation Group, focuses on complex FERC litigation at the agency and on appeal, often involving market design, market power and market manipulation issues in organized electric markets. He is representing FirstEnergy in its proposal to move from the Midwest ISO to PJM, and NRG in the "third-party Mobile-Sierra" case currently pending before the United States Supreme Court.

Mr. Estes has played a lead role in many of the significant "organized market" cases that have gone to trial. Representative matters include:

- a coalition of generators, including subsidiaries of Boston Generating, Entergy, FPL Energy and Mirant, in the bitterly fought New England "LICAP" case involving locational capacity markets, and in the subsequent appeal;
- Exelon in groundbreaking litigation involving whether FERC should exempt AEP from certain state laws that were preventing AEP from joining PJM;
- Dynegy in the California protracted and highly complex "California Refund Case"; and
- Dynegy and NRG in the "California Long-Term Contract Case" at FERC and on appeal.

Recently, Mr. Estes has been particularly active in defending against market manipulation charges. He successfully defended H.Q. (United States) in the first complaint case claiming market manipulation, and he represented Energy Transfer Partners in ground-breaking trial proceedings, brought by FERC enforcement, involving alleged manipulation of the natural gas markets. He authored EEI's computer-based anti-market manipulation training, and currently represents several companies in nonpublic FERC investigations.

Mr. Estes also has an active appellate practice. He has argued 22 cases in the United States Courts of Appeals and briefed many more.

Mr. Estes has been ranked Band 1 each year since 2005 in *Chambers USA: America's Leading Lawyers for Business* and *Chambers Global: The World's Leading Lawyers for Business*.

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Education

J.D., Louisiana State University, 1983

B.A., Tulane University, 1979

Bar Admissions

Louisiana

District of Columbia

Authorships

"FERC Issues Order No. 697-A: Rehearing of Final Rule Governing Market-Based Rate Authorization," *Skadden, Arps, Slate, Meagher & Flom LLP*, May 1, 2008

"Analysis of Order No. 890: Preventing Undue Discrimination and Preference in Transmission Service," *Skadden, Arps, Slate, Meagher & Flom LLP*, March 6, 2007

"Court Vacates Order No. 2004 Standards of Conduct as Applied to Natural Gas Pipelines," *Skadden, Arps, Slate, Meagher & Flom LLP*, November 20, 2006

"FERC, Seeking 'Compliance Culture,' Links Penalties to Strength of Compliance Program," *Skadden, Arps, Slate, Meagher & Flom LLP*, November 3, 2005

Co-Author and Co-Editor, *Energy Regulatory Compliance: The Skadden Handbook* (2005)

"The California Crisis: Fact, Fiction and the Future," *International Power Finance Review 2001/2002*, May 7, 2001

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Oral Arguments, Briefs and Pleadings

- *Energy Transfer Partners, L.P. v. Federal Energy Regulatory Commission*, Fifth Cir. Case Nos. 08-60730 and 08-60810 (Mar. 2, 2009) (Oral Argument)
- *Connecticut Department of Public Utility Control v. Federal Energy Regulatory Commission and New England Power Pool Participants*, D.C. Cir. Case Nos. 07-1460 and 08-1175 (Sept. 2, 2008) (Intervenors' Brief)
- *DC Energy v. LLC H.Q. Energy Services (U.S.) Inc.*, FERC Docket No. EL07-67-000 (Aug. 31, 2007) (Answer to Complaint)
- *DC Energy, LLC v. H.Q. Energy Services (U.S.) Inc.*, FERC Docket No. EL07-67-000 (July 23, 2007) (Answer)
- *Energy Transfer Partners, L.P. v. Federal Energy Regulatory Commission*, Fifth Cir. Case Nos. 08-60730 and 08-60810 (Dec. 19, 2008) (Petitioners' Opening Brief)
- *Energy Transfer Partners, L.P. v. Federal Energy Regulatory Commission*, Fifth Cir. Case Nos. 08-60730 and 08-60810 (Feb. 9, 2008) (Petitioners' Reply Brief)
- *Energy Transfer Partners, L.P. v. Federal Energy Regulatory Commission*, FERC Docket No. IN06-3-002 (Oct. 9, 2007) (Answer to Show Cause Order)
- *Maine Public Utilities Commission v. Federal Energy Regulatory Commission*, D.C. Cir. Case Nos. 06-1403, 06-1427 and 07-1193 (Aug. 11, 2008) (Request for Rehearing or Rehearing *En Banc*)
- *Morgan Stanley Capital Group Inc., v. Public Utility District No. 1 of Snohomish County, Washington and Calpine Energy Services, L.P. v. Public Utility District No. 1 of Snohomish County, Washington*, S. Ct. Case Nos. 06-1457 and 06-1462 (Nov. 2007) (Economists' *amicus* brief in support of contract enforcement under *Mobile-Sierra* doctrine)
- *NRG Power Marketing, LLC v. Maine Public Utilities Commission*, S. Ct. Case No. 08-674 (July 7, 2009) (Brief for Petitioners)
- *NRG Power Marketing, LLC v. Maine Public Utilities Commission*, S. Ct. Case No. 08-674 (Dec. 22, 2008) (Petition for a Writ of Certiorari)
- *NRG Power Marketing, LLC v. Maine Public Utilities Commission*, S. Ct. Case No.08-674 (April 2, 2009) (Petitioners' Reply Brief)
- *Public Service Electric & Gas Company v. Federal Energy Regulatory Commission*, D.C. Cir. Case Nos. 07-1336, 07-1414 and 08-1008 (Oct. 10, 2008) (Intervenors' Brief)