

Harvey L. Reiter

PARTNER

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Office: Washington, DC



A highly-regarded regulatory and appellate attorney, Harvey is lauded by clients and peers for his work in appellate cases and for his knowledge of antitrust and competition issues affecting regulated industries.

Harvey's deep experience before the Federal Energy Regulatory Commission (FERC), the Federal Communications Commission (FCC) and the federal appellate courts makes him a uniquely qualified thought leader and trusted advisor for clients in the electric utility, communications and natural gas industries.

A *Chambers*-rated attorney, Harvey brings a wealth of knowledge to his legal counsel in litigation, appellate, transactional and other legal services. His experience includes over 20 oral arguments before various federal circuit courts of appeal, work in government supervising FERC trial lawyers, and representation of natural gas distributors, governmental agencies, the World Bank, electric utilities, cogenerators, gas and power marketers and Internet service providers in regulatory proceedings. Harvey offers regulatory and trial insights based on a multi-faceted legal career with a strong focus on antitrust and competition issues.

EXPERIENCE

Known for his work and publications on competition in the electric and natural gas industries, Harvey concentrates on proceedings before FERC and the federal courts involving the

PRACTICES & INDUSTRIES

Energy
Renewable Energy
Telecommunications

ADMISSIONS

Michigan, 1975
District of Columbia, 1976
U.S. Courts of Appeals for the DC, First, Second, Third, Fifth, Sixth, Eighth, Ninth, and Tenth Circuits
U.S. Supreme Court

EDUCATION

Boston University, J.D., 1975
Michigan State University, B.A., *with high honors*, Economics, 1972

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competitive restructuring of the natural gas and electric utility industries.

On behalf of a coalition of municipal and rural electric utilities in the WestConnect planning region, Harvey successfully negotiated a settlement in principle to resolve a lawsuit by El Paso Electric Co. charging that FERC had unlawfully authorized an Order No. 1000 regional transmission plan that subsidized municipal utilities.

Harvey successfully challenged, on behalf of Sacramento Municipal Utility District, the FERC decision granting PG&E a rate of return adder for remaining in an RTO that PG&E could not leave without the California Public Utilities Commission's permission.

Harvey represented coalitions of state public utility commissions in the Northeast and the Midwest in cases related to the formation of Regional Transmission Organizations (RTOs), represented a large municipal utility in cases involving the design of California electric markets, and has represented groups of local gas distributors in pipeline rate proceedings before FERC.

Before the FCC, he represented a broad group of state consumer advocates, local communities and internet service providers (ISPs) advocating open access to cable systems by ISPs to promote competition with cable-affiliated ISPs.

Before the Ninth Circuit, Harvey successfully challenged a FERC order granting a utility an "incentive" payment for remaining in an RTO on grounds that state law required the utility to maintain its RTO membership and that the "incentive" amounted to an unlawful windfall.

RECOGNITIONS

Selected to the 2023 - 2024 *Lawdragon* 500 Leading U.S. Energy Lawyers guide

Washington, DC *Super Lawyers*, Energy and Resources, 2021- 2024

Community Leadership Award, Jewish Community Relations Council of Greater Washington, 2018

Selected to *The Best Lawyers of America*®, 2013 - 2024 Washington, DC Super Lawyers for Energy Law, Energy & Natural Resources, Administrative Law and Appellate

Chambers USA: America's Leading Lawyers for Business for Energy & Natural Resources, described as a "well-regarded FERC attorney who is noted by sources for his work in appellate cases and for his knowledge of antitrust matters."

Energy Bar Association's Paul Nordstrom Service Award for exemplary service to the Energy Bar Association and the community, 2020

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Jewish Council for Public Affairs Tikkun Olam Award, Partner in Repairing the World, November 2020

Stinson LLP 2020 Distinguished Service Award

Advocates for Human Rights 2021 Volunteer Award

PROFESSIONAL & CIVIC ACTIVITIES

American Bar Association

DC Bar Association

Tzedek DC Advisory Board, 2018 - Present

Energy Bar Association (EBA), active in formation of the EBA Charitable Foundation

- Electric Power Regulation Committee of the EBA Association, Former Chair and Board Member
- *Energy Law Journal*, Editor-in-Chief

Jewish Community Relations Council of Greater Washington, President, Member of Executive Committee

Commission for Law and Social Action of the American Jewish Congress National Capital Region, Chair, 1987-2009

Charitable Foundation of the Energy Bar Association, Former Board Member, 2004-2006

Recipient of the Community Service Award for Project Citizenship of the UJA Federation of Greater Washington, 1998

Adjunct Law Professor, The George Washington University Law School, Fall 2017-present

Adjunct Law Professor, Vermont Law School, Summer 2010, 2011 semesters

Instructor, Institute of Public Utilities, Michigan State University 2005-present

NEWS

Super Lawyers' 2024 Washington, DC Lists Features Four Stinson Attorneys
04.22.2024

McCaffrey, Reiter Examine Right of First Refusal Rulings, Outlook for Transmission Companies in *Law360*
01.08.2024

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175 Stinson Attorneys Selected to the 2024 *Best Lawyers in America* List

08.17.2023

Chambers USA 2023 Legal Guide Recognizes Stinson Attorneys and Practice Groups

06.05.2023

Reiter Discusses LNG Project, FERC Oversight in Recent *EnergyWire* Article

05.12.2023

Five Attorneys from Stinson's DC Office Recognized by *Super Lawyers* in 2023 Top Lists

04.24.2023

Energy Attorneys Reiter, Schneider Selected to Inaugural *Lawdragon 500* Guide

03.17.2023

Landmark Power Supply Partnership for CORE Electric Steered by Stinson Attorneys

01.30.2023

152 Stinson Attorneys Selected to the 2023 *Best Lawyers in America* List

08.18.2022

Reiter Details Possible Legal Challenges After Recent SCOTUS Decision for *Bloomberg Law*

07.12.2022

Minnesota-Dakotas Chapter of AILA Recognizes Stinson with 2022 AILA Pro Bono Champion Award

06.22.2022

Harvey Reiter Explores Major Questions Doctrine Effect on Regulatory Initiatives for *EBA Brief*

06.14.2022

The 2022 *Chambers USA* Guide Recognizes Stinson Attorneys and Practice Groups

06.02.2022

Stinson Attorneys Named to 2022 Washington, DC *Super Lawyers*

05.03.2022

Harvey Reiter Talks Public Charge Rule Revival in *Law360* Article

03.21.2022

103 Stinson Attorneys Selected to the 2022 *Best Lawyers in America* List

08.19.2021

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Chambers USA Recognizes Stinson Attorneys and Practice Groups Nationwide

05.25.2021

Stinson Attorneys Named to 2021 Washington, DC *Super Lawyers*

05.05.2021

112 Stinson Attorneys Selected to the 2021 *Best Lawyers in America* List

08.20.2020

Chambers USA Recognizes Stinson Attorneys and Practice Groups Nationwide

04.29.2020

Stinson Attorneys Named to 2020 Washington, DC *Super Lawyers*

04.17.2020

SPEAKING ENGAGEMENTS

Presenter, "Antitrust Liability: Public Power Is Not Immune," American Public Power Association (APPA) Legal & Regulatory Conference, October 2018

Moderator, "FELJ Author Talk - Deregulation: Process and Procedures that Govern Agency Decisions in an Era of Rollbacks," Energy Bar Association, February 2018

Presenter, "Federal Court Cases that Could Affect RPSs," Webinar, Clean Energy States Alliance, December 2017

Panel Member, "State & Federal Jurisdiction over Energy & Telecommunications Services: Who's Authority Prevails?," Minnesota State Bar Association, March 2016

Institute of Public Utilities Regulatory Studies Program: Camp NARUC, August 2015

Panelist "My Best and Worst Experiences Facing the Appeals Court Judges: Lessons from Real World Experience," Energy Bar Association's Judicial Review Committee lunch meeting, February 2015

Panel Member, "Are States Being Heard By Their RTOs?," National Conference of Regulatory Attorneys, June 2014

Instructor, "FERC Electricity 101," EUCI Conference, April 2014

Moderator, "State Jurisdiction Over Distributed Generators," The Foundation of the Energy Law Journal webinar, March 2014

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Panel Member, "Preserving the Integrity of the Electric Power Markets: Why States Should Be an Indispensable Party in Federal Enforcement Actions Against Market Manipulation," National Regulatory Research Institute teleseminar, February 2014

PUBLICATIONS

"3 Power Rulings Change Outlook For Transmission Cos.," *Law360*, January 2024

"Should The Public Charge Case Still Have Life?," *Law 360*, March 2022

"FERC Ruling Smooths Path for Municipal Electric Systems," *Law 360*, January 2018

Featured, "PG&E overcharged ratepayers in transmission case, court rules," *San Francisco Chronicle*, January 8, 2018

Featured, "Eversource, Avangrid artificially constrained gas pipeline capacity for years, report argues," *Utility Drive*, October 11, 2017

Featured, "Energy Cases to Watch in 2nd Half of 2017," *Law 360*, June 2017

Featured, "The Biggest Energy Rulings Of 2017: Midyear Report," *Law 360*, June 2017

Co-Author with William Greene, "The Case for Reforming Net Metering Compensation: Why Regulators and Courts Should Reject the Public Policy and Antitrust Arguments for Preserving the Status Quo," *Energy Law Journal*, November 2016

Co-Author with Delia Patterson, General Counsel of the American Public Power Association, "Chasing the Uncatchable: Why Trying to Fix Mandatory Capacity Markets is Like Trying to Win a Game of Whack-a-Mole," *Public Utilities Fortnightly*, May and June 2016

"NERC's New Critical Infrastructure Protection Standards: Lessons from its Pilot Program," *Energy Manager Today*, February 2016

"Removing Unconstitutional Barriers to Out-of-State and Foreign Competition from State Renewable Portfolio Standards: Why the Dormant Commerce Clause Provides Important Protection for Consumers and Environmentalists," *Energy Law Journal*, April 2015

"When is Renewable not Renewable? The Constitutionality of State Laws Denying New Large Canadian Hydroelectric Projects Treatment as Renewable Resources", *Harvard Business Law Review*, April 2015

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"Ninth Circuit Denies Rehearing of Constitutional Challenge to California Fuel Standards," Stinson Leonard Street Insight, February 2014