

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

In the News

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Stinson LLP Partner [Harvey Reiter](#) authored an article titled "Would FERC's Landmark Decisions Have Survived Review Under the Supreme Court's Expanding 'Major Questions Doctrine' and Could The Doctrine Stifle New Regulatory Initiatives?" in the Energy Bar Association's quarterly *EBA Brief* magazine.

Earlier this year the Supreme Court upheld a preliminary injunction barring OSHA from implementing its COVID-19 vaccine rule under its emergency powers. The Court's ruling invoked the "major questions doctrine" - previously reserved for use only in "extraordinary circumstances" - to announce that agencies have no authority to issue rules of "great economic significance" absent express authorization from Congress. The focus of Reiter's article is on how many of the Federal Energy Regulatory Commission's landmark decisions would likely have failed the Supreme Court's greatly expanded articulation of the doctrine and what that might portend for the flexibility of FERC and other federal agencies to deal with changing circumstances or to undertake major policy initiatives that were once thought to fall comfortably within an agency's authority.

Reiter, who serves as Editor-in Chief of the Energy Law Journal and as an adjunct professor of law at George Washington University's School of Law, 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.

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