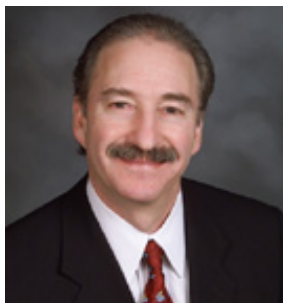


Kenneth L. Wiseman



Partner

1350 I Street, NW
Suite 1100
Washington D.C. 20005

P: 202.662.2715
F: 202.662.2739
kwiseman@andrewskurth.com

INDUSTRIES

Energy Litigation
Energy Regulation
Energy Transactions
Wind Energy

PRACTICE AREAS

Energy

EDUCATION

JD, 1977, Catholic
University of America
BA, 1971, University of
Wisconsin

ADMITTED

District of Columbia
1977
US Court of Appeals for
the First Circuit
US Court of Appeals for
the Fifth Circuit
US Court of Appeals for
the Ninth Circuit
US Court of Appeals for
the District of Columbia

Ken is a Partner in the Energy section in the Washington, DC, office. His practice focuses on regulation of the electric and natural gas industries. He has been with the firm since 1986 and has concentrated on the field of energy regulation since 1979. Prior to joining the firm, Ken was an Associate Solicitor for the US Department of Energy and subsequently served as in-house legal counsel for a major interstate natural gas pipeline. Ken regularly serves as first chair in litigated proceedings before the Federal Energy Regulatory Commission (FERC) and other administrative bodies. Those proceedings have included, among other things, rate design, cost allocation and cost-of-service issues, as well as enforcement matters. Ken has argued cases before the Florida Supreme Court, the Maryland Court of Appeals (the highest court in Maryland) as well as before other state and federal courts. Ken also regularly serves as lead counsel in arbitrations.

Electric Regulatory Experience

Ken counsels market participants on the interpretation and application of the market rules, terms and conditions of service and settlement procedures under the tariffs of Regional Transmission Organizations (RTOs). He has represented and counseled electric clients in ISO-NE, CAISO, ERCOT, PJM, and SPP, as well as clients that are active in areas that are not included in any RTO. Additionally Ken has assisted numerous clients in the negotiation of interconnection and transmission agreements.

In recent years, he played a prominent role in the proceedings and settlement negotiations that led to the Forward Capacity Market in New England. On behalf of a client, he also was instrumental in initiating proceedings that led to the amendment of "Cold Weather Procedures" in New England that better aligned scheduling of gas and electric markets and provides generators the potential to break the \$1000/Mwh price cap. Ken successfully has defended clients against claims of market manipulation in California and the Pacific Northwest and has obtained a money judgment in a private arbitration on behalf of a generator against an RTO.

A significant portion of Ken's practice during the last five years also has involved providing regulatory advice concerning the transfer of FPA-jurisdictional facilities as a result of sales and mergers. In the course of providing that advice, Ken conducts due diligence to identify regulatory issues associated with the facilities to be transferred. Ken also has been extensively

Kenneth L. Wiseman

involved over the last decade in agency and court proceedings arising out of the restructuring of the electric industry.

In addition, Ken played a prominent role in the lead bankruptcy case concerning issues related to the relationship of the bankruptcy code to the Federal Power Act.

Natural Gas Experience

Ken has represented interstate natural gas pipeline companies since 1985. He has counseled them on matters involving significant construction projects and authorizations required under Section 7 of the Natural Gas Act ("NGA"). The construction projects Ken has worked on have ranged from major long-line pipeline expansions to supply and market laterals and storage facilities. Those projects have involved the spectrum of regulatory issues such as compliance with open season procedures, development of open access tariffs, levelized, market-based and performance-based rates, capacity allocation, market power, bypass and capacity turnbacks.

Ken also has extensive experience concerning tariff filings, major rate cases under NGA Section 4 and limited Section 4 rate filings. He has represented pipelines' interests in proceedings before the Federal Energy Regulatory Commission ("FERC"), including in enforcement proceedings, before state public utility commissions, in federal and state courts and in arbitrations.

Ken's pipeline experience commenced as an in-house attorney for United Gas Pipe Line Company ("United"). Ken was the in-house attorney charged with overall responsibility for United's litigation. In that capacity, Ken had direct involvement in United's judicial litigation, as well as prosecution of United's rate cases and other litigated proceedings before the FERC.

Ken joined Andrews Kurth in 1986. Since joining the firm, Ken has worked on behalf of numerous interstate pipelines. An illustrative list of those pipelines includes: El Paso Natural Gas Company, Guardian Pipeline, L.L.C., Mojave Pipeline Company, Northern Border Pipeline Company, Portland Natural Gas Transmission System, Southern Natural Gas Company, Tennessee Gas Pipeline Company, Transcontinental Gas Pipe Line Corporation and Viking Gas Transmission Company.

Ken has been involved in cutting edge issues that have affected the natural gas pipeline industry. For instance, he helped draft one of the first natural gas pipeline open access tariffs. He also was the lead attorney responsible for negotiating and drafting an agreement among multiple unaffiliated interstate pipelines for the construction of a combined offshore/onshore pipeline. Ken also drafted the certificate application for that project, which led to FERC's first-ever approval of lease back arrangements among multiple pipeline sponsors. Additionally, over the course of Ken's experience in certificate matters, he has worked extensively with engineering, marketing, rate and regulatory personnel to develop strategies to maximize pipeline performance, while striving to obtain FERC approval in an expeditious manner, even for new types of service offerings for which there was no FERC precedent. Ken also has had substantial involvement with cultural resource issues related to pipeline construction projects.

REPRESENTATIVE EXPERIENCE

Electric

- Litigated FERC proceedings concerning development of RTO capacity markets involving claimed costs of \$20 billion.
- Litigated FERC proceedings concerning development of RTO cold weather pricing rules and \$1000/MWh price cap.
- Arbitration concerning interpretation and application of ISO congestion management pricing rules.
- Represented industry participant in investigation by a state attorney general concerning allegations of exercise of market power and price manipulation by industry participants.
- Arbitration concerning ISO dispatch and settlement procedures.
- Conducted due diligence for almost 12,000 MW of gas, coal, wind and/or hydroelectric generating facilities associated with potential acquisitions by major energy companies, global investment firms and/or private equity firms.

Kenneth L. Wiseman

- Provided regulatory advice and prosecuted FERC applications associated with sales of over 8,000 MW of generating capacity.

Natural Gas

- Served as first chair in numerous litigated rate and certificate proceedings on behalf of various interstate pipelines.
- Served as first chair in litigated enforcement proceedings.
- Served as first chair on behalf of pipeline marketing affiliates in arbitrations concerning gas contract pricing disputes.
- Negotiated and obtained FERC approval for innovative agreements involving the lease of interstate pipeline capacity.
- Negotiated settlement of almost decade-long dispute between two interstate pipelines.
- Experience in coordinating complex, multi-jurisdictional litigation strategies.

BRIEFINGS, SEMINARS & SPEECHES

- Anti-Market Manipulation Rules Under FERC Order No. 670 (April 19, 2007)

PROFESSIONAL/CIVIC AFFILIATIONS

Member - Energy Bar Association

Listed - Guide to the World's Leading Energy and Natural Resource Lawyers (2007)

HEADLINE NEWS

- Andrews & Kurth Represents Conoco and SRW in Project Finance Deal (November 30, 2000)