



# Josh

Josh E. Adrian  
Partner

[jadrian@thompsoncoburn.com](mailto:jadrian@thompsoncoburn.com)

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Washington, D.C.  
D - (202) 585-6922

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## MY SERVICES

Energy  
Mining and Natural Resources  
Regulatory  
Appellate

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## EDUCATION

American University Washington College of Law, J.D.  
Editor in Chief, Administrative Law Review, 2006  
Northwestern University, B.A., 1999

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## ADMISSIONS

District of Columbia  
Illinois  
U.S. Court of Appeals DC Circuit  
U.S. Court of Appeals Federal Circuit  
U.S. Court of Appeals 2nd Circuit  
U.S. Court of Appeals 3rd Circuit  
U.S. Court of Appeals 4th Circuit  
U.S. Court of Appeals 6th Circuit  
U.S. Court of Appeals 7th Circuit  
U.S. Court of Appeals 9th Circuit

## overview

As counsel to a variety of electric industry participants, Josh Adrian helps clients navigate state and federal regulatory processes and resolve complex transactional and ratemaking issues before the Federal Energy Regulatory Commission (FERC) and appellate courts.

For clients operating hydropower facilities, Josh provides in-depth guidance on the FERC licensing and relicensing processes under the Federal Power Act (FPA), and the corresponding review processes of various state and federal resource agencies. Clients turn to Josh for assistance in license compliance issues as well. Josh's work in this area extends to the environmental impact of hydropower projects, including under the National Environmental Protection Act (NEPA), the Clean Water Act, and the Endangered Species Act.

Josh also provides strategic counsel in the acquisition and sale of generation resources, and performs evaluations and due diligence reviews of power plants. In this role, he provides advice in obtaining the regulatory approvals required to complete such transactions, including obtaining market-based rate authorization of FERC and fulfilling attendant regulatory requirements.

Josh has represented electric ratepayer clients facing considerable rate increases in FERC proceedings, and achieved significant savings for clients. In particular, he has represented ratepayers that encounter pressure from public utilities to take service under a formula, rather than stated, rate. Josh has also represented the interests of ratepayers in opposing public utility requests for incentive rate treatment under the Energy Policy Act of 2005.

With respect to the North American Electric Reliability Corporation's (NERC) reliability regime, Josh helps clients establish compliance programs designed to meet the requirements of NERC's mandatory and effective Reliability Standards. He has also assisted clients in various stages of the compliance monitoring and enforcement processes of NERC's Regional Entities.

In the policy arena, Josh has counseled municipal utilities and electric cooperatives throughout the nation on questions of market design, as they operate as participants within the markets administered by Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs). He has advised municipal utilities during the transition of the California energy markets to a new tariff under the California ISO electric cooperative, the transition to a central Ancillary Services Market within the Midcontinent ISO, and in PJM's reforms of its capacity market.

## experience

### Hydropower Licensing and Compliance

- Represented FERC licensee in removing hydropower project from FERC jurisdiction.

- Successfully negotiated with Bureau of Land Management (BLM) regarding scope of easement for hydropower development.
- Represented FERC licensee in relicensing hydropower project located on land managed by U.S. Forest Service.
- Successfully advocated for Congressional passage of specific legislation designed to advance hydropower project.
- Advised client on acquisition of over 350 MW of hydropower projects.

#### Electric Regulatory Matters

- Negotiated wholesale distribution service agreements and power purchase agreements on behalf of transmission customer clients.
- Negotiated and settled public utility rate cases involving transitions from stated rates to formula rates, resulting in considerable savings to transmission customers.
- Represented customer interests in challenging results of MISO capacity auction.

#### affiliations

- National Hydropower Association
- Electric Cooperative Bar Association
- American Bar Association, Section of Administrative Law and Regulatory Practice
- Energy Bar Association
- Illinois Bar Association
- District of Columbia Bar

#### recognitions

- Listed in Washington, D.C. Super Lawyers (by Thomson Reuters) 2015, 2016, 2017

#### publications

- **"Hydropower, the Forgotten Renewable, Is Primed for a Comeback"**  
*Legal Reporting Service (Nat'l Rural Elec. Coop. Ass'n, Arlington, Va.)*, April 2014
- **"The Growing Importance of NERC Reliability Standards to Electric Cooperatives"**  
co-author with Kristen Connolly and McCullough, *Legal Reporting Service (Nat'l Rural Elec. Coop. Ass'n, Arlington, Va.)*, November 2009
- **"VoIP on Tap: Whether the FCC Should Apply Wiretapping Standards to Voice Over Internet Protocol"**  
*57 Admin. L. Rev.* 6472005

#### presentations

- **"Meeting FERC License Compliance in a Changing World"**  
Moderator, National Hydropower Association, 2018 Annual Meeting, May 2018
- **"Regulatory Reform for New Hydropower Capacity at Federal Facilities"**  
Northwest Hydroelectric Association, 2017 Annual Conference, February 2017
- **"Hydropower Developments at Federal Facilities"**  
American Public Power Association, Legal Seminar: Practice & Policy, October 2015
- **FERC Electric Utility Formula Rates - A Practitioner's Guide"**  
co-presenter with Michael R. Postar, American Public Power Association, Legal Seminar: Practice & Policy, October 2012