



## Timothy J. Furdyna

### Partner

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## OVERVIEW

Tim Furdyna is a partner in the firm's Oil and Gas and Environment, Land, and Natural Resources practice groups. A dedicated Federal Energy Regulatory Commission (FERC) practitioner, Tim advises clients on a wide range of matters related to the development of energy infrastructure under the Natural Gas Act (NGA), Federal Power Act (FPA), Natural Gas Policy Act of 1978 (NGPA), and Energy Policy Act of 2005 (EPA 2005), among other federal statutes. Tim's clients include developers of liquefied and compressed natural gas export facilities, shippers on interstate, intrastate, Hinshaw, and Section 311 pipelines, as well as developers of non-federal hydroelectric facilities. Tim guides his clients through the lengthy and often complex federal regulatory permitting process, including federal agency review under the National Environmental Policy Act (NEPA), as well as obtaining required permits under the Clean Water Act (CWA), Clean Air Act (CAA), and other federal statutes.

In addition, Tim frequently advises clients, including trade associations, domestic companies, and foreign governments, on the ever-changing world of US federal energy policy, and monitors the development of federal energy infrastructure projects on behalf of clients. Tim is also heavily involved in emerging industries, including the production and transportation of hydrogen, renewable natural gas (RNG), and certified gas on both interstate and intrastate pipeline systems.

Prior to joining the firm, Tim served as an attorney-advisor in FERC's Office of the General Counsel for over seven years. At FERC, Tim worked on issues covering nearly the entire scope of FERC's jurisdiction, including the certification of interstate natural gas pipeline facilities, authorization of LNG facilities, and the licensing of hydroelectric facilities, as well as wholesale electric transmission and natural gas transportation rates. While with FERC OGC's Energy Projects division, Tim led teams in reviewing applications to construct LNG export facilities, natural gas pipeline systems, and both traditional and pumped storage hydroelectric facilities. Tim also served in FERC OGC's Office of Rehearings where he worked closely with FERC's Office of the Solicitor to defend FERC orders on agency appeal. In addition, Tim served as subject matter expert regarding issues related to section 401 of the Clean Water Act, and qualifying conduit hydropower facilities.

## PROFESSIONAL / CIVIC ACTIVITIES

- Energy Bar Association

- American Bar Association (Section of Environment, Energy, and Resources, Vice Co-Chair, Energy and Environmental Markets and Finance Committee)

## EDUCATION

- LL.M., Energy & Environmental Law, George Washington University Law School, 2014
- J.D., Catholic University of America Columbus School of Law, 2012
- B.A., Catholic University of America, 2009

## ADMISSIONS

- Bar of District of Columbia
- Bar of Maryland

## THOUGHT LEADERSHIP POWERED BY HUB

- 12 September 2023, LNG by Rail Rule Suspension
- 1 August 2023, PHMSA's Proposed New Methane Leak Detection and Repair Requirements—What LNG Facilities Need to Know
- 21 April 2023, Ninth Circuit Cans Berkeley Gas Ban Under Federal Law

## OTHER PUBLICATIONS

- “U.S. Court of Appeals for the Ninth Circuit Cans Berkeley Gas Ban Under Federal Law,” *Pratt’s Energy Law Report*, July-August 2023
- “Strengthening State Regulation of Casing and Cementing in High Volume Hydraulically Fractured Natural Gas Wells”, *Appalachian Natural Resources Law Journal*, 2014-2015

## NEWS & EVENTS

- 2 January 2024, K&L Gates Names Nearly 30 Partners, Government Affairs Advisors Across Firm
- 6 April 2022, Waterpower Week 2022, Hosted by National Hydropower Association
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- 5 April 2022, Water Power Week
- 24 March 2022, Marcellus Shale Coalition Member Meeting, hosted by Marcellus Shale Coalition

## AREAS OF FOCUS

- Oil and Gas
- Environment, Land, and Natural Resources
- Liquefied Natural Gas
- Renewables

## INDUSTRIES

- Energy
- Utilities

## EMERGING ISSUES

- Hydrogen

## REPRESENTATIVE EXPERIENCE

- Lead federal regulatory counsel for NextDecade Corporation in their efforts to finance, construct, and operate a 27 MTPA LNG export facility in Brownsville, Texas, including incorporating carbon capture sequestration systems into the design and operation of the facility.
- Lead federal regulatory counsel to Commonwealth LNG in their pursuit and defense of necessary federal permits to construct and operate their 8.4 MTPA LNG production and export facility in southwestern Louisiana, and advise Commonwealth in their negotiations for feedgas to the facility.
- Act as lead federal regulatory counsel to Magnolia LNG in their pursuit and defense of necessary federal permits to construct and operate their 8.8 MTPA LNG production and export facility in southwestern Louisiana.
- Act as lead federal regulatory counsel to CNG Holding 1 to obtain DOE export authorization, and a Declaratory Order from FERC finding their compressed natural gas facility is not subject to FERC's jurisdiction. Also advise CNG Holding 1 in negotiations for feed gas to its facility.
- Advise and represent a large southern US energy utility in negotiations for natural gas transportation service on interstate, intrastate, Hinshaw, and NGPA Section 311 pipelines.
- Advise and represent a large southern US energy utility Louisiana branch in participating in FERC proceedings.
- Advise and act as lead outside counsel for major domestic oil and gas trade association in proceedings before FERC and DOE, and advise on developments in FERC, DOE policy, as well as the hydrogen pipeline transportation industry.

- Advise government of southeast Asian nation on US natural gas and LNG laws and regulations, and challenges of hydrogen transportation by pipeline under existing law.
- Advise northeast US energy utility on regulatory issues regarding hydrogen blending in natural gas distribution system.
- Advise the European government on regulatory status of US federal LNG export facility proceedings.
- Advise a large domestic hedge fund on regulatory status of proceedings before FERC and DOE.
- Advise a developer of blue ammonia facility in St. Charles, Louisiana in negotiations for supplies of feed gas to facility.
- Advise a foreign-owned, US-registered natural gas marketer in negotiations for capacity on intrastate, NGPA Section 311 pipeline.
- Act as lead outside regulatory counsel to major southeast US energy utility in FERC licensing and relicensing proceedings, provide strategic advice regarding FERC license compliance matters.
- Advise a developer of renewable natural gas in negotiations with intrastate pipeline for transportation service, particularly with regards to federal jurisdictional status of pipeline transportation of renewable natural gas.
- Advise a developer of data center on FERC, PHMSA requirements regarding construction of facility near interstate natural gas pipeline.