

Scott D. Johnson

Of Counsel

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Scott Johnson guides clients navigating the evolving energy regulation landscape across the United States. Representing public utilities and other entities in the electric power industry, Scott advises clients on general regulatory, administrative litigation, and transactional matters before the Federal Energy Regulatory Commission (FERC) and has represented clients in related cases before various U.S. Courts of Appeal.

He counsels clients on various energy regulatory issues, including applications for FERC authorization of transactions under Section 203 of the Federal Power Act (FPA) and for approval of tariffs, rate schedules, and service agreements under Section 205. He provides comments on and protests to rate filings before FERC, handles filings required under the Public Utility Holding Company Act of 2005, and advises clients on regulatory opinions for renewable energy project transactions, including debt and tax equity financings. He also obtains market-based rate authorization and exempt wholesale generator and/or qualifying facility status for generators and helps companies with market-based rates comply with their reporting requirements at FERC.

Scott's energy regulatory experience also involves performing due diligence for public utility mergers and other transactions, including the acquisition of electric power assets like renewable and conventional power plants and transmission lines.

Before Foley, Scott was a senior counsel in the Washington, D.C., office of a multinational law firm. He previously worked as a legal intern in the Energy Markets Section of FERC's Office of the General Counsel, where he drafted orders FERC later issued.

Representative Experience

- Represented KeyBank regarding energy regulatory matters for a \$75 million credit facility to support Lightshift Energy's expanding fleet of battery projects.

- Represented Bridge Renewable Energy regarding energy regulatory matters for a portfolio financing to support the construction of a 40 MW distributed energy solar and battery storage portfolio.
- Represented Diamond Generating Corporation in its acquisition of Boston Energy Trading and Marketing LLC from a subsidiary of NRG Energy Inc., including performing extensive energy regulatory and asset management contract due diligence and assisting the seller in obtaining the required FERC authorization.*
- Assisted SRE OpCo Inc. in its acquisition of Midway Wind LLC from Apex Clean Energy and with the subsequent tax equity and construction loan financing transactions for the 163 MW Midway Wind Project in San Patricio County, Texas, including performing regulatory and interconnection diligence and providing federal energy regulatory opinions.*
- Provided energy regulatory advice and federal energy regulatory opinions and submitting FERC filings for the borrower in a \$40 million term loan facility secured by proceeds from operating a 20 MW solar PV plus battery energy storage facility.*
- Advised a financial institution regarding its approximately \$110 million tax equity investment in a 200 MW solar PV project in Texas, including on regulatory and interconnection due diligence and scope of the seller's energy regulatory legal opinion.*
- Advised Amp in connection with and provided federal energy regulatory opinions for the financing of a 29.4 MW | 42 MWh Massachusetts Community Solar portfolio, valued at approximately \$100 million.*

**Matters handled prior to joining Foley.*

Additional Experience

- Advising a project developer regarding a potential solar photovoltaic generation and transmission substation project to facilitate behind-the-meter power supply and net metering for a large industrial customer.

Awards and Recognition

- C. Bar Capital Pro Bono Honor Roll (High Honors 2013-2015, 2017; Honors, 2018)
- Lois G. Williams Extraordinary Service Award, Washington Legal Clinic for the Homeless (2018)
- *Super Lawyers*, Washington, D.C., Rising Star (2016-2019)
- Ross Elementary School Reading Mentor of the Year Award, Everybody Wins D.C., (2018)

Affiliations

- Member, Leadership Circle, Everybody Wins D.C.
- Member, American Bar Association
- Member and former co-chair, FERC Practice & Administrative Law Judges Committee, Energy Bar Association
- Member, Finance & Transactions Committee, Energy Bar Association
- Member, Compliance & Enforcement Committee, Energy Bar Association

- Former Member, Young Lawyers Committee, Energy Bar Association

Former Member, Electricity Regulation Committee, Energy Bar Association

Sectors

- [Carbon Capture](#)
- [Energy & Infrastructure](#)
- [Hydrogen](#)

Practice Areas

- [Corporate](#)
- [Environmental](#)
- [Finance](#)

Education

- American University Washington College of Law (J.D., magna cum laude, 2010)
- Colgate University (B.A., highest honors, 2002)

Admissions

- District of Columbia