

KING & SPALDING

Energy Newsletter



December 2015

PROJECT DEVELOPMENT AND FINANCE

Renewable / Alternative Energy

Guaranteed Sunshine: Performance and Testing of Solar Power Projects

Rory Connor and Alex Blomfield

Solar photovoltaic projects often require significant performance testing periods that extend beyond the construction of a facility. As a result, EPC contracts require special consideration as to how performance guarantees and remedies are structured. [More »](#)

LNG

FSRUs: Looking back at the Evolution of the FSRU Market

Philip Weems, Nick Kouvaritakis and Richard Nelson

The FSRU market has grown exponentially in the past decade. This article explores the key drivers behind this growth how we expect the market to evolve in the future. [More »](#)

REGULATORY

Oil & Gas – U.S.

New OSHA Field Operations Manual Impacts Energy Industry

James K. Vines, Joseph A. Eisert, Martha B. Daniels, and Michael C. Clements

OSHA recently published a revised manual instructing its inspectors on how they should conduct work site investigations. With recent government and media attention on the increased rate of fatalities and injuries at exploration and production work sites, the energy industry should take notice of these changes and prepare for increased OSHA scrutiny. [More »](#)

Cybersecurity- U.S.

NFA's New Cybersecurity Guidance: What In-House Counsel Need to

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Upcoming Events

King & Spalding Energy Forum: From Climate Change to Anti-Corruption: The Energy Sector in Crosshairs of Government Enforcement

**When: December 17, 2015
7:30 am – 9:30 am CT**

**Where: The Houstonian –
Houston, Texas**

[More Information »](#)

[In The News](#)

Know

Nicholas A. Oldham, Phyllis B. Sumner and Mark H. Francis

In an article originally published in Finance Magnates, King & Spalding attorneys explain the Cyber Security Notice approved by the Commodity Futures Trading Commission, which has the potential to affect the energy industry. [More »](#)

Asia

Infrastructure, Energy and Land: Russia's renewed focus on the development of the Russian Far East

Jennifer Josefson and Alexandra Rotar

In recent years the Russian Government has passed legislation and promoted investment in the Russian Far East. Most notably, Russia has established the Vladivostok Free Port and identified other territories for accelerated development, each receiving certain tax and other investment benefits. [More »](#)

Middle East

Kuwait – Public Private Partnership (PPP) Projects

Tim Burbury and Usman Ahmad

Kuwait's new law on Public Private Partnerships is more comprehensive than its predecessor and promises to affect substantial projects on the horizon. [More »](#)

U.S.

Presidential Directive on Compensatory Mitigation Policy Expands Future Costs and Obligations for Federally Authorized Energy Projects

Cynthia A.M. Stroman, Lewis Jones, and John Fortuna

Federal agencies will be adopting more stringent compensatory mitigation policies. These policies may increase the cost of mitigation projects and foreclose certain areas from development. [More »](#)

LITIGATION

Oil & Gas – U.S.

Fifth Circuit Clarifies Claim Presentment Requirements under the Oil Pollution Act of 1990

Andrew M. Stakelum

A claimant cannot file suit for oil spill related damages under the Oil Pollution Act unless it first presents its claim to the responsible party. A recent circuit court opinion addresses issues related to the sufficiency and timeliness of the necessary pre-suit claim. [More »](#)

U.S.

Is The “Good Cause” Standard Inadequate to Protect Your Company’s Trade Secrets in Discovery Disputes?

S. Shawn Stephens

The traditional “good cause” standard used to assess run-of-the-mill discovery disputes may not be adequate protection when trade secrets are at issue. A

Benchmark Names King & Spalding Among Top Litigation Practices in U.S. [More »](#)

King & Spalding Ranked Among ‘Best Places to Work for LGBT Equality’ for Third Consecutive Year [More »](#)

King & Spalding Partner Mehdi Haroun to Speak at 10th Annual North Africa Oil and Gas Summit in Algeria [More »](#)

court's ordering of the disclosure of trade secrets is akin to transferring property from one party to another and should require the court to balance the trade secret owner's constitutional right to be free from government taking of property. [More »](#)

INTERNATIONAL TRADE

Europe and U.S.

Energy in the Transatlantic Trade and Investment Partnership Negotiations: A European Perspective

Charles Julien

As the EU and U.S. continue to negotiate the Transatlantic Trade and Investment Partnership, the EU is pushing for the inclusion of an energy specific chapter, which would allow greater access to more diversified energy resources. [More »](#)

FERC

Power – U.S.

Federal Energy Regulatory Commission Details the Evidentiary Support a Gas Storage Company Must Provide to Justify Market-Based Rates

James F. Bowe, Jr., William E. Rice, and Carolyn J. Brodbeck

FERC's ANR Storage decision provides the natural gas industry a useful roadmap for future market-based applications, particularly in circumstances where the application might face opposition. [More »](#)

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