

# Snell & Wilmer

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## Kelly A. Daly

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### Main Bio

Kelly Daly represents publicly and privately held companies, government agencies, municipalities, and coalitions in complex negotiations, and on transactional and regulatory matters, compliance issues, and strategic projects. She has extensive experience in the natural gas, electric, and oil industries on matters and in proceedings before the Federal Energy Regulatory Commission (FERC) and the Federal Appellate Courts. In addition, Kelly advises and represents a broad range of clients (including agricultural, utility, construction, defense contractors, food manufacturing, real estate, medical/healthcare, and police and fire departments) on Unmanned Aircraft Systems (UAS) and Autonomous Vehicles (AV) matters before local, state, and federal legislative bodies, the Federal Aviation Administration (FAA), and the National Highway Traffic Safety Administration (NHTSA). Kelly began her legal career in the Criminal Division, Organized Crime and Racketeering Section of the Department of Justice and subsequently served in the role of an Attorney Advisor to the Administrative Law Judges at the FERC. Kelly has held an AV Preeminent® Peer Review Rating from Martindale-Hubbell® for 15 years.

### Representative Experience

- First chair in electric, natural gas and oil administrative litigation, certificate and rate proceedings, market-based rate applications, investigations, enforcement actions, rulemakings and technical conferences
- Lead negotiator in complex, multi-party settlement proceedings (routinely involving 25-150 parties), drafts and negotiates consensus documents proposing novel solutions to issues facing the industries
- Advises clients on issues involving the implementation and compliance with market-based rate authority, Open Access Transmission Tariff (OATT), Open Access Same-Time Information System (OASIS), Standards of Conduct requirements, restrictions on affiliate transactions, requests for interconnections under PURPA, the calculation of the utilities avoided costs, and various queue related questions
- Advises clients on UAS/AV issues and programs including registration, operations, special permission/exemption applications and other best industry practices. Works with clients to establish internal programs (inclusive of policies, processes and procedures) to demonstrate a culture of compliance and counsels UAS clients, involved in both the commercial and defense contracting, on their scope of legal liability. Routinely speaks at industry conferences and client seminars on the uses and regulations of UAS/AV

- Counsel clients on the development and implications of new markets rules and tariff provisions in the various RTOs/ISOs and represent clients in the public conferences and meetings with FERC representatives
- Works directly with general counsels, boards of directors, business leaders, and state and federal regulators and legislators on strategic initiatives, emerging issues and infrastructure acquisition and development projects (e.g. market area storage, renewable resource (solar, wind, landfill gas and other methane extraction), contract carrier, common carrier, private pipeline, and LNG facility development, and international pipeline expansions
- Extensive transactional experience preparing and negotiating all operative contracts relating to the development, construction, interconnection and operation of projects and facilities in the electric (solar and wind), natural gas, crude and petroleum products industries, including Power Purchase Agreements, Development Agreements, Operating and Balancing Agreements and Interconnection Agreements
- Coalition spokesperson and counsel advising industry and regulators on Gas-Electric Coordination issues and the impact of renewable energy on the development of electric and gas markets and the grid
- Advises clients on regulatory, contractual and due diligence matters associated with energy company mergers and acquisitions, construction and operation of electric, natural gas, LNG facilities, oil refineries and midstream assets for import, export and domestic uses
- Conducts corporate in-house Antimarket Manipulation Training and Interstate Commerce Act Compliance programs
- Responsible for the analytical review and legal preparation of economic, financial and engineering testimony used to support formula rates, balance sheet analysis and proposed rate recovery of regulated entities
- Investigates director and officer liability, breach of fiduciary duty and professional liability claims involving failed and failing businesses including financial institutions and other regulated industries

## **Education**

- University of Notre Dame Law School (J.D.)
- University of Notre Dame Law School (Program of International Studies, London, England)
- University of Notre Dame (B.A., Economics/Business Administration)

## **Professional Memberships & Activities**

- Federation of Defense & Corporate Counsel (2019-Present)
- Energy Bar Association
  - Officer and Member of the Board of Directors (1996-2001)
- North American Energy Standards Board
  - Executive Committee (1996-2007)

## **Representative Presentations & Publications**

- "The Role of Drones in COVID-19 and Its Influence on Drone Law," Presenter, Snell & Wilmer Virtual CLE Series (June 29, 2021)

- ["Polar Vortex Highlights Problems With Texas Isolationist Model and Need for National Electric Grid,"](#) Author, Snell & Wilmer Legal Alert (February 19, 2021)
- ["Understanding Drones and the New FAA "Remote ID" Broadcasting Requirements,"](#) Episode Host, CalCurrent Podcast (January 28, 2021)
- ["Friend or Foe Drones: FAA to Require Remote ID 'Digital License Plate',"](#) Author, Snell & Wilmer Legal Alert (January 5, 2021)
- ["FERC Begins to Flex its Jurisdictional Muscles on Carbon Pricing,"](#) Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (October 16, 2020)
- ["President Declares National Emergency: Foreign Adversaries Creating Vulnerability in U.S. Electric Grid,"](#) Author, Snell & Wilmer Legal Alert (May 5, 2020)
- ["PHMSA Issues COVID-19 Notice Relaxing Enforcement Actions for Gas and Liquids Pipelines, Gas Storage Facilities and LNG Facilities,"](#) Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (April 10, 2020)
- ["COVID-19 Drones to the Rescue: An Opportunity to Shine,"](#) Author, Snell & Wilmer Legal Alert (April 2, 2020)
- ["The NRC Responds to Nuclear Plant Work-Hour Concerns Prompted by COVID-19,"](#) Author, Snell & Wilmer Legal Alert (March 31, 2020)
- ["FERC and NERC Get Ahead of COVID-19 to Ensure Electric Grid Reliability,"](#) Author, Snell & Wilmer Legal Alert (March 26, 2020)
- ["FERC Issues COVID-19 Response to Address Filing Deadlines and Conferences,"](#) Author, Snell & Wilmer Legal Alert (March 26, 2020)
- ["PHMSA Issues COVID-19 Notice Relaxing Enforcement Actions for Gas and Liquids Pipelines, Gas Storage Facilities and LNG Facilities,"](#) Author, Snell & Wilmer Legal Alert (March 24, 2020)
- ["FERC Adopts Favorable Buckeye XPress Environmental Assessment; Greenhouse Gas Emissions Not a Prohibitive Factor,"](#) Co-Author, S&W Environmental, Natural Resources, Oil and Gas Law Blog (February 28, 2020)
- ["FAA Proposes Long-Awaited, Major Rulemaking Governing Unmanned Aircraft Systems/Drones,"](#) Author, Snell & Wilmer Legal Alert (December 31, 2019)
- ["DOJ Announces New Drone Policy,"](#) Author, Snell & Wilmer Legal Alert (December 3, 2019)
- Air & Waste Management Association Midwest Section Environmental Technical Conference, Presenter, Chicago, Illinois (February 27, 2018)
- Energy, Utility and Environment Conference, Presenter, San Diego, California (February 3, 2016)
- Energy Bar Association Midwest Conference, Presenter, Chicago, Illinois (March 31, 2015)
- American Public Power Association Legal Seminar, Presenter, Key West, Florida (October 2015)
- "Gas-electric coordination heats up in the Southwest," Quoted, Platt's Gas Daily (November 19, 2014)

## Professional Recognition & Awards

- The Best Lawyers in America®, Energy Law (2007-2024)
- Arizona Bar Foundation, Top Pro Bono Attorneys of the Year (2021)
- Public Utilities Fortnightly, Nation's Top 25 Regulatory Utility Lawyers (2011)

## Community Involvement

- Local First Arizona
  - Board of Directors (2020-Present)
- Franciscan Renewal Center, Phoenix, Arizona
  - Board of Directors (2014-present)
- Habitat for Humanity (2013-present)
- Love Grows (2013-present)
- Youth basketball volunteer coach (1998-present)

## **Bar Admissions**

- Arizona
- District of Columbia
- Florida (inactive)
- Pennsylvania (inactive)

## **Court Admissions**

- Supreme Court of Arizona
- United States Court of Appeals, District of Columbia Circuit
- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Seventh Circuit
- United States Supreme Court