



## Todd Mullins

Partner

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## PRACTICES

Government Investigations &  
White Collar Litigation

Energy Enforcement

Energy Litigation

Energy Regulation

Congressional Investigations

## INDUSTRIES

Energy

Power

Todd is managing partner of the Washington office and serves as chair of the Energy Enforcement practice group.

He represents energy clients with enforcement and compliance matters involving the Federal Energy Regulatory Commission (FERC), the Commodity Futures Trading Commission (CFTC), the North American Electric Reliability Corporation (NERC) and other regulators, as well as related government and private litigation. He co-lead the development of McGuireWoods' [FERC Enforcement Reporter](#), an innovative, web-based legal research tool that organizes information about FERC enforcement cases and policy statements topically.

Prior to joining McGuireWoods, Todd was a branch chief at the Federal Energy Regulatory Commission's Division of Investigations, Office of Enforcement in Washington, D.C., from 2006 to 2010. There, he led cases and policy development for FERC under the Energy Policy Act of 2005, including market manipulation cases (e.g., Amaranth/Hunter, the first FERC market manipulation case), electric reliability matters (e.g., Florida Blackout, the first FERC electric reliability case, Office of Enforcement lead on Order No. 693 that approved the Reliability Standards), general enforcement program matters (policy statement development, development of practices, prosecutorial discretion standards), and developing FERC's "Penalty Guidelines" that will have a significant impact on compliance programs and enforcement matters. These all have significance under the "\$1 million per violation, per day" civil penalty authority implemented under EAct 2005.

In private practice and in government, Todd has been involved in various forms of litigation and enforcement involving energy matters for more than 30 years.

## EXPERIENCE

### McGuireWoods

- Representation of multiple energy traders in several FERC investigations.
- Representation of client in FERC/NERC "Southwest Outages" Inquiry.
- Representation of energy firms in CFTC and FERC trading investigations.
- Representation of client in FERC/NERC "September 8 Event" Inquiry.
- Assist electric clients with reliability compliance and audit preparation.
- Counseling of multiple clients on FERC and NERC settlement and investigation matters.
- Assist energy clients with compliance program design and employee training.

### FERC

- Amaranth/Hunter - FERC's first exercise of its anti-manipulation authority and the largest civil penalty case in its history. Litigated the case in the courts, and after settlement with all respondents except the lead trader Brian Hunter, at hearing at the Commission. This three-week, 13-witness, Commission ALJ hearing in August 2009 was the first trial of an enforcement matter under EAct 2005, and resulted in a finding of manipulation and then record \$30 million civil penalty.
- Florida Blackout - FERC's first investigation under the new Electric Reliability Standards; coordinated with NERC investigation. Resulted in then record \$25 million settlement and substantial compliance requirements.

### Prior Private Practice

- Litigation in energy sector including actual trial experience – jury trial, bench trial, arbitration, and appeal. Included prosecution of numerous claims in some of the largest complex multiparty cases in the history of the nuclear

power industry against a major vendor for defective equipment (e.g., *Carolina Power & Light Corp. v. Westinghouse Electric Corp.*, 1990 R.I.C.O. Business Disputes Guide (CCH) 7494 (W.D. Pa. 1990).

## EDUCATION

- The George Washington University Law School, JD, magna cum laude, Member, *George Washington Law Review*, 1989
- West Virginia University, BS, Finance, 1986

## ADMISSIONS

- District of Columbia
- Maryland
- U.S. District Court for the District of Columbia
- U.S. District Court for the District of Maryland

## AFFILIATIONS

Board Member, The George Washington University Energy Law Advisory Board (ELAB)

Member, Antitrust, Public Utilities and Litigation Sections, American Bar Association

Member, District of Columbia Bar Association

Member, Maryland Bar Association

Member, Compliance & Enforcement Committee, Energy Bar Association

President of the Board; Capital Campaign Committee; Past Chairman, Congregational Council; Past Chairman, Board of Trustees; Past Chairman, Church Council, Foundry United Methodist Church

Past Cubmaster; Past Committee Member, Cub Scout Pack 641, Boy Scouts of America

## RECOGNITION

Selected for inclusion in *The Best Lawyers in America*, Energy Regulatory Law, Woodward/White, Inc., 2020-2022

Selected for inclusion in "Legal 500 United States," Energy Litigation: Conventional Power; Energy Regulation: Conventional Power, 2021

Selected for inclusion in *America's Leading Lawyers for Business*, Energy: Electricity (Regulatory & Litigation), Nationwide, *Chambers USA*, 2012-2021

Selected for inclusion in "500 Leading U.S. Environmental & Energy Lawyers" list, Lawdragon, 2021

Selected for inclusion in *America's Leading Lawyers for Business*, Energy & Natural Resources, USA, *Chambers Global*, 2015-2020

Selected for inclusion as a "Leading Lawyer," Energy Litigation: Conventional Power; Energy Regulatory: Conventional Power, Washington, D.C., *Legal 500 US*, 2017-2019

Selected for inclusion as a "Leading Lawyer," Corporate Investigations And White-Collar Criminal Defense, Washington, D.C., *Legal 500 US*, 2016-2018

## EVENTS

- Panelist, "FERC Enforcement 2018 and Beyond: Update, Analysis and Perspectives," 2018 EBA Annual Meeting & Conference, Energy Bar Association, May 7, 2018
- Moderator, "FERC Enforcement Litigation and Alternative Dispute Resolution," 2018 Enforcers and Defenders Forum, The Compliance and Enforcement

- Committee of the Energy Bar Association, April 11, 2018
- Speaker, "Enforcement Thread," *New Risk in Energy III: Defining and Managing Energy Trading Risk and Policy*, March 2016
- Speaker, "e-Discovery Skills Panel," Energy Bar Association's Enforcers and Defenders Forum, March 2016
- Speaker, "Primer on FERC Market Manipulation Rules," AGA Regulatory Conference, Albuquerque, NM, October 8, 2015
- Speaker, FERC Enforcement Reporter: An Innovative Legal Research Tool, McGuireWoods LLP Complimentary Webinar, May 21, 2015
- Speaker, "FERC Enforcement Practices," EEI Fall Legal Conference, October 31, 2014
- Panelist, "Industry Response to Regulatory Investigations and Enforcement Actions and How to Shape Your Energy Trading Compliance Program as a Result (While Balancing the Cost)," 7th National Forum on Energy Trading Compliance and Regulatory Enforcement, American Conference Institute, June 6-7, 2013
- Speaker, "Evaluating Your Compliance Program Under FERC's Penalty Guidelines," EthicsPoint Webinar, March 8, 2012
- Panelist, "Enforcement Update," Tri-Annual, National Energy Compliance Forum, Last in January 2012
- Speaker, "FERC's Penalty Guidelines," National Energy Compliance Forum, October 2010
- Panelist, "Enforcement Developments," ACI Conference on Energy Trading Compliance, September 2010
- Speaker, "FERC's New Penalty Guidelines," Energy Bar Association, July 2010
- Speaker, "Recent FERC Enforcement Actions and Developments," EEI Auditors Conference, June 2010
- Panelist, "CFTC and FERC Manipulation and Enforcement Practices," Energy Bar Association, Northeast Chapter, Conference on Commodity Futures Trading Commission, February 2010
- Speaker, "Compliance Program Principles, Elements, Strengths, and Weaknesses," ACI Conference on Energy Trading Compliance, September 2009
- Speaker, "FERC's Enforcement Program; Recent Developments and A Perspective For Practitioners," EBA Conference, October 2008
- Speaker, "FERC's New Enforcement Program," Energy Compliance Network Conference, May 2007
- Speaker, "FERC's New Enforcement Authority and Anti-Manipulation Rule," Global Energy Management Institute Conference on Speculation in Energy Trading Markets, January 2007

## INSIGHTS

- Author, Texas in Crisis: Energy Industry Braces for Perfect Storm, *McGuireWoods Legal Insights*, February 17, 2021
- Author, DOE Bans China-Connected Transactions in BPS Equipment Serving Critical Defense Facilities, *McGuireWoods Legal Insights*, January 5, 2021
- Author, D.C. Circuit Rejects FERC Tolling Order Practice, *McGuireWoods Legal Insights*, July 1, 2020
- Author, Federal Energy Regulatory Commission Proposes Limiting Policy on Tariff Waivers, *McGuireWoods Legal Insights*, May 21, 2020
- Author, President Trump Declares State of Emergency to Protect U.S. Power Grid, *McGuireWoods Legal Insights*, May 4, 2020
- Author, FERC Schedules Technical Conference on MISO's Storage as Transmission-Only Proposal, *McGuireWoods Legal Insights*, April 14, 2020
- Author, FERC Directs NERC to Amend its Sanctions Guidelines by July 21, 2020, *Subject to Inquiry*, February 4, 2020
- Author, Lines in the Sand: FERC Clarifies Its Jurisdiction Over "Practices Affecting" Wholesale Rates Related to RTO and ISO Rules, *McGuireWoods Legal Insights*, January 27, 2020
- Author, PROTECT Act Seeks to Bolster Domestic Electric Grid Cybersecurity, *McGuireWoods Legal Insights*, October 4, 2019

- Author, FERC Rescinds Notice of Alleged Violation Policy, *Subject to Inquiry*, May 17, 2019
- Author, "Lessons From FERC Staff Reversal In Footprint Power," *Law360*, November 13, 2018
- Author, CFTC Chairman Massad: Exempt RTOs and ISOs From Private Rights of Action, *Derivations*, September 27, 2016
- Co-author, "Adjudication of FERC Enforcement Cases: "See You in Court?," *Energy LawJournal*, Volume 36:2 , 2015
- Co-developer, *McGuireWoods FERC Enforcement Reporter*, 2015
- Author, FERC's New Approach to Market Manipulation, *Subject to Inquiry*, November 13, 2013
- Author, Swaps End-User Update, *McGuireWoods Legal Insights*, October 24, 2012
- Author, "0, 1, 2 or 3?," *Corporate Compliance Insights*, January 20, 2012
- Co-contributor, "Report of the Compliance & Enforcement Committee," *Energy LawJournal (EBA)*, Spring 2011

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