



## Craig Gannett

PARTNER

### Seattle

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### Education

J.D., University of Washington  
School of Law, 1979  
Associate Editor, Washington Law  
Review

B.A., University of Washington,  
1976

### Admitted to Practice

Washington, 1979

U.S. Supreme Court

**Climate change is both a dire threat and a huge opportunity. I partner with clients to tackle the full array of climate-related challenges ahead.**

Craig Gannett focuses his practice in the fields of electric utility regulation, renewable energy development, and climate change-related regulation. He advises clients on a broad range of regulatory matters, including those relating to hydroelectric dams, wholesale electricity transactions, transmission lines, the creation and trading of renewable energy credits, and the impacts of potential changes to the Columbia River Treaty. As a former Senior Counsel to the U.S. Senate Committee on Energy and Natural Resources, he advises with respect to the Federal Power Act, the Clean Water Act, the National Environmental Policy Act, and the Endangered Species Act, as well as EPA climate change regulations under the Clean Air Act. Craig also teaches Climate Change Law at the University of Washington School of Law, and is the president of the Henry M. Jackson Foundation, which focuses on the intersection of climate change and national security. He was recently recognized by the National Law Journal as a Trailblazer in energy and environmental law.

### Practice Highlights:

Handles relicensing of hydropower facilities by the Federal Energy Regulatory Commission (FERC), including negotiations with federal and state natural resource agencies under the Federal Power Act and Section 401 of the Clean Water Act.

Advises on federal, regional, and state regulatory developments regarding greenhouse gas emissions and renewable portfolio standards.

Provides regulatory advice regarding a wide range of energy-related projects, including biomass facilities, energy efficiency programs, broadband fiber optic cable deployments, and smart grid.

Represents regulated utilities before the Washington Utilities and Transportation Commission (WUTC) regarding energy and solid waste matters.

Advises on electric utility regulatory matters, including siting, transmission upgrades, regional transmission organizations, interconnection of new generation, and related matters.

## Experience

### Advice regarding corporate renewable energy and climate programs

Advising large consumer-facing company regarding corporate renewable energy and climate program. Tracking renewable energy and climate progress by specified peer corporations and analyzing trends at the cutting edge of the voluntary corporate renewable/climate movement. Providing legal analysis and advice on specific topics when they arise. Examples include carbon accounting nuances under the GHG Protocol and the soundness of different renewable energy and carbon deal structures to meet stated corporate goals. (Ongoing)

### Representing solar project developer

Representing a solar project developer with respect to a proposed utility-scale solar project to be sited in eastern Washington. (Ongoing)

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#### **Represented energy infrastructure investor**

Represented a fund management company specializing in green energy infrastructure with respect to a potential pumped storage project in eastern Washington. (2020)

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#### **Regulatory for Providence Health & Services**

Representing Providence Health & Services in a proceeding before the Regulatory Commission of Alaska (i.e., the Alaska public utility commission) regarding the proposed sale by the Municipality of Anchorage of its electric utility (Municipal Light & Power) to Chugach Electric Association Inc. (2018 to present)

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#### **Represented buyer in state approval of \$3B transfer of shares in Puget Sound Energy**

Provided non-exclusive guidance on regulatory obligations and term negotiations to a half-dozen bidders on portions of a 43 percent share offered in Puget Sound Energy. Represented PGGM (a Dutch pension fund service provider and one of four successful bidders) through the approval process before the Washington Utilities & Transportation Commission, which ultimately approved PGGM's acquisition of a 10% stake in the utility. (2019)

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#### **Sale of major steam-generating facility**

Provided regulatory advice to seller of major steam-generating facility located in Washington state. (2021)

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#### **Energy/Transactional for Chelan County PUD**

Counsel to public utility district in drafting and negotiating of large, multi-year, real-time power scheduling and marketing agreement with Powerex. (2012)

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#### **Counsel to Sabin Center for Climate Change Law at Columbia University Law School**

Provided pro bono advice to Sabin Center on implementing its "Legal Pathways to Deep Decarbonization" project, including drafting of model state legislation to decarbonize the generation of electricity by 2045, and model state legislation to facilitate the development of community solar facilities. (Ongoing)

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#### **Regulatory - hydroelectric for Chelan County PUD**

Counsel for public utility district in negotiation of a multi-party settlement agreement leading to the issuance by FERC of a 43-year license for the Rocky Reach Hydroelectric Project. (2009)

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#### **Litigation for Avista**

Counsel for hydroelectric licensee in *Avista v. U.S. Bureau of Indian Affairs* (one of the first trial-type proceedings under Section 241 of the Energy Policy Act of 2005, holding that many factual assertions by the Interior Department in hydroelectric relicensing proceeding were unfounded). (2007)

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#### **Regulatory - hydroelectric for Chelan County PUD**

Counsel for public utility district in negotiation of a multi-party settlement agreement leading to the issuance by FERC of a 50-year license for the Lake Chelan Hydroelectric Project. (2006)

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#### **Litigation for Chelan County PUD**

Counsel for hydroelectric licensee in *Confederated Tribes of the Umatilla Indian Reservation v. Ecology* (trial before the

Washington State Pollution Control Hearings Board, resulting in a landmark decision that Section 401 of the Clean Water Act does not require strict adherence with numeric water quality criteria). (2004)

## Memberships & Affiliations

- President, Henry M. Jackson Foundation
- Chair, Advisory Board, Henry M. Jackson School of International Studies, University of Washington
- Member, Section of Environment, Energy, and Resources; Section of Public Utility, Communications and Transportation Law – American Bar Association
- Member, Committee on Renewable Energy; Committee on State Commission Practice and Regulation; Committee on Electricity Regulation – Energy Bar Association

## Professional Recognition

- Named one of "America's Leading Lawyers for Business" by Chambers USA in Energy & Natural Resources (Washington), 2021
- Recognized as a Trailblazer in "Energy & Environmental Law" by the National Law Journal, 2021
- Named one of the "Best Lawyers in America" by Best Lawyers in Public Utility Law, 2001-2005; in Energy Law, 2006-present; in Environmental Law, 2021-present
- Awarded "2013 Top Rated Lawyer" in Energy, Environmental, & Natural Resources by American Lawyer Media and Martindale-Hubbell

## Background

- Lecturer, "Climate Change Law," University of Washington School of Law, 2010-present
- Lecturer, "U.S. Energy Policy," Jackson School of International Studies, University of Washington, Spring Quarter, 2011
- Lecturer, "Climate Change: Realities and Options for U.S. Policy," Jackson School of International Studies, University of Washington, Winter Quarter, 2008
- Lecturer and Task Force Evaluator, "The Geopolitics of Global Warming: U.S. Policy Options," Jackson School of International Studies, University of Washington, Winter Quarter, 2007
- General Counsel, Northwest Hydroelectric Association, 1997-2007
- Mayor of Seattle's Advisory Committee on Seattle City Light, 2002
- Senior Counsel, U.S. Senate Committee on Energy and Natural Resources, responsible for overseeing the electric utility industry and the federal Power Marketing Administrations, including the Bonneville Power Administration, 1993-1995
- Law Clerk, Hon. Barbara J. Rothstein, U.S. District Court

## Insights

Moderator, "Resilience to Climate Change: Alice C. Hill Shares Her Roadmap for Adapting to Life on a Warming Planet," Davis Wright Tremaine Webinar, 12.14.21

Carbon Offsets 101: Big Gains (and Some Growing Pains) in Forest Carbon Offset Markets, 09.21.21

Craig Gannett Recognized as an Energy Trailblazer by The National Law Journal, 07.08.21

Davis Wright Tremaine Recognized by Chambers USA for Industry-Leading Excellence in Key Practice Areas, 05.21.21

Washington State Enacts Cap-and-Trade and Clean Fuels Legislation, 05.03.21

"The Carbon Problem: A Conversation with Microsoft's Elizabeth Willmott," Davis Wright Tremaine Webinar, 04.21.21

"A Conversation with the Sabin Center About Climate Change," Davis Wright Tremaine webinar, 04.09.21

New Chairman Glick Aims to Amp Up FERC's Response to Climate Change, 02.18.21

"The Impact of Climate Change Regulation and Corporate Climate Initiatives on the Future of Electricity," 26th Annual Seattle Conference on Electric Power in the West, Law Seminars International, 01.28.21

Trump Orders Ban on Power Equipment Transactions Linked to "Foreign Adversaries", 05.06.20



Carbon Trading Comes to Washington State as Supreme Court Partially Restores Climate Regulation, 01.23.20

Co-author, "From Obama's Clean Power Plan to Trump's Affordable Clean Energy Rule (and Back Again?)," 25th Annual Conference on Buying and Selling Electric Power in the West, Law Seminars International, Seattle, 01.23.20