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EDUCATION

Gonzaga University School of Law
University of Washington

MALCOLM MCLELLAN



Professional Background

Malcolm's practice focuses on the transmission, generation, marketing, and distribution of electric power. Malcolm has an intricate knowledge of the technical, legal, and business considerations facing electric power businesses. His counseling includes electric transmission and ancillary services, rates, reliability standards, enforcement actions and investigations, market-based rate authority, hydroelectric licenses, and electric power purchases and sales (physical, financial and synthetic). His transactional experience includes power purchases and sales, interconnection and transmission access, and asset sales, purchases and exchanges.

Experience

Electric Transmission

- Guides transmission providers manage their Open Access Transmission Tariff, business practices, rate and service schedules, and grandfathered agreements
- Counsels on rate issues for existing facilities and new construction
- Negotiates agreements for transmission service, generator interconnection, transmission-to-transmission interconnection, ancillary services, and balancing authority areas
- Guided the negotiation, development and regulatory approval of Ace Diversity Interchange - a tool through which electric balancing authorities share the management of area control error
- Worked on the development of multiple regional transmission organizations
- Worked on the development and operations of regional and interregional transmission planning for NorthernGrid and Northern Tier Transmission Group in the northern portion of the Western Interconnection

Enforcement Proceedings

- Represents utilities in FERC investigations into transmission sales, transmission utilization, power marketing transactions, and sales into organized markets
- Represents NERC registered entities in alleged violations of mandatory electric reliability standards

Compliance Programs

- Experienced creating compliance programs, and corporate standards, policies and business practices
- Represents utilities seeking FERC No Action Letters and regulatory interpretations
- Counsels on Dodd Frank compliance, Standards of Conduct, and Interlocking Directors

Electric Reliability Standards

- Guides utilities on mandatory reliability standard compliance
- Assists utilities with decisions related to registration, deregistration and exemption
- Represent NERC registered entities with compliance audits and enforcement proceedings
- Negotiated the Reliability Management Agreement in the Western Interconnection – the first agreement by which electric utilities agreed to minimum electric reliability standards. The agreement became the foundation of mandatory electric reliability standards that were enacted by Congress as part of the Energy Policy Act of 2005
- Developed and negotiated the Pacific Northwest Security Coordinator, an agreement among and

between electric balancing authority in the Western Interconnection for their coordination and oversight of electric balancing authorities

Power Marketing and Power Purchase Agreements

- Counsels on market based rate authority, Public Utility Regulatory Policies Act (PURPA), Qualifying Facility (QF), and Exempt Wholesale Generator (EWG) compliance
- Represents purchases and sellers in the negotiation of power purchase and sale agreements, electric storage agreements, transmission service agreements, and synthetic power purchase and sales agreements
- Experience working with the Western Systems Power Pool Agreement, EEI Master Services Agreement, and custom agreements
- Performs due diligence
- Work with the registration and trading of renewable energy credits

District Energy

- Structured the development of an agreement through which heat from data centers is used to heat office complexes

Hydroelectric

- Represents hydroelectric licensees obtain and comply with project licenses and associated permits
- Represents developers and owners of non-FERC jurisdictional hydroelectric projects

Professional Affiliations

Washington State Apple Blossom Festival

Legal Consultant, 1996-present

Member, Board of Directors, 1998-2000

Boy Scouts of America

Eagle Project Approval, Cascade District, Chief Seattle Council, 2012-present

Assistant Scoutmaster, Boy Scout Troop 647, Mercer Island, WA, 2010 - present

Scoutmaster, Boy Scout Troop 647, Mercer Island, WA, 2007-2010

Committee Chair, Boy Scout Troop 647, Mercer Island, WA, 2006-2007

Cubmaster, Cub Scout Pack 624, Mercer Island, WA, 2002-2003 and 2005-2006

USO Northwest

Chairman, Board of Directors, 2010-2013

Vice-Chair, Board of Directors, 2008-2009 and 2013-2014

Corporate Secretary, 2006-2007

Mercer Island Youth Soccer

Coached U15 and U12 boys soccer teams

Mercer Island Presbyterian Church

Mercer Island Beach Club



Seattle Yacht Club

Awards & Honors

Legal 500 - Recommended Attorney

Energy Regulation - Conventional Power, 2019

"Best Lawyers in America" by *Best Lawyers*

Energy Law, 2012-2021

Energy Regulatory, 2019-2021

Environmental Law, 2013-2021

"Lawyer of the Year" by *Best Lawyers*

Energy Law, 2021