



Michelle Brandt King

Partner

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Michelle Brandt King helps industrial and commercial electric retail customers, independent power producers, renewable energy developers, natural gas local distributions companies and pipelines, transportation providers, as well as municipalities throughout the Mountain West navigate the spectrum of regulatory matters that impact their industries and operations.

Her experience handling nearly all aspects of energy and utility regulation allows her clients to concentrate on the daily challenges of running their businesses while simultaneously achieving their goals.

Michelle provides counsel and advocacy on her clients' behalf in administrative proceedings in Colorado, Montana, New Mexico, Utah, and Wyoming as well as before the Federal Energy Regulatory Commission (FERC), and helps her clients thrive amidst an ever-changing energy industry.

Michelle is a part of the public utilities regulatory team and frequently works with [Thor Nelson](#), [Fred Schmidt](#), [Abby Briggerman](#), [Nik Stoffel](#), [Austin Rueschhoff](#), and [Hannah Oakes](#).

EXPERIENCE

Provides counsel and advocacy in virtually all aspects of utility regulatory, legislative, and energy-related matters involving:

- Rate cases
- Tariff issues
- Construction projects
- Resource planning and transmission
- Qualifying facilities
- Mergers and acquisitions
- Service quality matters
- Line extensions
- Legislation
- Environmental regulatory requirements
- Demand side management
- Municipal utility development

PRACTICES

Environmental and Natural Resources
Public Utilities Regulation

EDUCATION

Vermont Law School, J.D., 2003
On exchange to the University of Denver
College of Law (2002 - 2003)

Colgate University, B.A., 1996
With recognition for Academic Excellence

BAR ADMISSIONS

Colorado
Wyoming

COURT ADMISSIONS

U.S. District Court for the District of
Colorado
U.S. Tenth Circuit Court of Appeals

CLIENT RESULTS

Advocates on behalf of several coalitions of large electric consumers in Colorado, Montana, and Wyoming in electric regulatory proceedings before the Colorado Public Utilities Commission, the Montana Public Service Commission, the Wyoming Public Service Commission, and before the Federal Energy Regulatory Commission, and has successfully fought to keep rate increases to a minimum, saving hundreds of millions of dollars for ratepayers in these states.

For the Colorado Energy Consumers (CEC), who comprise many of the economic pillars in the state, Michelle was part of the Holland & Hart team that negotiated a comprehensive settlement with Public Service Company of Colorado (PSCo) that collectively resolved a Phase II electric rate case, the Renewable Energy Plan, and the Solar*Connect proceeding. Taken together, the settlement not only promoted renewable energy offerings, but also appropriately limited the allocation of electric costs to industrial and commercial ratepayers in Colorado.

Similarly, in 2014-2015, Michelle helped to minimize PSCo's proposed rate hike by nearly \$100 million, to a net total increase of \$41.5 million, with a three year stay-out. This outcome secured millions of dollars in electricity costs savings annually for our clients, and also ensured rate stability through 2017. A new Phase I electric rate case is expected in 2017.

In the Phase I rate case in 2011-2012, Michelle worked to successfully defeat a proposal by PSCo to collect from ratepayers \$100 million of its proposed \$142 million rate hike, on an interim basis subject to refund, during the pendency of its electric rate case proceeding. The PUC denied PSCo's interim rate relief in its entirety. In that same proceeding, Michelle was part of the Holland & Hart team responsible for negotiating a comprehensive settlement with PSCo for a multi-year rate plan, spanning 2012, 2013 and 2014. Through settlement, the team limited the rate hike to a total increase for the three years of \$114 million, rather than the \$142 million requested in a single year. CEC's members secured millions of dollars in electricity costs savings annually by this result.

Michelle currently represents the City of Boulder in a first-of-its kind proceeding, where Boulder seeks to provide electric service to its community within the City through operating a municipal electric utility, to meet the interests and objectives of the Boulder community for greater control over its energy supply, carbon emissions, and local innovation. The matter is currently pending before the Colorado Public Utilities Commission. This development involves complex analysis at every turn, ranging from condemnation matters to utility engineering, power supply arrangements to resource planning, and ultimately, to the safe and reliable provision of electricity.

Served as lead counsel in representing CEC in a nationally-recognized case, following the passage of the Clean Air-Clean Jobs Act (CACJA). The CACJA pioneered a legislatively-mandated plan to retire and/or retrofit PSCo's aging coal-fired generation and replace the generation with natural gas, for the stated purpose of reducing greenhouse gas emissions. CEC's

advocacy in that case led to the PUC's denial of PSCo's proposed cost recovery mechanism, which, if granted, would have allowed for the immediate and unchecked collection of all costs related to the Plan's implementation on an interim basis subject to refund. CEC, in concert with other consumer interests, persuaded the PUC to reject the rate rider and instead designate a series of follow-on CACJA proceedings designed to vet the cost estimates for the component parts of the Plan. In each of the CACJA cases that followed, Michelle persistently highlighted the imprecision in PSCo's cost estimates, lending a heightened level of scrutiny to PSCo eventual requested recovery of those dollars from customers, ensuring that customers pay no more than what is prudent and of value to them in PSCo's implementation of the CACJA Plan.

Building on this experience with Colorado's emissions reduction efforts, Michelle was a key part of the Holland & Hart teams that authored comments on behalf of large electric consumer coalitions in response to the U.S. Environmental Protection Agency's (EPA) rulemaking on "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," also known as EPA's Clean Power Plan.

Michelle leads the Holland & Hart team of lawyers and experts in Demand Side Management matters, who previously convinced the PUC to reject PSCo's proposal to collect immeasurable margins claimed to be "lost" from decreased electric sales, and which further capped the total dollars and incentive awards to help ensure that the programs are cost effective and of value to ratepayers. With these outcomes, Holland & Hart successfully spared CEC's members millions of dollars in DSM costs.

Served as lead counsel to CEC in defeating PSCo's Environmental Tariff proposal. If adopted, the Environmental Tariff would have imposed a one-size-fits-all indemnification and release provision, shielding PSCo from any potential environmental liability in the course of its provision of electric service to customers. CEC highlighted the ill-defined and overbroad nature of the terms provided in the proposed tariff and alerted the PUC to the potential for unintended and costly consequences associated with the proposed tariff. Ultimately, these arguments and others won the day and the final PUC order rejected the proposed Environmental Tariff in its entirety, leaving issues of environmental liability to be handled on a case-by-case basis rather than predetermined as a term of providing service.

Part of the Holland & Hart team that represents a coalition of large electric consumers, the Montana Large Customer Group (LCG), in virtually every major NorthWestern Energy (NorthWestern) electric proceeding before the Montana Public Service Commission (PSC) and the Federal Energy Regulatory Commission (FERC). Among these is a proposal by NorthWestern that has been litigated over a span of years before the FERC to significantly increase the rates the LCG members pay for the ancillary service called Regulation and Frequency Response. NorthWestern's proposal, if adopted, would have increased this critical rate to a level as much as 15 times higher than the other major utilities in the region. Together with its team of experts, Holland & Hart prevailed before the FERC, and the proposed rate was rejected and millions of dollars were refunded back to the LCG members. Having successfully defended this

outcome before the FERC, Holland & Hart's team continues to defend this outcome, now before the Court of Appeals for the D.C. Circuit.

Represent a coalition of large electric consumers in Wyoming, the Wyoming Industrial Energy Consumers (WIEC), in all aspects concerning the provision of electricity and electric services to WIEC members' facilities by PacifiCorp, doing business as Rocky Mountain Power. Included among these matters are rate issues, demand side management, environmental compliance issues, integrated resource planning, regional and local transmission planning, and service quality issues.

SPEAKING ENGAGEMENTS

"Ratemaking Issues Arising from the Clean Power Plan and EPA's Section 111(d) Air Quality Rules," *12th Annual National Conference on Current Issues in Electric Utility Ratemaking*, Las Vegas, NV, March 14 and 15, 2016

"Ratemaking Issues and Options: Approaching EPA 111D," *Law Seminars International, Electric Utility Rate Cases*, Las Vegas, NV, March 5, 2015

"Environmental Outlook: Impact of EPA Rulings," *Utah Association of Energy Users, Western States Conference*, Salt Lake City, UT, May 2013

RECOGNITION

- *Denver Business Journal*, Top Women in Energy, 2015
- Colorado Super Lawyers® Rising Stars, 2013

PROFESSIONAL AND CIVIC AFFILIATIONS

- Energy Bar Association Rocky Mountain Chapter, President, 2017-Present
- Energy Bar Association Rocky Mountain Chapter, Officer, 2015-2017
- Energy Bar Association Rocky Mountain Chapter, Member of the Board, 2014-2015
- Energy Bar Association, Member, 2013-Present
- American Bar Association Section on Environment, Energy and Resources, Utility Infrastructure and Siting Subcommittee, Vice Chair, Public Service, 2011-2012
- Denver, Colorado, and American Bar Associations, Member
- The Albert Schweitzer Fellowship, Fellow-For-Life, 2001-Present
- Live By Living, Volunteer, 2011-2015
- Discovering Deaf Worlds Marketing Committee, 2009
- University of Colorado LEEDS School of Business, Net Impact Sustainability Competition, Judge, 2007