

## Vivian W. Chum

Counsel

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Vivian has a proven track record of expertly navigating issues in energy policy and ratemaking, enforcement and compliance, antitrust and market power analyses, and infrastructure development. She has successfully settled and litigated a variety of electric, oil, and gas ratemaking and enforcement matters before the Federal Energy Regulatory Commission (FERC or Commission). In addition, Vivian has a deep understanding of emerging issues in electric transmission and interconnection policy. Prior to joining Wright & Talisman, Vivian held numerous leadership roles during her long tenure at FERC, where she most recently served as Special Counsel to the Legal Director of FERC's Office of Administrative Litigation. She advised senior leadership on agency-wide initiatives and led the settlement and litigation of complex matters before administrative law judges and the Commission. As an innovative and skilled consensus-builder, Vivian has settled numerous multi-million to multi-billion-dollar matters addressing highly complex issues of first impression.

During her tenure at FERC, Vivian also served as a policy advisor to a FERC Commissioner, where she covered the proposed rulemakings on electric transmission planning, cost allocation, and transmission interconnection, as well as wholesale electric market issues, and stakeholder, congressional, and public engagements. Vivian has also handled and led investigations and litigation as an enforcement attorney in FERC's Office of Enforcement. In 2013, her investigative work led to the largest enforcement settlement in FERC history.

## SERVICES

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Electric Energy Regulation

Natural Gas Pipelines

## EXPERIENCE

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Advised a FERC Commissioner on electric transmission & cost allocation and interconnection proposed rulemakings (Order Nos. 1920 and 2023).

Negotiated and developed, on behalf of a FERC Commissioner, the FERC Technical Conference on Transmission Planning and Cost Management.

Led litigation addressing FERC jurisdiction over oil pipeline purchase and sale agreements in context of evolving FERC policy considerations.

Represented electric co-op in proceedings before FERC and the D.C. Circuit concerning withdrawal of membership from co-operative.

Negotiated settlement of electric transmission formula rate issues in first-ever instance of a Native-American tribe becoming a transmission owner with leasehold interests.

Identified and assessed regulatory risk associated with tax equity renewable energy project transactions.

Negotiated settlement of Financial Transmission Rights issues arising from member default in PJM.

Litigated oil pipeline market-based rate proceeding in an administrative matter involving antitrust analysis of market power within a geographic origin market.

Developed theory of jurisdiction over interstate natural gas transactions in FERC enforcement market manipulation matter. Prevailed in Fifth Circuit.

Litigated application of return on equity methodology to an electric transmission owner.

Negotiated settlement of first-ever matter assessing a battery storage unit's request for reactive power compensation.

Negotiated settlements of reliability must-run cost-of-service contracts following requests for decommissioning by coal-fired power plants.

Investigated and settled a high-profile FERC enforcement action involving market manipulation schemes carried out in two wholesale electric regional transmission organizations.

## **ADMISSIONS**

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District of Columbia

New York

U.S. Court of Appeals, District of Columbia Circuit

## **EDUCATION**

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Harvard Law School, J.D. (2007)

Rice University, B.A. (2002)

## PROFESSIONAL ACTIVITIES

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Energy Bar Association

Women's Energy Network

## PUBLICATIONS

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[The Need for Intertie Optimization: Reducing Customer Costs, Improving Grid Resilience, and Encouraging Interregional Transmission](#), Report, October 2023

[A Look at FERC's Plan to End Reactive Power Compensation](#), *Law 360*, May 2024

[What FERC's Disclosure Demands Mean for Cos., Investors](#), *Law 360*, April 2024

[FERC's Updated Settlement Policy Comes with Risks for Companies](#), *Law 360*, March 2024

## SPEAKING ENGAGEMENTS

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Energy Bar Association, 2024 Enforcers & Defenders Panel

American University Washington College of Law, Sustainable Development Law & Policy 2024 Symposium