

Frederick M. Lowther | Senior  
Counsel  
Energy

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Fred Lowther devotes his career primarily to the development of large energy and natural resource projects in the United States and abroad. He focuses his practice on domestic and international fossil and renewable energy projects, water supply projects and transactions, and general counseling of energy companies in all sectors of the industry. His work on water supply issues involves both structuring projects and litigating over water rights. He also focuses his practice on counseling companies in the energy technology sector.

## **Energy Project Development**

Fred's role as project counsel involves all aspects of project structuring, regulatory approvals, administrative and judicial litigation, financing, and general counseling for large projects and transactions involving natural gas production and transportation, liquefied natural gas ("LNG"), power generation, electric transmission, renewable energy, and water supply and treatment in the United States, Canada, Europe, and Asia.

From September 1998 to January 31, 2000, Fred served as in-house general counsel of KeySpan Corporation, a large New York and Boston-based utility company created by the merger of Brooklyn Union Gas, Long Island Lighting Company, and Eastern Enterprises. From February 2000 to 2009, he served as counsel to the chairman of KeySpan Corporation and National Grid U.S.

## **Business Transactions in the Former Soviet Union/Eastern Europe**

In 1972, Fred served as a member of the U.S. Government Mission to negotiate the 1972 U.S.-U.S.S.R. Trade Agreement. From 1991 to 1998, he chaired the firm's

office in St. Petersburg, Russia. Since then, he has remained active in business matters in the former Soviet Union and Eastern Europe.

## **Water Projects**

Fred is a cofounder, and has served as general counsel and a director, of Poseidon Water LLC, a water project development company engaged in the development of large-scale seawater desalination plants and other water supply projects in the United States.

## **Renewable Energy**

Fred has been involved in transactions involving project development, project financing, and the direct and virtual purchase of renewable energy, primarily relating to large-scale onshore wind installations and small, medium, and utility-scale solar installations throughout the United States. Fred was a pioneer in development of Virtual Power Purchase Agreements for both wind and solar power. Fred also serves as project counsel for several green hydrogen projects in the United States. He is also involved in the development and financing of metered energy efficiency transactions.

## **Nuclear Energy**

Fred represents several clients pursuing claims against the United States for the failure of the U.S. Department of Energy to commence removal of spent nuclear fuel from nuclear power plants, as required by the Nuclear Waste Policy Act of 1992. He continues to represent U.S. companies and communities in the efforts to develop a consent-based system for storage of nuclear waste in the United States.

## **Select Engagements**

- Served as project counsel for the Iroquois Gas Transmission System, L.P. (natural gas pipeline from the U.S.-Canada border to Long Island, New York).
- Served as project counsel for the Alberta Northeast Gas Limited Project (natural gas from Alberta, Canada, to the U.S. Northeast).
- Serves as counsel for the Grand Isle LNG Project (offshore Louisiana).
- Served as counsel for the Jordan Cove LNG Project (LNG export terminal in Oregon).
- Served as project counsel for Poseidon Water's 54 million gallon per day seawater desalination facility in Carlsbad, California.
- Served as project counsel for the Islander East Pipeline Project (natural gas pipeline in Connecticut and New York).
- Served as project counsel for the Tenneco Atlantic Pipeline Project (LNG from Algeria to Canada and then by pipeline to the U.S. East Coast).
- Served as project counsel for the North Star LNG Project (liquefied natural gas from Western Siberia to the U.S. East Coast).
- Served as project counsel for the Trinidad LNG Project (LNG from Trinidad

- to the U.S. Gulf Coast).
- Served as project counsel for the PacIndonesia LNG Project (LNG from Indonesia to California).
  - Served as project counsel for the PacAlaska LNG Project (LNG from Alaska to California).
  - Served as project counsel for the Boundary Gas Project (natural gas from Alberta, Canada, to the U.S. Northeast).
  - Served as project counsel for the Tegen-Sucat Power Project (rehabilitation of two power plants in Manila, Philippines).
  - Served as project counsel for the Atwick Gas Storage Project (salt cavern gas storage in the United Kingdom).
  - Served as project counsel for the Phoenix/Premier Gas Project (Scotland-to-Northern Ireland Pipeline; gas distribution system in Belfast).
  - Served as project counsel for the KLNG Project (LNG terminal in Providence, Rhode Island).
  - Served as project counsel for the Floridian Natural Gas Storage (LNG storage facility in Martin County, Florida).
  - Served as counsel for Project Falcon, an ethane pipeline serving a major ethane cracker in Pennsylvania.
  - Served as counsel for Bimbo Bakeries USA for Virtual Power Purchase Agreement for the Santa Rita Wind Farm in Texas.
  - Serves as counsel for a major manufacturer of beverage containers for a Virtual Power Purchase Agreement for a proposed large wind farm in Texas.
  - Serves as counsel for a public transportation authority contracting for 20 percent of his power load from renewable energy sources.
  - Served as counsel for a large real estate developer for the transfer of rooftop solar systems on four large shopping malls in NY.
  - Served as counsel for a large real estate developer for a Virtual Net Metering Agreement for a large shopping mall in Southern California.
  - Served as counsel for an international oil refiner regarding regulation of natural gas liquids ("NGL") transportation by truck in the United States.
  - Serves as outside general counsel for Clean Energy Holdings LLC developing wind, solar, and green hydrogen projects in Wyoming, Colorado, and Texas.
  - Serves as project counsel for two solar projects to serve an airport authority in Pennsylvania.
  - Serves as counsel to several projects to extract precious metals and rare earth minerals from tailings of abandoned gold mines in California.

## Admissions

- Supreme Court of the United States
- United States Court of Appeals for the Third Circuit
- District of Columbia
- New York
- United States Court of Appeals for the Second Circuit

## Memberships

- American Bar Association
- District of Columbia Bar Association
- Energy Bar Association
- Russian-American Commission on Foreign Investment

## Education

- Brown University, BS
- Yale University, JD

## Recognitions

- 2011–2016 and 2018–2023, Energy Law in Washington, D.C., listed in *Best Lawyers in America*®
- 2019, listed in Capital Pro Bono Honor Roll
- 2011–2017, Energy: Oil & Gas (Regulatory & Litigation) Law, listed in *Chambers USA*
- 2011–2013, 2015–2016, listed in *Washington, D.C. Super Lawyers*
- 2012, listed in *Legal 500*

## Professional Activities

Fred currently serves as a member of the Board of Directors of Poseidon Water LLC, a privately-held water project development company based in Boston; Northeast Gas Markets, a gas supply management company based in Boston; and Concentric Energy Advisors, a privately-held energy consulting firm based on Marlborough, MA.

From 1982 to 1989, Fred was managing partner of a Washington, D.C.-based Am Law 200 firm and chairman of the Management Committee. From 1989 to 2009, he served on that firm's Executive Committee and chaired the firm's Compensation Committee; from 1973 to 2016, he chaired the Energy practice; and from 2003 to 2010, he chaired the Corporate & Finance group.

At various times between 1985 and the present, Fred has served as a director of Yankee Energy Systems (NYSE: YES); EEX Corporation (NYSE: EEX); Shell Technology Ventures; KeySpan Energy Development Corp.; KeySpan Technologies, Inc.; Alberta Northeast Gas Limited; Energy Solutions International, and Integrated Pipeline Services. He also was a member of the Russian-American Commission on Foreign Investment. Fred previously served as the director of the Office of Energy Programs in the U.S. Department of Commerce, a member of the U.S. Mission to the U.S.S.R. responsible for trade negotiations in the maritime and energy sectors, and special assistant to the General Counsel, U.S. Maritime Administration. From 1968 to 1969, he served as a law clerk to Chief Judge Caleb M. Wright, U.S. District Court for the District of Delaware.

