



## Michael B. Day Partner

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### Practice Areas

Energy | Energy Project Development | Infrastructure | Public Utility  
Regulation

Michael B. Day is one of the most experienced attorneys in the Public Utility sector and has successfully represented a wide variety of energy clients in cases before the California Public Utilities Commission (CPUC).

Mike's practice includes natural gas and electric ratemaking proceedings, natural gas storage and renewable energy project financing, and energy procurement policy matters. He represents private companies as well as city and county governments at the CPUC. Much of his practice focuses on the creation of competitive energy markets in California, primarily through advocacy before the CPUC, the California Energy Commission, and the California Independent System Operator, as well as through legislation under consideration by the California Legislature.

Since 1991, Mike has been the lead California regulatory counsel for a number of major energy companies, including pipelines, transmission line developers, and gas and electric marketers. As counsel to Wild Goose Storage, he obtained CPUC authorization for the first independent gas storage utility in California. He also serves as California regulatory counsel for PacifiCorp, a subsidiary of Berkshire Hathaway Energy.

Mike's practice frequently involves the development of new energy infrastructure in California. He served as California regulatory counsel for the innovative Path 15 Upgrade Project, the first independently financed transmission project in the United States. He was also successful in obtaining approval for ground-breaking new transmission lines, including an underwater direct current transmission line that provides a second reliable power source for San Francisco, and the first 500 kV underground transmission line in the United States.

Mike also served as California regulatory counsel for the cellular industry during its formative years, including CTIA – The Wireless Association®, the national trade association of major wireless carriers. He was lead counsel in the wireless industry's successful efforts to preserve federal pre-emption over California's effort to regulate cellular service rates and to develop consumer protection rules suited to the competitive wireless market. Mike represented the City of San Clemente in obtaining approval for multiple pedestrian and highway grade crossings to facilitate the innovative San Clemente Beach Trail which ensured safety for both rail operations and pedestrian beach access.

Mike frequently provides regulatory advice to energy developers, investors, and financial institutions seeking to develop projects in California, and specializes in finding creative regulatory solutions for project sponsors. As a result, he is active in a wide range of renewable energy policy issues in California.

Prior to joining Downey Brand, Mike was the Managing Partner at the San Francisco firm of Goodin, MacBride, Squeri & Day. Mike also has more than a decade of experience (1980-1991) working in the Legal Division at the CPUC, including lead counsel in natural gas matters before the Federal Energy Regulatory Commission, Deputy General Counsel supervising all appellate and advisory matters before the commission, and Acting General Counsel to the CPUC.

## Experience

### Transmission Cases

- Represented Trans-Elect as state regulatory counsel for the Path I5 Upgrade Project in partnership with WAPA and PG&E. This major upgrade of the Central Valley transmission link between northern and southern California was the first privately-financed high voltage transmission project in the United States.
- Represented Babcock & Brown and Pattern Energy in the development, permitting, and construction of the Trans Bay Cable project, a 400 MW direct current underwater transmission cable linking Pittsburg, CA with San Francisco, providing the first additional transmission connection for the isolated San Francisco electric grid.
- Represented the City of Chino Hills in opposing construction of 200-foot-tall 500 kV transmission towers in a narrow right of way through the City. After construction of the above-ground transmission line, Mr. Day succeeded in obtaining an order from the CPUC to dismantle the 3-mile segment of the line through the center of the city and replace it with the first underground 500 kV transmission line constructed in the United States. (A.07-06-031)
- Represented property developer Sky Country in seeking to modify the route of the planned Riverside Transmission Reliability Project, successfully obtaining an order requiring a doubling of the extent of the underground transmission portion of the 230 kV transmission line in order to avoid disrupting residential and commercial development crucial to the economic and environmental goals of the City of Jurupa Valley. (A.15-04-013)
- Represented Mojave Solar to ensure adequate interconnection capacity in connection with SCE's Application for a Certificate of Public Convenience and Necessity to construct the Coolwater-Lugo Transmission Project. (A.13-08-023)

### Natural Gas Matters

- Represented Wild Goose Storage, LLP in obtaining the first certificate of public convenience and necessity for an independent storage provider in California (A.96-08-058) and approvals for three subsequent expansions of that facility. (A.01-06-029, A.09-04-021, A.12-10-019) In addition, obtained a successful condemnation of right of way for Wild Goose pipeline to interconnect its well pad and compressor station, negotiated industry standards for allocation of capacity for independent storage provider withdrawal gas on PG&E mainline transmission systems, and obtained authority for Wild Goose to construct a direct interconnection to PG&E's mainline gas transmission pipeline.

- Represented Encana Corporation and Wild Goose Storage in securing authorization for the acquisition of Wild Goose from EnCana by Carlyle/Riverstone Fund. (A.06-05-033)
- Represented Carlyle/Riverstone Fund in securing authorization for the acquisition of Wild Goose by Brookfield Infrastructure Fund.
- Represented both Wild Goose Storage and Lodi Gas Storage and senior affiliate Rockpoint Gas Storage in obtaining CPUC approval to provide security for Rockpoint refinancing in 2017, 2018, and applying for a subsequent refinancing in 2021.
- Represented Commercial Energy, a Core Transport Agent providing retail natural gas service, in developing consumer protection rules for Core Transport Agents in PG&E's service territory.

## Renewable Energy Projects

- Represented Abengoa Solar in multiple utility procurement proceedings and in proceedings to obtain interconnection to SCE's West of Devers transmission project.
- Represented Berkshire Hathaway Renewables in performing regulatory and due diligence review of multiple renewable resource project acquisitions, including the Alta Wind Project and the purchase of the Solar Trust of America.
- Represented NextEra Energy in providing regulatory review of tariffs, purchase power agreements, environmental permitting, and transactional documents in connection with the sale of the Shafter Solar and Adelanto I and II solar projects.
- Represented Sun Edison in obtaining CPUC approval for multiple purchase power agreements for solar projects in SCE advice letter proceedings.
- Represented Sun Power in connection obtaining CPUC approval for power purchase agreements involving multiple renewable solar projects negotiated with SCE.
- Represented Macquarie Capital in providing a regulatory review of tariffs, storage agreements, and financing arrangements related to investments in multiple battery storage projects in southern California.

## Electric and Gas Rate Cases

- Represented PacifiCorp in its Test Year 2019 General Rate Case, and obtained approval for over \$100 million in new wind and transmission resources. (A.18-04-002)
- Represented PacifiCorp in its past four annual Energy Cost Adjustment Cases before the CPUC, obtaining approval for the utility to recover its net power costs and to estimate rates to recover net power costs on a forecast basis for the next year.
- Represented PacifiCorp in the sale of its Deer Creek Mine assets, obtaining authorization for the sale of the assets. (A.15-09-007)
- Represented energy service provider Commercial Energy of California in the Power Charge Indifference Adjustment (PCIA) rulemaking, R.17-06-026, (Phases I and 2), obtaining an order from the CPUC ensuring that Commercial Energy's cost and attribute allocation methodology be addressed in Phase 2, following which the Commission adopted an allocation and market offer procedure largely based on Commercial

Energy's proposal.

## Environmental Projects

- Represented PacifiCorp in obtaining approval to create a surcharge to fund dam removal and for authorization to transfer four hydroelectric dams and associated real property to a dam removal entity as part of the implementation of PacifiCorp's agreement with the States of Oregon and California to decommission four dams on the Klamath River. (A.10-03-015)
- Represented the City of San Clemente in connection with the approval of grade crossings located along its San Clemente Coastal Trail to improve pedestrian safety along the popular beach trail. The CPUC approved the requested crossings. (A.11-08-004)

## Professional & Community Service

- Goodin, MacBride, Squeri & Day, LLP, Management Committee Member, 1998-2021
- Conference of California Public Utility Counsel, Board of Directors, 1997-2000; President, 1999-2000
- Pro Bono Counsel and Director for Mid-Coast Television, a community cable access station in Half Moon Bay, CA, 1985-2011
- Steering Committee Member, Measure A, "The Coastal Protection Initiative," which amended the County Local Coastal Plan to preserve open space zoning along the San Mateo County Coast, 1986
- Half Moon Bay Yacht Club, Founder and past Commodore, 1978-present

## Education

- J.D., University of California College of the Law, San Francisco (formerly University of California, Hastings College of the Law), 1976
- B.A., Government, Cornell University, 1973

## Honors & Rankings

- Individual recognition for Energy: State Regulatory & Litigation – California, *Chambers USA*, 2019-2023
- Best Lawyers® 2022 "Lawyer of the Year" for Energy Law in San Francisco
- Best Lawyers in America®, Energy Law, 1995-2024
- Best Lawyers in America®, Utilities Law, 2023-2024

## Publications

- *Goodin MacBride Obtains Unprecedented Win for City of Chino Hills, Requiring Undergrounding of 3.5 mile Segment of SCE's Tehachapi Renewable Transmission Project*, Goodin Macbride Administrative Law Blog, July 17, 2013

- *California's Legal and Policy Discussion on Energy Takes a Broader Scope*, California Lawyer, 2013 Roundtable Series on Energy, November 2013