

FERC ADR NEWS

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Dispute Resolution Service
Federal Energy Regulatory Commission



10th Anniversary Edition

Celebrating Ten Years of Effective Dispute Resolution!

“Alternative dispute resolution methods such as facilitation, mediation, and early-neutral-evaluation have a proven track record of success in avoiding, managing, and resolving environmental and energy conflicts. I encourage the use of ADR in all sectors regulated by the Commission.”

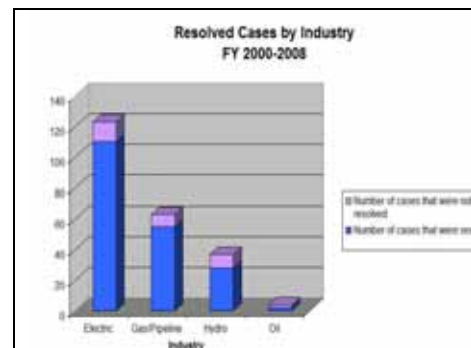
Jon Wellinghoff, Chairman, FERC

The Dispute Resolution Service (DRS) is a non-decisional alternative dispute resolution unit in the Commission. This year, it celebrates its tenth anniversary. Since it was founded in 1999, the DRS has received more than 500 requests and referrals for energy and environmental cases, has facilitated 350 plus outreach events, and has guided parties through 227 dispute resolution processes.

Even before the passage of the Alternative Dispute Resolution Act of 1998, the Commission supported ADR processes. In its current Strategic Plan, the Commission encourages the use of ADR to prevent, manage and resolve energy conflicts. In pursuit of that goal, the DRS promotes timely, high quality resolution of disputes through consensual decision-making. The benefits of ADR are clear.

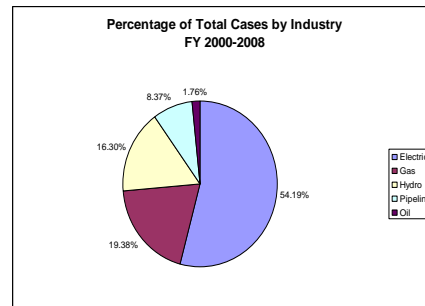
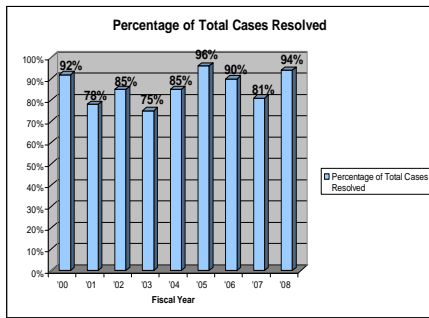
For cases that followed an alternative dispute resolution track at the Commission – from facilitation to mediation to early neutral evaluation to hybrid processes, –

the DRS averaged a success rate of 86% between 2000 and 2008. Pipeline cases were the most successful, with an average resolution rate of 90%.



Of the combined total (63) of gas tariff and pipeline facility cases, 38 of 44 gas cases were resolved, for a success rate of 86% and 17 of 19 pipeline cases were resolved for a success rate of 89%.

Success rates have fluctuated slightly throughout the years, but never dipped below 75%. Fiscal/Calendar Year 2008 had impressive results with 94% of cases successfully resolved, a rate that was second only to fiscal/calendar year 2005, in which the success rate topped 96%!



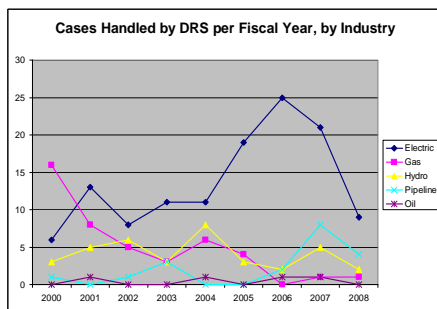
Along with striving to achieve high success rates, the DRS prides itself on leaving ADR participants satisfied. For reasons that scholars have documented – keeping decision-making in control of the parties; reducing costs and time spent on resolving disputes; and preserving relationships - ADR processes are more effective than litigation when applied to cases that are suited for ADR. In surveys of participants who achieved resolution of cases through ADR, 100% from 2006 to 2008 reported that they were satisfied with their experience.

The success rate for environmental conflict resolution is also high. For example, in 2008 six of seven of those cases were successfully resolved.

From here, the DRS plans to continue to meet the standards it has set for itself, with an increased emphasis on collaboration with other offices and agencies to prevent, manage and resolve energy conflicts before the Commission, and to continue to respond to the unique needs of each energy industry by providing them with “value-added” ADR service.

The accompanying charts illustrate cases by industry.

FERC AND HARVARD COLLABORATE ON THE USE OF ADR IN THE ENERGY INDUSTRY:



On average, between 2000 - 2008 over half of the cases addressed through ADR were electric (54%). Gas rates and pipeline (28%) cases accounted for the next-most frequent category, followed by hydroelectric (16%) and oil cases (2%).

Prior to President Obama’s endorsement of collaborative decision-making approaches, FERC and Harvard’s Negotiation and Mediation Clinical Program (HNMCP) at Harvard Law School recognized and championed the use of collaborative processes to prevent and resolve conflicts. FERC and HNMCP partnered in 2008 to produce the first assessment of its kind—a study of the use of alternative dispute resolution (ADR) in the energy industry. A team of Harvard Law School students surveyed three energy sectors regulated by the Commission-- electric, hydropower and natural gas -- completing the 20 hour per week clinical study in the fall semester of 2008.



Under the supervision and guidance of FERC's DRS, HNMCP's Director, and a Law Fellow, the three students evaluated the dispute approaches that energy companies use to resolve conflicts with a focus on ADR. The insights of the study are timely. FERC is currently at a critical juncture in the development of the nation's energy policies. FERC Chairman Jon Wellinghoff has articulated the complex issues driving energy policy, including climate change, renewable resources, energy efficiency, and smart energy grid development. With aggressive schedules to be met to develop an efficient, environmentally-friendly, and technologically vibrant energy infrastructure that meets consumers' needs, stakeholders from across many disciplines will need to collaborate to make informed energy decisions. ADR methods including facilitation, mediation and early-neutral evaluation (ENE), grounded in principles of negotiation and cooperative problem-solving, will be instrumental in this effort.

The students: Researched each energy sector's needs; developed and conducted surveys (34 responses received) and follow-up interviews (29) with a sample of energy companies to better understand obstacles and possible entry points for ADR; analyzed the results; and compiled a report for FERC. The HNMCP team found that FERC-regulated entities know of and are comfortable with the services DRS offers. Those that use ADR are satisfied with the results and often return to ADR because it is proven to have positive effects on business relationships. Energy companies view DRS staff as highly professional and skilled at mediation, and

most respondents are receptive to the use of ADR. This positive feedback illustrates the importance of ADR in the energy industry as a whole.

Along with summarizing what DRS is doing well, the study highlights that the expertise of the DRS is underutilized by regulated entities and Commission staff. To overcome this, respondents offered these suggestions: Foster a *stronger mandate* for the use of ADR processes at the Commission; incorporate ADR processes *earlier* or *upstream* in Commission proceedings and projects, especially in pre-filing processes; and establish *best practices* across Commission offices for more frequent use of ADR and the DRS in pre-filing and other processes. In addition, to increase value and better meet the specific needs of each industry, the HNMCP students recommend increased advertisement and use of neutral, non-decisional Subject Matter Experts, to assist parties in evaluating their legal options and positions to prevent or manage conflict *prior* to filing a complaint at FERC or, once a complaint has been filed, to resolve the dispute quickly and effectively.

Finally, the respondents identified areas in which the DRS could provide "value-added" services in addition to routine mediation, outreach, and training. Each energy sector had slightly different ADR service needs. For example, the natural gas industry would take greater advantage of the DRS and ENE services for expert evaluation of claims if the DRS is more visible to them in Commission processes. The hydropower industry believes DRS can perform a helpful role in bringing key stakeholders such as State Water Quality Departments and Non-Governmental Organizations to the table early. The electric industry, especially Independent System Operators and Regional Transmission Operators would benefit from the use of the DRS and ENE

services early on. The latter favor a strong ADR process or authority.

Founded in 2006 and one of 16 clinical programs at Harvard Law School, the not-for-profit HNMCP aims to provide law students practical, real-world experience in the fields of negotiation, dispute resolution, and conflict management. A parallel mission is to provide the clients and partners with a high quality work product.

Established in February 1999, DRS recently celebrated its 10th anniversary. Most of the eight full-time dispute resolution professionals have trained through Harvard's Negotiation Institute at Harvard Law School. In turn, the DRS train Commission employees, regulated entities, and other stakeholders upon request at no fee. Upon completion of the study, one of the Harvard Law students summed up the potential of the work of DRS: *"You can focus parties through ADR outreach and training so that they can resolve their energy disputes."*

In upcoming months, a new team of Harvard Law students, under the joint supervision of HNMCP and DRS, will partner on a Phase 2 study that examines how energy conflicts are handled once they reach FERC. Stay tuned.

SUCSESSES

DRS Successfully Mediates Kansas Power Line Dispute

In 2009, the DRS mediated a settlement between two groups of utilities competing to build a 765-kV extra-high voltage transmission project. The proposed project will provide benefits for Kansas, enable the development of renewable wind energy, improve the efficiency of the electric grid, and improve reliability. The DRS

assistance in this case was consistent with the Commission's view that:

"It is incumbent on project sponsors and states to work together to site facilities at the state level, as this would be the most expeditious way to site the facilities. To that end, the Commission will make its Dispute Resolution Service available if parties to a state siting proceeding desire assistance to facilitate the resolution of issues at the state level." See Regulations for Filing Applications for Permits to Site Interstate Electric Transmission Facilities, Order Denying Rehearing, 119 FERC ¶ 61,154 at 36.

Over two months, the DRS led the parties in a mediation process that resulted in an agreement that the Kansas Corporation Commission (KCC) approved on July 24, 2009. The agreement was supported by the Southwest Power Pool staff and agreed to by ITC Great Plains, Prairie Wind, KCC staff, Sunflower, Mid-Kansas, Chermac Energy Corporation, Kansas Electric Transmission Authority and the Kansas Power Pool. FERC's mediator observed that "the mediation process worked well. The parties early on put aside their positions and focused on their short- and long-term interests, the interests of the State of Kansas, and our national interests. The mediation process also demonstrated that when parties collaborate and work together toward a common goal with a third-party neutral, they most often achieve more timely results without going through the adjudicative process." The DRS remains available to assist others with siting issues.

With DRS Assistance Certificate Case Quickly Settled

On February 26, 2009, Viking Gas Transmission Company (Viking) filed a prior notice request under section 7 of the Natural Gas Act (NGA) and section 157.205 of the Commission's blanket certificate regulations to expand the capacity of its existing Fargo Lateral by abandoning the existing pipe and installing approximately 10 miles of larger diameter pipe. Northern States Power Company (NSP) uses the Fargo Lateral to serve the Fargo, North Dakota area and needed to complete the expanded lateral to provide adequate service during the upcoming heating season. Viking needed to commence construction by June 10, 2009 to comply with certain environmental restrictions.

Wisconsin Electric Power Company and Wisconsin Gas (We Energies) protested Viking's prior notice request. We Energies, which also takes service from the same Viking mainline as the Fargo Lateral, was concerned that the additional service on the Fargo Lateral would increase the number of operational flow orders (OFOs) on Viking's system and adversely affect We Energies' ability to take gas from the Viking line.

Pursuant to section 157.205(h) of the Commission regulations, authorization to construct under a blanket certificate is automatic if no one protests the activity within 60 days of when the Commission issues notice of the prior notice request. If a protest is filed within the 60-day period and it is not withdrawn within 30 days after the 60-day notice period, the prior notice request becomes an application under section 7(c) of the NGA and requires Commission case-specific authorization. Thus, if We Energies did not withdraw its protest by June 10, 2009, the Commission would have considered Viking's application

under section 7(c), which may have delayed Commission action beyond the timeframe when Viking needed to commence construction.

DRS began working with parties in mid-May 2009. Two weeks later - on May 28, 2009 - the parties filed a joint motion stating that they had resolved We Energies' concerns. Among other things, Viking agreed to file tariff provisions to clarify its procedures for calling OFOs, making it clear that the expanded Fargo Lateral would not cause incremental OFOs that would adversely affect We Energies. On June 9, 2009, the Commission dismissed We Energies' protest as moot and authorized Viking to construct the new Fargo Lateral and abandon the existing one.

DRS Tackles Cases Remanded by the U.S. Supreme Court

On June 26, 2008, the Supreme Court in *Morgan Stanley v. Snohomish*, 128 S. Ct. 2733 (2008), directed FERC to "amplify or clarify" any findings on (1) whether the contracts at issue had imposed an excessive burden on consumers "down the line" and (2) whether any of the sellers in the case had engaged in unlawful activities in the spot markets that affected any of its contracts at issue in the case. On December 18, 2008, the Commission issued an Order on Remand, 125 FERC ¶61,312, pursuant to the Supreme Court's remand instructions, which established hearing procedures, but held those hearings in abeyance to allow time for settlement discussions to be held.

To date, assistance of the Dispute Resolution Service has resulted in the withdrawal of the complaint in one case, a settlement in a second case, which has been approved by the Commission, and a settlement in a third case that awaits

approval by the Commission. DRS and the parties in the remaining two cases continue to engage in productive settlement discussions in an effort to reach resolution.

The Commission Re-emphasizes the Availability of ADR Options Other Than Mediation

The Commission is re-emphasizing the use of an Administrative Law Judge (ALJ) to serve as an arbitrator, or to conduct a mini-trial or fact finding session.

Recently, a binding arbitration process was initiated when the complainant in ELO9-8, Lavand and Lodge, and the respondent, the New England ISO (NEISO), told the DRS staff they were interested in a quick resolution of their differences. In its complaint, Lavand and Lodge asked the Commission to order the NEISO to refund the payment it made under the NEISO's implementation of a settlement agreement in another docket. The settlement agreement, which involved many parties, required some parties to make payments and others to receive a share of those payments. Lavand and Lodge was one of the parties who paid but believed it paid in error. After the NEISO filed an answer to Lavand and Lodge's complaint, the parties agreed to go to binding arbitration with a Commission ALJ serving as the arbitrator. The ALJ arbitrator issued a final, binding decision in less than two months. Both parties reported they thought the process was well structured, appreciated having an arbitrator who was knowledgeable about the subject matter, and liked having the matter resolved quickly.

If parties are interested in binding arbitration, mini-trial, or fact finding with an ALJ, please contact the Dispute Resolution Service and we will assist you in establishing a process.

OEP and DRS Successfully Address Sinkhole Complaint



Sinkhole at the bottom of the slope at the edge of the lawn.

The DRS received a call on its toll-free Helpline (877-337-2237) about a sinkhole appearing on a private property. A natural gas pipeline, constructed by Columbia Gas Transmission Company (Columbia), crossed the property. An engineer's report that was prepared for the landowners showed that water flowing down a nearby mountainside was causing the problem. Although the landowner had received assistance previously from the Commission, which had notified Columbia to address the problem, the remedial measures implemented by Columbia appeared insufficient according to the landowner.

The DRS coordinated with the Office of Energy Projects (OEP) to see how the problem could be resolved. OEP staff, along with representatives from Columbia, inspected the property. Because no significant rainfall occurred for awhile, prior to this inspection no water damage was observed and only the sinkhole that was previously filled in by Columbia was evident.

In a filing following this inspection, Columbia agreed to conduct routine site visits (at least monthly) to monitor any sinkhole development and file quarterly reports with the Commission. Columbia also ensured that if additional sinkholes

appeared on the property the company would fix them. Several quarterly reports with photographic documentation have been filed with the Commission since that time and Columbia monitors the rainfall in the immediate area. Five inches of rain fell four days prior to a recent inspection and Columbia observed no sinkhole development or seeps in the vicinity of the pipeline on the landowner's property. To date, no further calls have been made to either OEP or the DRS. Columbia continues to monitor the property. While this case does not fall within the scope of traditional mediation services typically associated with DRS' alternative dispute resolution processes, it demonstrates how communication and coordination efforts can be brought to bear to alleviate problems.

FROM THE DRS

DRS Staff Participate in 4th Native Network Skills Exchange Workshop



In August 2009, DRS staff helped facilitate the Native Dispute Resolution Network's 2009 Skills Exchange Workshop (SEW), sponsored by the U.S. Institute for Environmental Conflict Resolution. Each year, SEW serves as a place to explore innovation in the practice of collaboration and dispute resolution, especially where Native and non-Native people and federal agency staff are involved. DRS staff was

joined this year by over 20 participants, including members of other federal agencies, nonprofit heads, alternative dispute resolution consultants, professors, and even a former tribal chief.

This year's four-day workshop, held in Albuquerque, New Mexico, focused on improving and developing the Network itself and better engaging its members. DRS staff served as part of the Skills Exchange Work Group, which coordinated SEW's various sessions. A member of DRS staff also led a three-hour session on the role of SEW and Work Group in the larger context of the Network's mission and goals. Thanks in part to the use of exciting new facilitation devices like Open Space Technology, this year's workshop was a success. Participants developed new partnerships and plans for advancing the Network's goals, and skills and expertise were shared, especially with respect to increasing understanding among Natives and non-Natives both in and outside the Network.

DRS staff has been involved with the Native Network since its inception, and its work with the Network, Native-Americans, and the U.S. Institute for Environmental Conflict Resolution are proof of the power of interagency collaboration. Next up is the Sixth National Environmental Conflict Resolution Conference to be held in May of 2010.

Training Overview

The Dispute Resolution Service has had a busy year of training, providing 15 collaborative and ADR skills training sessions to internal and external FERC audiences.

The trainings include our "core" ADR courses, from the *Introduction to Alternative Dispute Resolution*, which provides an overview of ADR approaches

and skills, to *Facilitating Meetings and Technical Conferences: How to Ensure Productive Group Discussions*, which covers facilitation process design and skills, to *Interest-Based Negotiation*, which provides an in-depth look at the 7 key elements of the interest-based negotiation model designed to help parties to overcome the traditional barriers to negotiation and achieve mutually acceptable resolutions to their disputes.

The trainings also include our increasingly popular *Difficult Conversations* course. Based on tips from the book by Douglas Stone, Bruce Patton, and Sheila Heen of the Harvard Negotiation Project – Difficult Conversations: How to Discuss What Matters Most – the course helps trainees understand the elements of difficult conversations and approaches to making these conversations as productive and constructive as possible.

The DRS also worked closely this year with internal and external groups to customize trainings based on their particular needs. For example, the DRS worked with one FERC office to develop a training focused on effective interviewing skills. The core of the course was communication techniques, and DRS trainers worked closely with representatives from the FERC office to provide trainees an opportunity to practice their newly developed skills through realistic training exercises. The DRS also worked with an external group to help them to develop a course to provide facilitation skills development and practice opportunities to assist them in their interactions with each other, with their constituencies, and with FERC. The DRS is always amenable to discussing training needs of internal and external FERC audiences, and excited to develop customized training to meet these needs.

2010 promises to be another busy year of training, so stay tuned for the next

Facilitating Meetings and Technical Conferences course on January 26-27, followed by *Difficult Conversations* on February 24th and *Interest-Based Negotiation* on April 27-29. We look forward to seeing you at one of these or another training event in the near future!

DRS Book Review:

Highlights of "Ask For It: How Women Can Use the Power of Negotiation to Get What They Really Want" by Linda Babcock and Sara Laschever

Did you know that women are about four times less likely than men to use negotiation as a tool to ask for what they want and to promote their interests? In their book, *Ask For It*, authors Linda Babcock and Sarah Laschever use clear and convincing evidence from many case studies of real women and their stories to call attention to the dramatic difference between men and women in their desire to negotiate. Many men, they say, liken negotiating to sport while some women liken it to a root canal! Men seem confident while women seem tentative about negotiating. The authors offer ways to encourage women to come more often to the negotiation table. Their book is a good read for both women and men as the authors explain how both genders can navigate the difficulties of negotiation enhance their performance to become better negotiators, and feel comfortable with the negotiation process. The most important lesson they convey to their readers is that the best negotiation is the deal that works best for all parties.

Looking through the lens of gender, Babcock and Laschever found that "most women negotiate far more effectively on behalf of others – setting higher targets,

arguing the merits of their case, and resisting concessions – than they negotiate for themselves.” A depressed sense of personal entitlement for many women starts at a young age when they are taught to focus on the needs of others rather than on their own needs. This learned behavior often results in women refraining from asking for more than they are offered and instead settling for less than they need or deserve. The authors found that both genders were more likely to “subtly penalize” women who asked for more as they perceived these women to be “less nice.” Although women do not think they are less talented or have less potential than their male counterparts, women, more so than men, are often perceived as overly aggressive when they ask for what they want—placing them at a disadvantage when negotiating.

Babcock and Laschever encourage women to look at negotiation not as an aggressive or adversarial act but rather as an opportunity to benefit everyone involved. Most women already possess the skills needed of a successful negotiator: asking questions, listening closely, thinking creatively, and working together to solve problems. Women often have excellent skills in sharing information, building and preserving relationships, and have a good sense as to what is going on with the people around them. “For women who are pragmatists,” write Babcock and Laschever, “asking for what they want in a more social, friendly way can be a very effective strategy for getting what they want without turning people against them.” Women need to identify the things that are most important to them, and to draw upon their skills, their natural warmth and personal engagement when negotiating for these things that really matter most to them. Their efforts to appear likeable, the language they use to frame their requests and the tone they set for interactions with others can have a big

impact on the ability of other negotiators to hear what they are saying.

“A women’s ability to negotiate is no longer a luxury but a necessity,” write Babcock and Laschever. By not negotiating, a woman not only sacrifices millions of dollars throughout her career but she also loses opportunities she would like to pursue and recognition she deserves for the work she is doing. Businesses also lose out on the unique points of view women often bring to decision-making and problem-solving. The authors offer both women and men the tools needed to put together a workable negotiation plan and follow through with it. Their four-phase plan calls for identifying what it is that you want, maximizing your bargaining power, planning your strategy to achieve your goals, and managing the reactions and emotions of those on both sides of the negotiation table.

“Everything is Negotiable” is the first phase of a successful negotiation. Babcock and Laschever write that you should never ask if something is negotiable but to always move forward under the assumption that it is. You should take time to examine what goals you want to achieve, and which of these may be amenable to negotiation. “Lay the Groundwork” is the second phase and outlines how to get ready to negotiate. This phase focuses on how to be data detectives, accumulating solid evidence to use in putting together a persuasive argument, and introduces you to basic negotiation strategy concepts. It helps you to assess the power of your negotiation strategy and how to improve upon it.

Phase three, “Get Ready,” tells you how to set the right target, to decide what to ask for, to make the first offer or avoid doing so, to establish the best time to ask, to manage the pace of conversations, to evaluate how much to concede, and to

keep the process on track. In this planning phase, the authors encourage us to keep focused on our Target Value (TV), and to use our research to establish a high, yet realistic target. "When you aim high in negotiations," Babcock and Laschever write, "you adjust other people's perceptions of you....You communicate that you expect to be treated fairly and that you are willing to stand up for yourself." You must determine what your alternatives are if you do not get what you want in negotiation (Best Alternative to a Negotiated Agreement or BATNA). You must establish what your bottom line or cutoff point (Reservation Value or RV) is in the negotiation. You need to look at the difference between each negotiator's Reservation Value (Contract Zone).

The "Get Ready" phase also includes the negotiation challenge program or the "Negotiation Gym." The purpose of the gym exercises is to have both women and men practice their skills in easy to complex situations, from "no-brainer requests to things that matter a lot more." By the time the workout is done, large and small negotiations have been practiced, and danger zones have been experienced. Negotiators have become accustomed to hearing no and are now more comfortable with rejection and less cautious about moving ahead when the outcome is uncertain.

Phase four, "Put It All Together," helps you to refine your strategy. The authors emphasize the benefits of role playing or practicing in advance of negotiations. They offer advice on alleviating anxiety and resisting concessions too soon when you are confronted with unexpected reactions. They offer ways to create the best impression, to avoid being seen as difficult or not a team player, to overcome stalemates, and to close the deal.

Finally, Babcock and Laschever tell us that the past thirty years of research have shown that using the collaborative, problem-solving approach to negotiations rather than the "win the war" approach results in better agreements for both sides. Two people using cooperative bargaining usually get more than either would if they try to win by staking out an aggressive position during the negotiations. The authors write that "Once they resolve to work together to find a mutually satisfactory solution, negotiators can often find imaginative ways to address everyone's interests. They may also identify additional resources, opportunities, and concessions that they can use to reach an agreement that suits them both." In other words, they enlarge the pie and achieve an agreement that is better for everyone. A collaborative approach usually leads to enhanced buy-in and follow through for all parties involved, more safeguarding and even improved relationships, less conflict and more enjoyable negotiations.

DRS Team Biographies

Nils Nichols: Nils is an 18-year veteran of the Commission. Before joining the Dispute Resolution Service earlier this year, he worked for Chairman Joseph Kelliher and before that for Chairman Jim Hoecker. Most of his career at FERC has been in OGC, where he focused on environmental and natural gas pipeline issues. Nils began his legal career as a clerk with the West Virginia Supreme Court. He came to Washington, D.C. as an associate and then partner with an energy law firm where he spent eight years. He raises Black Angus cattle on a farm in West Virginia and just completed a walk across England on the famed Coast to Coast trail. Next year he hopes to walk the GEA trail across the Appennine Mountains of Italy.

Deborah Osborne: Deborah is a certified mediator and anthropologist. She assisted with establishing the DRS, now in its first decade of operation. She trained in mediation at Pepperdine University's Straus Institute for Dispute Resolution, negotiation and advanced negotiation at the Harvard Negotiation Institute, and commercial mediation at the Northern Virginia Mediation Service. Deborah has mediated over 100 cases, with a very high success rate. In her spare time, she mediates civil cases in Virginia's General District Court. She holds graduate and undergraduate degrees in Anthropology from the George Washington University and Temple University, respectively. She conducted anthropological and archaeological fieldwork in North America, Great Britain and East Africa. Deborah serves as a Non-Native mediation practitioner on the U.S. Institute for Environmental Conflict Resolution's Roster of Native and Non-Native American mediators. Formerly, Deborah worked in the Commission's Office of Energy Projects as cultural resources specialist and served as FERC's Federal Preservation Officer.

When not attending to her 13 year old son's interests, she learns Spanish, knits, travels to historic places, and practices yoga.

Richard Miles: Rick has three roles at the Commission in conflict resolution. Rick is the Director of the Commission's Office of Administrative Litigation (OAL). In his second role, he serves as the Commission's Dispute Resolution Specialist under the Administrative Dispute Resolution Act (ADRA) of 1996. Rick formerly served as the first Director of the DRS. In his role as Dispute Resolution Specialist, he continues to act as a mediator in FERC related energy and environmental disputes and uses his experience to coach and mentor the new members of the DRS.

In his third role at the Commission Rick uses his extensive mediation experience and training from Pepperdine's Strauss Institute for Conflict Resolution and Harvard's Program on Negotiation when conducting workshops and training in negotiation and mediation at FERC, state, federal, and international entities and other organizations such as the American and Energy Bar Associations, the Foreign Service Institute's Training Center, the Department of Interior, Canada's National Energy Board, the California Public Utility Commission, the Regulatory Commission of Alaska, the South Asia Regional Regulators meeting (Nepal, Pakistan, Bangladesh, Bhutan, Sri Lanka, and India), the China State Electricity Regulatory Commission, Spain's Abogados del Estado ante la Audiencia Nacional, and Peru's regulatory agency OSINERGMIN.

For those who know Rick, he is passionate about assisting people with resolving conflict.

Jerrilynn Purdy: Jeri has worked in the utility industry for almost 30 years. Before joining the Dispute Resolution Service in 2002, she worked for Chairman Jim Hoecker and before that supervised staff processing rate and other filings. Prior to joining the Commission she worked for NStar, the electric utility serving the greater Boston area, managing the company's wholesale power and transmission contracts department and the company's environmental affairs department. Jeri likes to exercise and practices yoga regularly.

Deirdre McCarthy Gallagher: Deirdre came to FERC in 2006 as an Attorney Advisor with the Dispute Resolution Service. Since coming to FERC, Deirdre has served as a FERC trainer in the areas of negotiation, facilitation, and dispute resolution, and has assisted parties in mediating and facilitating FERC-related disputes.

Additionally, Deirdre has served as the chair of the Interagency Alternative Dispute Resolution Working Group, a group created by then-Attorney General Janet Reno to promote the use of alternative dispute resolution within the federal government. Prior to coming to FERC, Deirdre was an associate with a private dispute resolution firm and clerked with a District of Columbia Superior Court Judge. Deirdre also worked as a program manager for a non-profit organization, providing conflict resolution training, support, and coordination for women's organizations in Somalia, Sudan, Ethiopia, Eritrea, and Djibouti.

Deirdre has a Bachelor of Arts degree in government from Harvard University, a Master of Arts degree in Conflict Analysis and Resolution from the Institute for Conflict Analysis and Resolution at George Mason University, and a Juris Doctor degree from Georgetown University Law Center.

When not at work, Deirdre enjoys chasing around her three high-energy children (ages 9, 6, and 21 months) and training for long-distance races. She will participate in her first ultramarathon in spring of 2010.

Joshua Hurwitz: Josh joined the DRS in 2008 as an Attorney Advisor. Prior to joining FERC, Josh spent two years as an attorney in the anti-trust and litigation department of the law firm Cleary, Gottlieb, Steen & Hamilton. Josh received his Jurist Doctorate degree from American University Washington College of Law. While at American, Josh was a founding member and Editor-in-Chief of the American University *Business Law Brief*. Under his leadership, the publication received the American Bar Association's award for Best Law School Magazine in 2005.

Josh is a native Washingtonian who likes the Redskins and all outdoor activities.

Stephen Williams: Steve joined the DRS in January 2009 as an Attorney Advisor. Prior to joining the team, Steve served as law clerk to the Honorable M. Christine Allen-Jackson of the Superior Court of New Jersey where he regularly mediated family law and special civil disputes.

Steve holds a J.D. from Rutgers University School of Law-Camden and an M.B.A. from Rutgers University School of Business-Camden. He, subsequently, earned his LL.M. in International Commercial Arbitration Law from Stockholm University School of Law in Stockholm, Sweden.

Steve is originally from Flint, Michigan and loves traveling, cooking, and sports.

Paula J. Felt: Paula came to the Commission in January 2001 to work in the Office of External Affairs (OEA) as a Public Information Specialist until transferring to the DRS in July 2009. While in OEA, Paula availed herself of ADR training provided by DRS and George Mason University. Before coming to FERC, Paula worked as the Executive Director of the historic Sewall-Belmont House on Capitol Hill, and as Congressional and Public Affairs Specialists at the Department of Justice and FEMA. She also was employed on Capitol Hill for 10 years working as Legislative and Press Assistants for Representatives John B. Anderson (IL), Larry Coughlin (PA), Shirley Pettis (CA), Charlie Thone (NE), and Steny Hoyer (MD). Paula received her undergraduate degree in political science from Wheeling Jesuit University (WJU) where she was a member of the Jesuit Honor Society and the Student Government. After WJU, she was a graduate teaching assistant at Duquesne University in the Political Science Department until accepting a job on Capitol Hill.

Mallory Huggins: Mallory, a second-year student in Georgetown University's M.A. in Conflict Resolution Program, joined DRS as an intern in January 2009. At Georgetown, Mallory serves as the president of the Georgetown Conflict Resolution Association and works as a Program Assistant. She graduated from the University of Richmond in 2008 with a degree in Rhetoric and Communication Studies, and while in school she held various jobs and internships related to marketing and speech consultation. She continues to be

interested in the role of communication in conflict resolution. Mallory's other academic interests include tribal affairs, environmental conflict resolution, cultural diplomacy, and the role of social media in conflict resolution.

Originally from Denver, Mallory enjoys blogging and reading blogs, swimming, and spending time with her friends.

Meet the Dispute Resolution Service Staff



Seated left to right in the photo are: Renee Perry, Dispute Resolution Support Specialist; Deirdre McCarthy Gallagher, Dispute Resolution Specialist; Nils Nichols, Director, Dispute Resolution Service; and Josh Hurwitz, Dispute Resolution Specialist. Standing from left to right are Stephen J. Williams, Dispute Resolution Specialist; Jerrilynne Purdy, Dispute Resolution Specialist; Paula Felt, Dispute Resolution Specialist; Deborah Osborne, Group Manager, Dispute Resolution Service and Richard L. Miles, Director, Office of Administrative Litigation and FERC's ADR Act Specialist. Absent from the photo was Mallory Huggins, Dispute Resolution Intern.

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