

Thomas McCann Mullooly Of Counsel

tmullooly@foley.com

Milwaukee
414.297.5566

Washington, D.C.
202.672.5429



Tom Mullooly is an energy lawyer with Foley & Lardner LLP. He has in-depth experience across all regulatory aspects of the energy industry and provides counsel on contracts, mergers and acquisitions, renewable project development, and state and federal and ISO compliance issues. He has led regulatory proceedings and litigation before FERC and in state commissions across the country. Tom is head of the firm's Energy Regulation Practice and a member of the Environmental, Social, and Corporate Governance (ESG) Team.

Energy Industry Contracts

Tom has drafted, negotiated, reviewed and provided risk analysis for hundreds of key electric and natural gas industry agreements, including Power Purchase Agreements, Retail Supply Agreements, Interconnection Agreements, Station Power Agreements, Shared Facility Agreements, Interconnection Services Agreements, Transmission Service Agreements, Steam Agreements, and Pole Attachment Agreements; Agreements for natural gas transportation, distribution, and lateral line extension.

Generation

Tom's experience involves solar, wind, hydro, coal, natural gas, cogeneration, and biomass generation.

Clients and Counterparties

His clients have included integrated utilities, independent power producers, generation developers, strategic and financial investors, and major industrial and commercial electric and natural gas consumers. Counterparties in his transactional work have included investor-owned utilities, independent generators, MISO, PJM, SPP, NYISO, ISO-NE, CAISO, irrigation districts, cooperatives, BPA, TVA, Colorado River Water Authority, and CA Division of Water Resources.

Regions

He has geographic experience in over 40 states and provinces and every region and RTO in the United States, including PJM, MISO, SPP, NYISO, ISO-NE, CAISO, ERCOT, NMISA, Ontario IESO.

Generation Development, Acquisition, Divestiture, and Utility Mergers

Tom has led legal regulatory/business risk analysis on hundreds of power plant acquisitions valued in billions of dollars. He has negotiated key terms and conditions and identified regulatory risks and mitigation strategies. He has identified required state and federal regulatory approvals and developed and implemented strategies for successfully securing same.

Regulatory Proceedings

Tom's recent experience includes securing approvals for sales, mergers, and acquisitions of electric power plants and natural gas utilities before state public service commissions, Federal Energy Regulatory Commission, and the Federal Communications Commission. He has counseled clients on regulatory compliance and rulemaking issues under Federal Power Act, Energy Policy Act, Public Utility Holding Company Act, and Telecommunications Act of 1996, and other state and federal statutes and regulations. He also has provided risk arbitrage advice to hedge funds regarding regulatory approvals for energy industry mergers and acquisitions and has prepared regulatory risk disclosures for SEC filings.

Litigation

Tom has acted as lead attorney in mediations, arbitrations, and regulatory litigation involving interconnection of wind generation, station power disputes, and telecom billing, and interconnection disputes.

Telecom

Tom's experience includes negotiating interconnection agreements and telecommunications service agreements. He negotiated a model pole attachment agreement for Wisconsin cable companies and municipal utilities. He has provided counsel on FCC rulemaking and on compliance matters involving radio licensees, telecommunication device makers, CLECs, and cable operators.

Legislation

Tom has drafted successful legislation enacted by U.S. Congress and by Nevada Legislature and legislative proposals for other state government interests. He has testified before legislative and regulatory bodies on electric and telecom issues and worked with legislators in framing successful campaign issues.

Awards and Recognition

- Recognized by *The Legal 500* Tom for his work in energy project finance
- Recognized by *The Best Lawyers in America*® in the field of Energy Law (2024)

Affiliations

- Tom's background in politics and government prior to his legal career includes staff positions with the Federal Communications Commission, as a special assistant to U.S. Sen. Herb Kohl in Washington, D.C., and as communications director for a state political party.

Community Involvement

- Regularly provides mediation services for parties involved in Children's Court litigation matters

Sectors

- Energy
- Energy Transition
- Hydrogen
- Renewables

Practice Areas

- Corporate
- Environmental
- Environmental, Social, and Governance (ESG)
- Federal & State Energy Regulatory

Education

- Georgetown University Law Center (J.D., magna cum laude, 1997)
 - Order of the Coif
- Georgetown University (cum laude)
 - Distinguished Service Medal
 - Alpha Sigma Nu