Tory Lauterbach

Partner

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Washington, D.C.



Victoria “Tory” Lauterbach is a partner in Gibson Dunn’s Washington, D.C. office and Co-Chair of the Energy Regulation and Litigation Practice Group. She has extensive experience providing transactional and regulatory advice to energy companies, large energy users, and their lenders and investors. Tory is a leader within the firm’s data centers and digital infrastructure practice, where she advises data center developers, investors, and lenders regarding all aspects of delivering electric power to data centers. This work includes negotiating power supply and infrastructure agreements with utilities, power purchase and tolling agreements for both grid-connected and on-site generation, natural gas supply arrangements, and the power and energy portions of customer agreements, such as data center leases and service orders. Tory brings deep knowledge of the electricity and natural gas businesses to bear to take complex data center projects to market, including many of the largest data center campuses announced in North America. As a transactional attorney with regulatory training, Tory’s strong grounding in federal and state energy regulatory issues enhances her ability to advise data center clients who need to interface with public utilities and their regulators.

In addition to her data center work, Tory represents renewable and traditional energy companies, including investor-owned utilities, independent transmission companies, independent power producers, energy investors, natural gas companies, and pipeline shippers in a variety of regulatory, transactional, and litigation matters. She advises clients regarding the Federal Power Act (FPA), the Natural Gas Act (NGA), the Interstate Commerce Act and related federal and state statutes, as well as requirements under public utility tariffs and agreements.

Tory regularly represents clients before the Federal Energy Regulatory Commission (FERC) and federal appellate courts, has represented clients before the Department of Energy (DOE) and state public utility commissions, and frequently interfaces with regional transmission organizations (RTOs) and independent system operators (ISOs) to further her client’s wholesale market interests.

Tory has signi?cant hands-on experience in power supply and infrastructure development negotiations, administrative litigation, settlement proceedings, and providing legal advice in heavily regulated energy industry market environments, including wholesale electricity and carbon markets. She also provides pragmatic and timely counseling to her clients in today's dynamic political and regulatory environment, including the developing landscape surrounding electri?cation and electricity load growth, renewable energy, energy storage, transmission development and interconnection, carbon emissions reductions, and the larger energy transition.

Tory has been recognized for her work in the Energy: Electricity (Regulatory & Litigation) category of *Chambers USA* (2021-2024) and *Chambers Global* (2022-2025). She is also recognized by *Lawdragon* as one of the 500 Leading U.S. Energy Lawyers in the practice areas of Energy Transactions, Regulatory & Litigation (2023-2025). Tory frequently draws

Capabilities

Energy Regulation and Litigation
Administrative Law and Regulatory Practice
Data Centers and Digital Infrastructure
Energy and Infrastructure
Infrastructure
Mergers and Acquisitions
Oil and Gas
Power and Renewables
Private Equity
Projects
Public Policy

Credentials

Education

University of Texas - 2009 Juris Doctor
Cornell University - 2006 Bachelor of Arts

Admissions

District of Columbia Bar
Texas Bar

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high praise from those she advises, most recently in the 2024 edition of Chambers USA, in which a client stated that she “has extensive knowledge regarding FERC compliance, but her commercial savvy and excellent drafting and negotiating skills allow her to be effective on a broad range of matters including energy transactions and commercial disputes."

More speci?cally, Tory's areas of knowledge and experience include:

- Negotiation of power supply arrangements, including grid-connected and behind-the-meter energy sources, for data centers and other large energy users.
- Advising regarding power supply issues in data center leases and customer agreements.
- Advising clients regarding state and federal energy regulatory regimes and tariffs.
- Advising regarding power supply issues in data center transactions in more than 20 U.S. states.
- Federal energy regulatory matters, including ratemaking, market-based rate and rulemaking proceedings, and the development of tari? rules for regional markets for electric energy, capacity, and ancillary services.
- Regulatory approvals for energy company mergers and acquisitions.
- Energy project development, including generator interconnection negotiations and disputes.
- Administrative litigation before FERC, including defending and prosecuting complaint proceedings, conducting evidentiary hearings, negotiating client positions in settlement proceedings, facilitating participation in technical conferences, and seeking rehearing of contested FERC orders.
- Appeals of FERC proceedings to federal appellate courts.
- Counseling energy investors on a?liate requirements, standards of conduct, and market power rules.
- Securing market-based rate authority, exempt wholesale generator certi?cation, and qualifying facility certi?cation for large and small independent power projects, and counseling clients regarding federal power project and power marketing regulatory compliance.
- Regional transmission planning, including project selection, cost allocation and rate recovery.
- Seeking incentive rate treatments for independent and incumbent transmission projects, including incentive adders to return on equity and pre-construction cost recovery.
- Project ?nance for traditional, alternative, and renewable energy projects.
- Energy-related contract drafting, negotiation, and analysis, including power purchase agreements, asset management agreements, natural gas transportation and leasing agreements, facilities agreements, and interconnection agreements.
- Counseling clients regarding participation in and administration of organized wholesale energy markets, including the energy and capacity markets of regional transmission organizations and independent system operators.
- Assisting clients in proceedings regarding open access to transmission infrastructure.
- Representing clients in proceedings regarding treatment of battery and other energy storage technologies in organized markets, including issues related to storage as a transmission-only asset (SATOA) and storage participating as generation and load in wholesale energy markets.
- Advising clients regarding carbon and clean energy markets, state clean energy mandates, and regional models for carbon pricing and emissions cost recovery.

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- Department of Energy import-export authorization and compliance.
- Retail energy supplier state licensing.
- Developing and presenting energy regulatory compliance training and programs.
- FERC and CFTC enforcement and audit defense.
- Internal and non-public investigations regarding energy market and FERC compliance.

Representative Experience*

- Represented data center developer in negotiation of on-site power generation agreements for a data center campus that will use more than 1 GW of power.
- Represented data center developer in negotiation of complex power sourcing arrangements in vertically integrated utility jurisdiction that included a more than 1 GW portfolio of grid-connected renewable energy generation and storage resources.
- Advised large real estate lender on the energy-related aspects of a construction financing of a powered land acquisition.
- Represented data center developer in the negotiation of a memorandum of understanding with a municipal electric utility in the PJM region of the U.S.
- Represented infrastructure fund in regulatory compliance matters related to integrating large portfolio of wind farms into the fund's larger energy portfolio.
- Advised lender on financing the purchase of a portfolio of data centers in the United States.
- Represented data center developer in negotiation of power infrastructure and power supply arrangements with interconnecting utility.
- Represented data center developer in negotiation of power supply arrangements with hyperscale tenant.
- Represented energy investor in acquisition of significant minority interest in large solar energy and storage developer-operator.
- Represented biomass generator in securing regulatory approvals for the sale of its generating facility as part of a Chapter 11 reorganization.
- Represented investor-owned utility in complaint against RTOs seeking return of overpayment of transmission congestion charges on the seam between two RTOs.
- Represented utility and non-utility clients in challenging and defending outcomes of FERC proceedings at the United States Court of Appeals for the District of Columbia Circuit.
- Advised U.S. offshore wind developer regarding rules and opportunities for interconnecting to the onshore transmission grid.
- Represented utility-scale energy storage developer in securing waiver of large generator interconnection requirements in major grid operator tariff.
- Represented utility-scale energy storage developer in securing declaratory order exempting it from requirements of Public Utility Holding Company Act.
- Advised public utility board members regarding regulatory, transactional, and litigation matters.
- Represented utility-a?liated wholesale generation company in securing regulatory approval for acquisition of additional generation interests.
- Represented utility holding company and subsidiary public utility in securing FERC approval of appointment of new board member to holding company board under FERC's 2022 TransAlta/Evergy a?liate standard.
- Represented RTO in securing regulatory approval for revisions to its ?nancial

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transmission rights Tari? rules.

- Represented transmission owner clients in defense of their transmission rates and incentive rate treatments in a complaint proceeding under section 206 of the FPA.
- Represented transmission owner clients in securing incentive return on equity adder for RTO participation.
- Represented a Fortune 500 public utility and its a?liates before FERC in rate proceedings (including formula rate proceedings), regarding wholesale market issues, and in connection with service agreements, interconnection agreements, and compliance matters.
- Represented independent transmission project in FERC proceeding to defend incentive-based transmission rate treatments and secure recovery of transmission revenue requirement under the California Independent System Operator (CAISO) tari?, ultimately achieving a settlement permitting recovery of more than 94% of the requested transmission revenue requirements.
- Represented a leading gas company in the litigation of a major, multi-party gas pipeline rate case, as well as advising on compliance and commercial and regulatory issues.
- Represented natural gas distribution company in NGA section 4 and 5 ratemaking proceedings, and in matters of compliance and standards of conduct.
- Represented a Hinshaw (intrastate) pipeline in securing federal approval for new rate schedule for transmission service to renewable natural gas customers, including advising on rate and natural gas quality tari? provisions.
- Represented RTO in proceedings to establish a day-ahead market.
- Represented an investor-owned utility in dispute with RTO regarding tari? rates and the integration of a new investor-owned utility into the RTO.
- Advised an international natural resources company in the integration of newly acquired natural gas assets into larger corporate structure.
- Conducted and managed due diligence review and analysis related to the ?nancing and sale of a public utility.
- Advised a client in securing Department of Energy authority for the export of energy products.
- Advised a client regarding the ?nancing and licensing of solar and wind power generation.
- Advised a start-up retail energy marketer on transactional and regulatory matters related to establishing nationwide retail energy marketing business.

* Matters handled prior to Gibson Dunn

Select Recent Speaking Engagements

- Speaker, "FERC PJM Order: Lessons for Data Centers, Co-Location, and Tariffs," Strafford Webinar (March 2026)
- Speaker, “How Growing and Dynamic Gas and Electric Energy Markets Are Struggling with Constrained Infrastructure,” American Gas Association Legal Forum (July 2025)
- Moderator, Conversation with FERC Commissioner David Rosner, Energy Bar Association Mid-Year Energy Forum (October 2024)
- Podcast, “What FERC Did, and Didn’t, Do to Jumpstart Transmission,” Factor This! by Renewable Energy World (May 2024)
- Moderator, “Accelerating Transmission Expansion in 2024 and Beyond: Addressing Planning and Permitting,” Energy Bar Association Annual Meeting and Conference (April 2024)

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- Podcast, “Is D.C. Ready for Climate Change?” Brief Encounters by the D.C. Affairs Community of the D.C. Bar (December 2023)
- Speaker, “Pathways for New England Transmission Development & Interconnection Reforms,” RENEW Northeast Energy Policy Conference (November 2023)
- Panelist, “FERC Order No. 2023 – What it Means for Generator Interconnection and Transmission Development,” Webinar
- Panelist, "Interconnection Reform: What Should Renewable Developers Know About FERC's New Final Rule," Webinar (August 2023)
- “The New FERC: How Recent Developments May Foretell a Shift in Policies and Enforcement,” American Gas Association Legal Committee Meeting (July 2022)
- “Recent Developments in Energy Storage,” Young Professionals in Energy D.C. Chapter (May 2018)

Tory received her J.D. with honors from the University of Texas where she was Associate Editor of the Texas Law Review. She received a B.A., *magna cum laude*, from Cornell University in Government, Philosophy and History. Prior to joining Gibson Dunn, Tory was a partner in the D.C. office of an international law firm. She serves as a member of the Board of Directors of the Energy Bar Association, is the immediate past co-chair of the Professional Education Council of the Energy Bar Association, is a member of the Women’s Energy Network D.C. Chapter, and volunteers at Food & Friends in Washington, D.C.

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