

James Matthew Birkelund

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PROFILE

Energy and environmental attorney with over 22 years of legal experience. Extensive practice advocating before regulatory commissions and administrative bodies, litigating in civil courts, and representing clients on utility and energy matters.

EDUCATION

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, Michigan
Juris Doctor, 1996-1999

UNIVERSITY OF MICHIGAN, SCHOOL OF NATURAL RESOURCES, Ann Arbor, Michigan
Master of Science, Resource Policy, 1995-1999

COLGATE UNIVERSITY, Hamilton, New York
Bachelor of Arts, *magna cum laude*, in Geology and Economics, 1989-1993

LEGAL EXPERIENCE AND SELECT ENGAGEMENTS

E&E LAW CORP, Portland, Oregon

PREVIOUSLY BIRKELUND LAW, San Francisco, California

Attorney, 2009-present

- Public interest attorney focused on energy and environmental matters.
- Represent intervenors and other parties on matters before Regulatory Utility Commissions, including in California, Colorado, South Dakota, Washington D.C., Oregon, Washington, and Ontario, Canada.
- Extensive energy experience advocating on general rate cases; distributed energy resource cases, including transportation electrification, demand response, energy storage, microgrids, and net energy metering; telecommunication dockets; bill debt relief cases; and wildfire issues.
- Nonprofit clients have included: Small Business Utility Advocates, Sierra Club, California State Parks Foundation, Wetlands Defense Fund, Plastic Pollution Coalition, Climate Change Law Foundation, and Women's Earth Alliance.

Sample Projects

- Advised solar industry client on protecting solar incentives by intervening before Colorado PUC.
- Represented client in providing energy efficiency products to third parties that qualify for loan programs with Southern California Edison.
- Negotiated hydropower agreements with Irrigation District in California, including provisions related to utility connections and net energy metering.
- Provided counsel for Indian Tribe on pipeline-related approvals before PUC in South Dakota.
- Drafted solar photovoltaic agreements with terms for utility connections and rebate programs.
- Advised utility on compliance with new and revised utility laws and regulations.
- Represented client on matters related to Tehachapi Renewable Transmission Project and Certificate of Public Convenience and Necessity at California PUC.
- Negotiated terms of "Hardship Efficiency Program" on behalf of utility to educate low-income households on energy efficiency.
- Advised utility on new initiative to procure and sell tradable renewable energy certificates.
- Evaluated and submitted administrative comments on proposed 500-megawatt hydroelectric dam project in Southern California.
- Established working group with nonprofit groups to evaluate renewable energy plans, including solar proposals in central desert of California.
- Analyzed and advised public officials on San Diego Gas & Electric's Sunrise Powerlink project before the California PUC.
- Analyzed and commented on U.S. Department of Energy proposals for nationwide transmission corridors for up to 500kV.

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SAN FRANCISCO SUPERIOR COURT, San Francisco, California

Pro Tem Judge, 2012-present

CLEANTECH LAW PARTNERS, San Francisco, California

Attorney Advisor to Utilities Practice Group, 2010-present

- Counsel to full-service law firm specializing in renewable energy including utilities matters.

ELECTRICITY UTILITY (SYNERGY), Perth, Australia

In-House Counsel, 2008

- Counsel to Western Australia's largest energy utility with over \$1.5 billion in annual revenue.
- Formulated company environmental policies and positions; advised upper management on regulatory compliance; negotiated, reviewed, and drafted commercial agreements.
- Negotiated with *Office of Energy* and administrative agencies regarding compliance with energy market rules; drafted internal legal opinions; led training sessions for energy traders.

Alternative Energy Projects

- Provided legal and business advice to launch the sale of tradable Renewable Energy Certificates (RECs) as a new product; drafted and negotiated contract provisions regarding the same.
- Analyzed and formulated company position on Australia's new emissions trading scheme and submitted comments to the *Department of Climate Change*.
- Advised and drafted legal terms for a \$60-million contract to sell RECs and energy to the *Public Transport Authority* and a \$20-million contract to sell alternative energy to *Murdoch University*.

NATURAL RESOURCES DEFENSE COUNCIL, Los Angeles, California

Senior Project Attorney, 2004-2008

- Environmental lawyer for prominent nonprofit organization (*see www.nrdc.org*).
- Duties included litigating, negotiating with resource agencies, pursuing administrative actions, testifying at public hearings, coordinating legislative campaigns, and lobbying public officials.

Sample Projects

- Presented winning testimony at the largest ever administrative hearing before the California Coastal Commission (over 3,500 people) to protect the state park at *San Onofre State Beach*.
- Won federal court decision under Endangered Species Act and National Environmental Protection Act to enforce nuclear cleanup at *Santa Susana Field Laboratory*.
- Litigated to protect *Colonel Allensworth State Historic Park*, one of California's leading landmarks honouring African-American history, from dairy farm air and water pollution.

MORRISON & FOERSTER LLP, San Francisco, California

Attorney Associate, 2000-2002

- Advised clients on environmental litigation, permitting and compliance matters, and land-use planning.
- Analyzed environmental laws and regulations; negotiated with governmental agencies, including air quality districts, California DOJ, federal EPA, Attorneys General, and City Attorneys.

Sample Projects

- Responded to citizen challenges to Operating Permits and Authorities to Construct under the Clean Air Act, Title V.
- Represented corporations with permitting and compliance under the Clean Air Act and Clean Water Act, including responding to notices of violations, negotiating with Air Districts.
- Advised *San Francisco Airport* on environmental impacts of new runways, including under Clean Water Act, Endangered Species Act, Clean Air Act, and National Environmental Policy Act.

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TEACHING AND OTHER VOLUNTEERING

EXECUTIVE COMMITTEE, CALIFORNIA LAWYERS ASSOCIATION, San Francisco, California
Environmental Executive Committee, Member, 2017-2020 (appointed term), *Advisor*, 2021-present

CLIMATE CHANGE LAW FOUNDATION, San Francisco, California
Board of Directors, 2012-present

SMALL BUSINESS UTILITY ADVOCATES, San Francisco, California
Board of Directors, 2012-2022

HASTINGS COLLEGE OF LAW, San Francisco, California
Adjunct Professor, 2010-2014 (fall semesters)

SIERRA CLUB, Bay Chapter, San Francisco, California
Legal Committee Member, 2010-2019

LOS ANGELES COUNTY BAR ASSOCIATION, Los Angeles, California
Member of Environmental Executive Committee, 2007-2008

VENICE NEIGHBORHOOD COMMUNITY COUNCIL, Venice, California
Board Member, 2007-2008

Elected as public official to represent the over 30,000 citizens of Venice. Attended council meetings and voted on community issues.

RECENT CONFERENCES

Panel Moderator, **Diversity, Equity, Inclusion and Justice before the California Public Utilities Commission**, California Lawyers Association's Yosemite Environmental Law Conference, CA, Oct. 20, 2021. Speakers include CPUC Commissioner Darcie L. Houck.

Conference Organizer, **Courts as Change Agents for Environmental Law Enforcement**, California Lawyers Association Virtual Conference, May 8, 2020.

Conference Organizer, **The Race to a Carbon Free Grid in California: California Lawyers Association 2019 Energy Law Conference**, Oakland, CA, Mar. 28, 2019.

Panel Moderator, **Common Law Lawsuits by Municipalities in the Name of Climate Change**, Yosemite Environmental Law Conference, Fish Camp, CA, Oct. 20, 2018.

Panel Moderator, **Sea Level Rise and the Law**, California Lawyer's Association Conference, San Francisco, CA, Aug. 20, 2018.

Panel Moderator, **Novel Claims to Tackle Climate Change and Air Pollution**, Private Enforcement Conference – Challenges in the Trump Era, Oakland, CA, May 4, 2018.

BAR ADMISSIONS:

State of California (#206328)

U.S. Court of Appeals, Ninth Circuit

U.S. District Courts, Northern, Eastern, and Southern Districts of California