

Anand Viswanathan

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Areas of Focus

Energy

Appellate and Supreme Court

Critical and Emerging Technologies

ESG: Environmental, Social, and Governance

Government Controversies and Public Policy Litigation



Overview

Clients turn to Anand for advice and counsel as they navigate the rapidly evolving modern energy regulatory landscape. With 10 years of experience at the Federal Energy Regulatory Commission (FERC), including roles as Legal Advisor to the Chairman, Appellate Counsel in the Office of General Counsel, and Attorney-Advisor in the Office of Enforcement, Anand represents clients in court and before FERC and other government agencies on their most pressing and complex regulatory issues.

Anand also serves as Co-Chair of the firm's Post-*Chevron* Task Force. His unique background as an appellate litigator with firsthand experience with agency enforcement and penalty schemes is particularly valuable to clients at a time when courts are increasingly scrutinizing the powers and actions of administrative agencies.

From his time working as a key advisor to the former Chairman of FERC, Anand has deep insight into a wide range of pressing energy and environmental issues, including: permitting reform related to energy infrastructure projects; federal rules on siting, regional planning, and cost allocation for interstate electricity transmission projects; greenhouse gas and climate policy changes; wholesale electricity market rules in the western United States; and regulatory and litigation risks related to natural gas pipelines and liquefied natural gas facilities.

Anand has successfully briefed and argued cases across multiple courts of appeals in many of FERC's most consequential matters, on major rulemakings concerning clean energy technology and legal issues including preemption, disputes between federal and state regulators, and FERC's authority to seek civil penalties for market

manipulation. His enforcement experience, including investigating and litigating claims of fraud and market manipulation in the wholesale energy markets, lends valuable insights to clients facing all manner of regulatory scrutiny.

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- ESG: Environmental, Social, and Governance
- Government Controversies and Public Policy Litigation
- Transitions in Energy and Climate Solutions
- Tariff Task Force
- Data Centers

Representative Matters

- Briefed and successfully argued a major appeal in the DC Circuit concerning whether a federal rule on energy storage intrudes upon matters of state jurisdiction under the Federal Power Act. *Nat'l Ass'n of Regulatory Util. Comm'rs v. FERC*, 964 F.3d 1177 (D.C. Cir. 2020).
- Prepared amicus briefing in the Seventh Circuit, on behalf of the United States and FERC, regarding whether federal law preempts an Illinois law granting subsidies to nuclear power plants. (The Seventh Circuit subsequently adopted the position of the United States and FERC, *Elec. Power Supply Ass'n v. Star*, 904 F.3d 518 (7th Cir. 2018).)
- Successfully argued case of first impression involving the statute of limitations for enforcement actions in federal district court for affirmance of a Commission-imposed civil penalty. *FERC v. Powhatan Energy Fund, LLC*, 949 F.3d 891 (4th Cir. 2020).

Credentials

Admissions

- District of Columbia
- New York

Education

- The George Washington University Law School, JD, Thurgood Marshall Scholar
- University of Pennsylvania, BA, *cum laude*

Court Admissions

- US Court of Appeals, Fourth Circuit
- US Court of Appeals, Fifth Circuit
- US Court of Appeals, Seventh Circuit
- US Court of Appeals, Eighth Circuit
- US Court of Appeals, Ninth Circuit
- US Court of Appeals, District of Columbia Circuit
- US District Court, District of Columbia
- US District Court, District of New Jersey
- US District Court, Eastern District of New York
- US District Court, Southern District of New York

Clerkships

- Hon. Ferdinand F. Fernandez, US Court of Appeals, Ninth Circuit

Service / Recognition

Awards

- Capital Pro Bono Honor Roll: High Honor Roll, 2024-2025