

Anand Viswanathan Discusses Supreme Court Case Implications on FERC Enforcement

News

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For its *Inside FERC* newsletter, Platts reached out to Special Counsel Anand Viswanathan for his insight about a case before the Supreme Court that has implications for the Federal Energy Regulatory Commission (FERC). The case, *Securities and Exchange Commission v. Jarkesy*, tests whether in-house enforcement proceedings at the SEC violate the US Constitution. Some energy developers have told the Court that FERC's enforcement system mirrors the SEC's, similarly depriving litigants of their right to a jury trial, particularly in natural gas cases.

Anand, a former enforcement lawyer for FERC, told Platts that the agency already faces legal handicaps pursuing alleged manipulation of the natural gas market. He referenced last year's Fifth Circuit decision in *BP America*, observing that it "will complicate FERC's ability to demonstrate jurisdiction over allegedly manipulative schemes, yet another hurdle on top of the general disadvantage of likely having to, at some point, litigate these sorts of cases in the industry's home turf within the Fifth Circuit."

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