



David J. Gilles

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Madison

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Practice Areas

Antitrust

Energy

Environmental

Admissions

Wisconsin

Education

Juris Doctor, University of
Wisconsin Law School

Bachelor of Arts, University
of Dayton, Ohio

Dave Gilles is a member of the Energy and Antitrust practices in the Madison office and has expertise in energy regulatory law matters.

Prior to joining the firm, Dave served as General Counsel to the Public Service Commission of Wisconsin (2003-2007). The Commission is an independent regulatory agency, responsible for overseeing public utilities providing electric, gas, water and telecommunications services to the public.

As General Counsel, Dave was responsible for all legal matters affecting the agency. Dave supervised and directed legal representation in state and federal courts and before the Federal Energy Regulatory Commission and Federal Communications Commission. While at the agency, legislation streamlining procedures for approval of energy facilities was enacted (2003 Wisconsin Act 89). In addition, legislation setting renewable resource portfolio standards for energy providers became law (2005 Wisconsin Act 141).

Before his appointment at the Commission, Dave was an Assistant Attorney General with the Wisconsin Department of Justice for more than two decades. At the department, he handled civil enforcement litigation and related appellate advocacy regarding consumer protection, antitrust and other matters as well as testimony before legislative committees and regulatory agencies.

Dave participated in several National Association of Attorneys General (NAAG) committees and working groups regarding consumer protection and antitrust issues and proceedings. In 1993 and 1994 he served as coordinator for the NAAG Consumer Protection Committee, Telecommunications Subcommittee (chaired by Attorney General James Doyle).

In 1996 he served as the department's Telecommunication Advocate, a position created by the Information Superhighway Act (1993 Act 496) to represent consumer and competitive interests regarding telecommunications issues before the Public Service Commission.

Representative Experience

State Regulatory Litigation. Dave represented a public utility in a declaratory action regarding local government's attempt to impose additional conditions on power plant operations. The court held that the additional conditions were preempted by state law.

Representative Experience

Contested Case Proceedings before the Public Service Commission. Dave represented the Board of Regents of the University of Wisconsin System in contested case proceedings before the commission regarding Madison Gas & Electric rate cases. A major independent power producer (IPP) enlisted Dave's services in a challenge to the reasonableness of a proposed construction project. The intervention asserted that the IPP project would provide lower cost service to rate payers when compared to the applicant's proposal. Dave was lead counsel for American Transmission Company's application to the Public Service Commission to construct high voltage transmission facilities.

State of Wisconsin Coal Plant Conversion. Titus Engineering assisted the Wisconsin Department of Administration efforts to convert a coal-fired power plant at the University of Wisconsin-Madison to a natural gas facility. Godfrey & Kahn provided the department with innovative solutions to address complex environmental and energy regulatory issues related to the expansion of generation facilities. Dave has provided advice regarding tariff revisions to support economic dispatch upon completion these generation facilities.

Wisconsin Department of Administration Renewable Energy Purchase. Legislation that increased renewable portfolio standards (2005, Wisconsin Act 141) also set ambitious goals for state facility electricity derived from renewable fuels of 10% by 2007 and 20% by 2011. Dave provided advice to the department with evaluating responses to requests for proposals to purchase over 90 megawatt hours of renewable energy. As a result of this effort, the department acquired sufficient renewable energy to meet statutory objectives through long term purchase power agreements and under specialized tariffs.

Energy Infrastructure Construction Project Litigation. Dave served as lead trial counsel for the American Transmission Company regarding a dispute with a local governmental authority about transmission construction projects that were authorized by Certificates of Public Convenience and Necessity (CPCN). State energy infrastructure projects must be approved by the Public Service Commission which must balance local and state energy needs. Based on preliminary motions, the circuit court issued a declaratory ruling that local ordinances were preempted by the CPCNs issued to the transmission company.

Regulatory Due Diligence. Dave was an integral part of Godfrey & Kahn legal teams enlisted to perform due diligence regarding the possible acquisitions of generation facilities valued at \$25 and \$200 million. These undertakings required an assessment of state law governing large generation facilities and potential regulatory concerns and risks.

Antitrust and Consumer Protection Litigation. Dave has been lead trial counsel representing plaintiffs in an antitrust action against international corporations. Dave also has represented firms accused of violating consumer protection law.

Public Nuisance Abatement. Governor Jim Doyle appointed Dave Special Counsel to represent the State in *State of Wisconsin v. William Zawistowski* (a public nuisance action to stop phosphorous discharges into Lac Courte Oreilles) Case No. 2006 AP001539 - Mar 13, 2007.

Professional Association Memberships

Energy Bar Association

Honors

Listed in *Best Lawyers in America* (CleanTech, Energy, Energy Regulatory, 2014 - present)