



Mandy J. Kimbrough

Member

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Practice Areas

- Electric Industry Regulation
- Regulatory Compliance
- Regulatory Litigation

Awards & Recognitions

- *Best Lawyers in America*, Administrative/Regulatory Law, 2018-present
- Ranked: *Chambers USA*, Energy: State Regulatory & Litigation (Electricity) – Texas, 2021

Education

- University of Texas School of Law, Austin, Texas
 - J.D., 2005, with Honors
 - *Texas Law Review*, Articles Editor
 - Order of the Coif
- University of Texas, Austin, Texas
 - B.A., Psychology, 2001

Admissions

- Texas

Mandy Kimbrough draws on extensive expertise to counsel clients on the complex rules governing the Texas wholesale and retail electricity markets. She represents numerous power generation companies, wholesale market participants, and retail sellers of electricity in contested cases, rulemakings, and projects before the Public Utility Commission of Texas, as well as advising them on regulatory compliance issues that would affect their day-to-day operations, mergers, acquisitions, asset purchases and other transactions.

Professional Experience

Regulatory Counsel Related to Mergers, Acquisitions, and Affiliations:

- Represented parties in numerous mergers, acquisitions, and affiliations among wholesale generators in Texas, with a focus on performing regulatory due diligence and associated review of deal documents as well as on obtaining pre-closing regulatory approval from the PUCT and preparing post-closing regulatory filings, including with the PUCT, ERCOT, and the RRC
- Provided regulatory advice on unique ways to structure transactions in accordance with applicable regulatory requirements and frameworks

Regulatory Compliance Counseling:

- Advises clients on regulatory compliance issues, including compliance with ERCOT Protocols and Operating Guides, NERC Reliability Standards, PUCT rules, and state and federal statutes
- Handles compliance issues related to the PUCT's retail customer protection rules, including drafting and revising each of the types of customer disclosure documents required by the rules of the PUCT, and advises clients on application of the PUCT's rules to specific customer situations

- Assists wholesale and retail electric clients with regular reporting requirements at the PUCT (e.g., generating annual, semi-annual, and quarterly reports for the Retail Electric Providers and annual reports for Power Generation Companies)
- Performs quarterly reviews to update retail and wholesale electric clients regarding relevant changes to the PUCT's Substantive Rules and the ERCOT Nodal Protocols and Operating Guides, as well as recent enforcement actions at the Texas Reliability Entity and NERC
- Assists natural gas pipeline operators with annual permit and report filings and renewals at the RRC and provides advice regarding regulatory requirements of the RRC

Regulatory Advocacy:

- Represents clients before the PUCT in contested cases, enforcement actions, rulemakings, and projects
- Represents competitive wholesale electric producers in proceedings related to market structure and operations
- Represents market participants in drafting and negotiating ERCOT Protocol and Operating Guide revisions
- Represents clients before the Attorney General's office regarding advocacy to protect confidential information from disclosure by an agency under the Texas Public Information Act
- Engaged in every round of request for comments and every workshop related to various resource adequacy issues, including the debate about the optimal market design for ERCOT and the Operating Reserve Demand Curve as well as the discussion about ways to increase the penetration of demand response in ERCOT
- Represented clients in each of the contested cases and rulemaking proceedings related to the Competitive Renewable Energy Zones and the award of the rights to build the CREZ lines

Appellate Advocacy:

- Represents clients in appellate matters before the Texas Courts of Appeals, Texas Supreme Court, and federal appellate courts
- Drafted briefs on various First Amendment issues, including issues related to campaign finance and the Texas Open Meetings Act

Professional & Community Activities

- State Bar of Texas
 - Administrative & Public Law Section
 - Public Utility Law Section
- Austin Bar Association
 - Administrative Law Section
- Travis County Women Lawyers' Association Mentorship Program, 2017–2018