

Influential Women In Energy Law: Suedeem Kelly

By Keith Goldberg

Law360 (August 14, 2018, 3:11 PM EDT) -- Jenner & Block LLP's Suedeem Kelly has charted a broad and varied path — environmental lawyer, state and federal energy policymaker, law professor, law firm practice group leader — to land on Law360's list of Influential Women in Energy Law. But it took a college laboratory mishap to set her on that path.

Before she became the first woman to chair the New Mexico Public Service Commission, and before she served as a commissioner for the Federal Energy Regulatory Commission from 2003 to 2009, Kelly was a self-professed "science geek" who majored in chemistry at the University of Rochester and planned to pursue a Ph.D.

Kelly was working on a 40-hour experiment during her senior year when a lab door swung open, blowing some of her samples on the floor and smashing them to bits. Kelly's teacher gave her a choice: Redo the experiment, or get an F.

"I left the lab and I said, you know, actually, I hate this," Kelly said. "I hate the lab. Why am I going to go and get my Ph.D.?"

What Kelly did like was a course she previously took in geology and public policy, and how it fed her fascination into how science and technology relates to everyday life. When she mentioned that to a college adviser, he suggested she go to law school.

Four decades later, Kelly's admirers say chemistry's loss remains the law's gain.

Women of ENERGY LAW



Suedeem Kelly
Jenner & Block

CAREER ACCOMPLISHMENTS

- Co-chair of Energy Practice at Jenner & Block
- Commissioner, Federal Energy Regulatory Commission 2003-2009
- Professor, University of New Mexico School of Law 1986-2003
- Commissioner and chair, New Mexico Public Service Commission 1983-1986

"It's a very humbling experience to be a FERC commissioner. After I had been there a year, I did a back-of-the-envelope calculation of the decisions we issued. We issued 5 ½ decisions a day."

“She remains a leading authority on energy law matters,” said Emily Sanford Fisher, a vice president at the Edison Electric Institute, the trade group that represents investor-owned utilities. “She’s seen so much.”

Kelly’s first job out of law school was in Washington, D.C., for an environmental law firm co-founded by former Environmental Protection Agency administrator William Ruckelshaus. She was the firm’s first female attorney. That was followed by a stint at the Natural Resources Defense Council, and a fateful cross-country move to her ex-husband’s native New Mexico.

“It was one of the best things that ever happened to me,” Kelly said.

Kelly co-founded a firm that worked on energy, natural resources and Native American law and frequently dealt with federal and state regulators. But when Toney Anaya was elected New Mexico governor in 1982, Kelly saw an opportunity to become a regulator herself.

She remembers listening to Anaya’s inaugural speech on the radio, in which he said a third of his cabinet was going to be filled by women. At that time, the New Mexico Public Service Commission, the state’s utility regulator, was overseen by three commissioners, all appointed by the governor.

“I thought to myself: One of them is going to be a woman,” Kelly said. “And I thought that would be a fascinating job. So I applied.”

Anaya appointed Kelly to the PSC in 1983, and she served as the agency’s first female chair from 1984 to 1986. She then took a temporary position teaching administrative law at the University of New Mexico School of Law, which morphed into a full-time position teaching administrative energy and utility law.

Kelly kept her toes in private practice during her time in academia, and had a stint as regulatory counsel to regional grid operator California Independent System Operator, where she had a front row seat to the western energy crisis of the early 2000s. She also stayed connected to politics as a staffer for U.S. Sen. Jeff Bingaman, D-N.M., who eventually recommended Kelly as a FERC commissioner to the White House under President George W. Bush.

In taking her seat at FERC, Kelly felt fortunate to be able to not only lean on her state regulatory experience, but her CAISO experience as well. But within a few days of taking the job, she realized her knowledge base represented the “tip of the iceberg” at FERC.

“It’s a very humbling experience to be a FERC commissioner,” Kelly said. “After I had been there a year, I did a back-of-the-envelope calculation of the decisions we issued. We issued 5 ½ decisions a day.”

All told, FERC issued more than 7,000 decisions during Kelly's tenure, as well as dozens of major new policies, including regulations further opening up access to the U.S. electric grid, as well as an anti-market manipulation rule.

Kelly said she's most proud of her FERC work that helped guide the development of wholesale electricity markets in New York, New England and the Midwest, as well crafting policies to allow more renewable energy to hook up to the grid.

"Many of the issues FERC deals with are new issues in the industry that are undecided," Kelly said. "It's not like you're applying old law, you're dealing with new problems."

Jenner & Block special counsel and former FERC energy policy office director Jeffery Dennis, who's worked with Kelly at multiple stops since she was his law professor at the University of New Mexico, says she's one of the most creative people he's ever met.

"Working with someone like that is a real challenge, because you can think broadly and go down a lot of different roads," Dennis said.

Kelly has been in private practice since leaving FERC, the last year-plus as the co-head of Jenner & Block's energy practice. She's continued to make waves in the energy policy arena, including helping trade group Advanced Energy Economy convince FERC in December that it had exclusive authority over the participation of energy efficiency resources in wholesale electricity markets.

Having the perspective of a regulator — especially both a state and federal regulator — is something that makes Kelly an invaluable adviser, according to Fisher.

"There is something to be said for having sat in that regulator chair," Fisher said. "She's a great person to bounce things off of. There are internal workings to state and federal commissions that you just don't have a lot of insight into."

Dennis said Kelly also takes ownership in the careers of her colleagues, a trait that inspires loyalty in return.

Kelly gave Dennis a job as a legal researcher, then a law clerk while he was in law school. She then recommended him for a job at FERC, and when Dennis decided to leave the commission in 2015, Kelly helped convince him to join her at Akin Gump Strauss Hauer & Feld LLP. They both made the move to Jenner & Block last year to help launch the firm's energy practice.

"I never would have thought about private practice at a large law firm if there wasn't an opportunity to work with someone like that," Dennis said.

Kelly said energy law is "wide open" to female lawyers compared to when she began her career. Still, she said, it's a field that leans heavily on science and engineering, which are historically male-dominated areas.

Kelly hopes that more women interested and getting opportunities in science engineering will translate to similar interest and opportunities in the energy industry and energy law.

“I see it changing, but I see it changing slower than I'd like,” said Kelly, whose two daughters are a doctor and lawyer, respectively. “Don't put limits on yourself: You can be an energy lawyer, you can lead an energy practice, you can be a FERC commissioner.”

--Editing by Rebecca Flanagan and Emily Kokoll.

All Content © 2003-2018, Portfolio Media, Inc.