



Mark A. Davidson

Director

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Mark brings more than three decades of experience providing strategic counsel to utility companies, regulators, and developers. As one of the few lawyers in the state to represent all parties in the utility regulation process, including the regulators themselves, Mark brings a unique perspective whether navigating a complex regulatory hearing on behalf of a utility or brokering the sale of a public electric provider to an investor-owned company.

In each representation, Mark focuses on providing strategic counsel aimed at helping clients achieve their short- and long-term goals, and his experience includes working with them through all phases of the litigation as well as multiple regulatory procedures. Mark's experience includes representing the state in a precedent-setting case that requires a utility to have the pre-approval of the Public Utilities Commission before transferring an asset, as well as an eight-year, multibillion-dollar litigation navigating state, federal, and appellate issues including a Chapter 11 bankruptcy proceeding.

Mark's deep relationships with regulators, commissioners, and utility owners, assist him in brokering deals that reflect all parties' desired outcomes. His experience includes counseling clients in rate making and rate design matters, transmission siting issues, Federal Energy Regulatory Commission Qualifying Facility disputes, and renewable energy opportunities. His background also includes broad representation of Xcel Energy/Public Service Company of Colorado in rate cases, resource planning, certificate of public convenience and necessity applications and various other proceedings and negotiations. Mark has also represented numerous independent power producers in the planning, development, siting, and construction of their renewable energy projects as well as negotiating their purchase power agreements with the facility's offtakers.

Education

Ohio Northern University, Pettit College of Law, J.D., 1979

Miami University, B.A., 1976

Bar Admissions

Fairfield and Woods, P.C.

fwlaw.com

Colorado
District of Columbia
New York

Practice Areas

Construction and Land Development
Litigation
Real Estate
Utilities Litigation

Sectors

Alternative Energy
Energy and Utilities
Water
Telecommunications

Representative Experience

- Lead counsel for Colorado Public Utilities Commission in Mountain States Tel. and Tel. v. P.U.C., 763 P.2d 1020 (Colo. 1988) dealing with the transfer of utility assets
- Lead regulatory counsel for Cajun Electrical Power Cooperative, Inc. Debtor in Cajun's Chapter 11 bankruptcy proceeding before the United States Bankruptcy Court, Middle District, Louisiana
- Regulatory counsel for Public Service Company of Colorado in its acquisition of a portion of the assets of Colorado-Ute Electric Association in Colorado-Ute's Chapter 11 bankruptcy proceeding before the United States Bankruptcy Court, District of Colorado
- Co-Counsel for Public Service Company of Colorado on the certificate of public convenience and necessity application leading to the resolution of the decommissioning and repowering of the Fort St. Vrain Nuclear Generating Station before the Colorado Public Utilities Commission and the asset's retention in rate base
- Co-Counsel for Public Service Company of Colorado on the application for a Certificate of Public Convenience and Necessity to construct the Comanche III pulverized coal electric generating station and associated electric transmission line
- Co-Counsel for the Plaintiffs in Glenn, et al v. City and County of Denver the settlement of which lead to the closure and decommissioning of Stapleton International Airport and the construction of Denver International Airport
- Expert Witness for Beartooth Electric Cooperative, Inc. in Southern Montana Electric Generation and Transmission, Inc., Debtor, Chapter 11 Bankruptcy proceeding
- Expert Witness for Legacy Real Estate Investments, Inc. v. Mill Creek Lodge Estates, LLC et al., San Juan County District Court, Case No. 09CV7

Professional Affiliations

- Colorado Arts and Crafts Society, President, 2006 – present
- Historic Denver, Inc., Board of Trustees, 2010-2017; Executive Committee, 2013-2017
- Colorado Business Committee for the Arts, Board of Directors, 2012-present; Chairman of the Board, 2015-present

- Colorado Lawyers for the Arts, Board of Directors
- Director of Aviation Search Committee for the City and County of Denver, Chairman
- District of Columbia Bar, Member
- New York State Bar Association, Member
- Denver Bar Association, Member
- Colorado Bar Association, Member
- American Bar Association, Member

Community Involvement

- Greater Park Hill Community, Inc. Former President (2 terms)
- Design and Development of Denver International Airport, Blue Ribbon Advisory Committee

Recognition

- Best Lawyers in America
 - Environmental Law, 2024
- Colorado Super Lawyers
 - Utilities
- Peer Martindale-Hubbell AV Preeminent rated
- Listed in *Denver Business Journal's Who's Who in Energy*, 2015 & 2017