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Electric Utility: NEPA Litigation

FBT represented an electrical utilities company in a challenge brought by the Sierra Club to the federal Rural Utilities Service's (RUS) approval of federal financing assistance to the client for construction of two new electricity-generating combustion turbines (CTs) at its generating station in Clark County, KY, and a new 36-mile electric transmission line connecting to the station. The Sierra Club primarily challenged RUS's compliance with the National Environmental Policy Act and related federal statutory requirements triggered RUS's approval of financing assistance for the client's project. FBT filed a successful motion allowing the client to intervene in the action to defend its interests. On October 2, 2009, Judge Joseph Hood (E.D. Ky) granted the client's motion for summary judgment, dismissing the action in its entirety. The CTs and transmission line have been constructed and are now serving the client's customers.

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