



## **Peter L. Gardon** Shareholder

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Peter L. Gardon is a shareholder and chair of Reinhart's Telecommunications and Energy Practice as well as a member of the firm's Corporate Law Practice. Drawing on decades of experience, Pete represents telecommunications and energy companies, financial institutions, health care institutions and other business clients with complex administrative, regulatory, legislative, commercial, litigation and environmental matters.

A significant portion of Pete's practice involves the representation of various entities in numerous proceedings before a myriad of governmental agencies. Over the course of his career, he has served as special counsel on behalf of the State of Wisconsin in several complex matters, and his clients value the strategic vision he brings to their businesses.

## **Education**

- J.D., Northwestern University Law School
- B.A., summa cum laude, Marquette University; Phi Beta Kappa

## **Bar Admissions**

Wisconsin

## **Court Admissions**

- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Eastern District of Wisconsin
- U.S. Court of Appeals, Seventh Circuit

## **Practices**

- Corporate Law
- Regulatory and Administrative Law



## Services

- Government Relations
- Telecommunications and Energy

## Matters

### Regulatory Experience

- Involved in numerous complex administrative, regulatory and litigation matters while representing telecommunications and energy companies, financial institutions and health care institutions. A substantial portion of his practice has involved the representation of telecommunications providers and energy companies before the Public Service Commission of Wisconsin
- Participated in regulatory proceedings before other state agencies including the Office of the Commissioner of Insurance, the Department of Agriculture, Trade and Consumer Protection and the Department of Natural Resources
- Served as special counsel on behalf of the State of Wisconsin in several matters, including representation of the Department of Employee Trust Funds and Employee Trust Funds Board
- Involved in numerous proceedings regarding the implementation and enforcement of new complex statutory schemes, including the Wisconsin Superhighway Act and the federal Telecommunications Act of 1996
- Involved in numerous complex proceedings regarding the implementation of competitive energy policies and electric issues in the state, including obtaining certificates of public convenience and necessity for multiple large electrical generating facilities with total generating capacity in excess of 2,000 megawatts
- Represented the purchasing energy company regarding the regulatory, environmental, real estate and tax issues involved in the acquisition of the Point Beach Nuclear Plant

### Corporate Experience

- Coordinated due diligence and opinion processes related to the financing of multiple large electrical generating facilities, ranging in levels from \$250 million to \$800 million
- Provided general corporate advice to corporate clients concerning shareholder, Board of Directors, By-Laws and employment issues

### Fiduciary Duty Experience

- Represented the Department of Employee Trust Funds and the Employee Trust Funds Board concerning alleged breach of fiduciary duty regarding the implementation of the SIPD legislation and the subsequent



return of funds to the Wisconsin Retirement System

- Participated in the representation of the Bradley Trusts in beneficiary litigation concerning the actions of the trustees
- Provided presentations to boards concerning fiduciary duties, and offered advice concerning implementation of fiduciary duties in the decision making process

#### Legislative Experience

- Participated in the drafting of legislation, including the Wisconsin Telecommunications Modernization Act (2011 Wisconsin Act 22), the Wisconsin Telecommunications Act (1993 Wisconsin Act 496) and amendments to energy statutes
- Developed strategies concerning proposed legislation, including the coordination of positions with other parties
- Testified before the Wisconsin legislature on a number of occasions concerning telecommunications and energy issues
- Interacted with members of the legislature in explaining and describing telecommunications and energy issues

#### Appellate Experience

Involved in appellate matters as the responsible attorney in developing strategy, preparing briefs and organizing or participating in oral argument in the following representative cases:

- GTE Sprint v. Wisconsin Bell, 155 Wis. 2d 184, 454 N.W.2d 797 (1990) (Sales tax on telecommunications access services imposed on interexchange carriers was unconstitutional as a violation of the equal protection clauses of the United States Constitution and the Wisconsin Constitution)
- Wisconsin Retired Teachers v. Employee Trust Funds, 207 Wis. 2d 1, 558 N.W.2d 83 (1997) (Court of Appeals reversal of trial court determination that the Employee Trust Funds Board violated fiduciary duty in implementing SIPD legislation was proper) Responsible Use of Rural and Agricultural Land (RURAL), et al. v. Public Service Commission of Wisconsin, et al., 2000 WI 129, 239 Wis. 2d 660, 619 N.W.2d 888 (Certain generation facilities authorized to be constructed to alleviate Wisconsin's energy reliability crisis complied with the state's reliability legislation and other statutory requirements)
- Wisconsin Bell v. Public Service Comm., 2004 WI App 8, 269 Wis. 2d 409, 675 N.W.2d 242 (Agency determination regarding unlawfulness of proposed tariff and requirement of refund was proper)
- Clean Wisconsin, Inc. v. Public Service Commission, 2005 WI 93, 282 Wis. 2d 250, 700 N.W.2d 768 (Agency



determination regarding grant of CPCN for electric generating facility was proper)

- Wisconsin Medical Society, Inc. v. Morgan, 2010 WI 94, 328 Wis. 2d 469, 787 N.W.2d 22 (Filed amicus brief on behalf of the American Medical Association, the Wisconsin Academy of Family Physicians, and other physician groups) (Supreme Court held that transfers totaling \$200 million by the Department of Administration from the Injured Patients and Families Compensation Fund were unconstitutional)
- Wisconsin Power & Light v. Westinghouse Elec., 830 F.2d 1405 (7th Cir. 1987) (Summary judgment determination against electric utility concerning enforcement of a contract regarding transmission equipment was proper) Rulemaking Experience
- Involved in preparing positions, comments and language concerning rule making proceedings before state agencies including the Public Service Commission, Department of Transportation, Department of Agriculture, Trade and Consumer Protection and the Federal Communications Commission Developed strategies concerning proposed rules and rule making proceedings, including coordination of positions with other parties Interacted with members of agency bodies in explaining and describing positions regarding proposed rules

## Honors & Affiliations

### Honors

- Best Lawyers in America "Lawyer of the Year" (Energy Law; Litigation-Regulatory Enforcement [SEC, Telecom, Energy])
- Best Lawyers in America (Energy Law; Communications Law; Litigation-Regulatory Enforcement [SEC, Telecom, Energy])
- Wisconsin Top Rated Lawyer Martindale-Hubbell AV® Preeminent™ Peer Review Rated

### Affiliations

- State Bar of Wisconsin
- Wisconsin Supreme Court
- U.S. Supreme Court
- American Bar Association