

Statement of

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Nominee to be General Counsel
United States Department of Energy

Before the

Committee on Energy and Natural Resources
United States Senate

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Mr. Chairman, Senator Domenici, Members of the Committee, I am honored to appear before you today as the President's nominee to become the Department of Energy's General Counsel.

By way of introduction, I was born and raised in Frederick, Oklahoma. I went to high school at the Culver Military Academy, returned to Oklahoma to attend the University of Oklahoma, where I graduated with a BA degree in economics, and then attended the University of Texas School of Law where I graduated in December, 1972. I joined the firm of Baker Botts in Houston, Texas in February, 1973, and I have been there ever since. I am currently a Senior Partner and a member of the Firm's Executive Committee.

I first decided that I wanted to work in the energy field when I was a law student. While attending the University of Texas in the winter of 1971-72, I experienced first-hand what happens when we run short of energy. At that time, natural gas pipelines were all merchant pipelines and they were having trouble meeting demand because price caps on natural gas had severely reduced the supply of gas that was available to them from natural gas producers. That winter the issue became so severe that the university closed and sent its students home. It seemed obvious to me even then that the U.S. would face continued energy challenges and I decided that I wanted to be involved in addressing them. That decision led me to Houston, the energy capital

of the world, and a job with one of the world's leading energy firms. Today, I lead our firm's energy litigation practice.

In the last 35 years I have appeared before numerous state and federal agencies, including the Federal Power Commission, the Federal Energy Regulatory Commission, the Securities Exchange Commission and the Nuclear Regulatory Commission. I have appeared in state and federal courts in more than 15 states.

Regardless of the forum, the matters that I handled have typically involved a client that was engaged in the energy business in some way. I have represented oil and gas producers, both large and small, refiners, pipelines, gas storage companies, utilities and energy trading companies. I have dealt with issues relating to oil, gas, gasoline, natural gas liquids, uranium, carbon dioxide, coal bed methane, and gas, lignite and nuclear power plants.

Throughout my career I have been interested in the energy policy issues that go hand in glove with the legal problems on which I have worked. I am very aware of the broad array of difficult issues that we must responsibly confront today in order to provide the safe, clean and economical energy needed to keep our economy strong. As I look back on 35 years I can say that I was right in predicting that the energy business would provide interesting challenges but I can also say that I greatly underestimated the challenges that lay ahead. And as I look forward it seems quite apparent that the challenges we face today and into the future are far more complex than the problems I foresaw as a young law student in the 1970's.

I am very honored that President Bush would ask me to join the Department of Energy. I am confident that both the President and Secretary Bodman intend to continue working hard to deal with these complex issues, and I trust that their choice is a reflection of their judgment that I

could step in on short notice to assist them and to make a difference. I vow to you that I will do my best to make that happen.

In closing, I would like to thank my friends and the partners in my firm who have supported me in taking this step. In particular, I must recognize Secretary Baker for his emphasis to the lawyers in our firm, and indeed to the profession as a whole, on the need for public service.

Last, but certainly not least, I thank my wife Becky, and my two children, Todd and Rebecca, for their support in this new endeavor. Like your families, they have had to endure weeks, and sometimes months, of absence over the last 35 years, but I know they support me in this latest endeavor because they share an awareness of the importance of the job.

Mr. Chairman, this concludes my statement I would be pleased to answer any questions.