

Donald A. Kaplan

Partner

Washington, DC
+1.202.661.6266

don.kaplan@klgates.com

OVERVIEW

Don Kaplan concentrates his practice in litigation and representation before courts and administrative agencies, with particular emphasis on antitrust, economic regulation, energy, and competition and pricing issues in regulated industries.

Before joining the firm in 1990, Don was special litigation counsel for the Antitrust Division of the United States Department of Justice for more than nine years. Before that, he was chief of the Energy Section of the Antitrust Division. He joined the Department of Justice in 1975. As special litigation counsel, Don conducted significant and complex litigation, regulatory interventions, and investigations for the Antitrust Division, and was the Department's principal counsel before the Federal Energy Regulatory Commission. He represented the Department in numerous major proceedings at the Commission involving the electric power, natural gas, and petroleum pipeline industries. He also conducted litigation and merger investigations in a variety of energy industries, as well as the oil field equipment and services, financial services, and postal services industries.

Since joining the firm, Don has developed an extensive practice before the FERC. He has been active in a wide variety of issues, including electric utility restructuring and reorganization; mergers and asset acquisitions; Regional Transmission Organization structure and wholesale markets; transmission rates, cost allocation, and open access; market power and market-based rates; and federal wholesale and state retail competition. He has also testified as an expert witness before a state commissions on competition issues.

In addition to his regulated energy practice, Don represents clients on mergers, antitrust investigations, and litigation in the publishing industry. He also was special trial counsel for the United States in its successful arbitration against the United Kingdom over Heathrow Airport user charges.

Don is a 1970 cum laude graduate of the Harvard Law School. He clerked for the Hon. John F. Dooling, Jr. of the US District Court for the Eastern District of New York. He is a member of the US Supreme Court, New York, and Washington, D.C., bars, and is also a member of the American Bar Association, including its Antitrust Section, and has been the chair of the Energy Bar Association's Antitrust Committee. He has spoken at numerous seminars and bar association conferences.

ACHIEVEMENTS

- Recognized by *Chambers USA* for Energy: Electricity (Regulatory & Litigation), USA-Nationwide, 2024-2026
- Recognized by *Chambers Global* for Energy: Electricity (Regulatory & Litigation), USA-Nationwide, 2024-2026
- Recognized by *The Legal 500 United States* as a Recommended Lawyer
  - Energy Litigation: Electric Power, 2024-2025
  - Energy Regulation: Electric Power, 2024

EDUCATION

- J.D., Harvard Law School, 1970 *(cum laude)*
- A.B., Rutgers University, 1967 *(summa cum laude)*

ADMISSIONS

- Bar of District of Columbia
- Bar of New York
- Supreme Court of the United States
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the District of Columbia
- United States District Court for the District of Maryland
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

THOUGHT LEADERSHIP *POWERED BY HUB*

- 6 December 2021, FERC Issues 2021 Enforcement Report
- 24 October 2018, FERC's New ROE Math

- 2 October 2017, DOE Directs FERC to Issue Grid Resiliency Rules Providing Cost Recovery for Traditional Baseload Generation
- 24 July 2017, Illinois District Court Rejects Federal Preemption Challenges to State Zero-Emissions Credit Program
- 24 July 2017, Illinois District Court Rejects Federal Preemption Challenges to State Zero-Emissions Credit Program

OTHER PUBLICATIONS

- "Key Provisions of FERC's 2021 Enforcement Report," *Pratt's Energy Law Report*, February 2022.

NEWS & EVENTS

- 4 June 2026, K&L Gates Receives Nearly 235 Firm, Individual Rankings in 2026 *Chambers USA* Guide
- 12 February 2026, *Chambers Global* 2026 Guide Ranks K&L Gates Lawyers, Practices
- 5 June 2025, K&L Gates Receives More Than 240 Firm, Individual Rankings in 2025 *Chambers USA* Guide
- 13 February 2025, *Chambers Global* 2025 Guide Ranks K&L Gates Lawyers, Practices
- 6 June 2024, K&L Gates Receives More Than 200 Firm, Individual Rankings in 2024 *Chambers USA* Guide
- 15 February 2024, *Chambers Global* 2024 Guide Ranks K&L Gates Lawyers, Practices
- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 16 February 2023, K&L Gates Recognized in 2023 *Chambers Global* Guide
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 17 February 2022, K&L Gates Recognized in 2022 Chambers Global Guide
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 21 May 2021, K&L Gates' Energy, Infrastructure, and Resources Practice, Lawyers Named Among Leaders in 2021 Chambers USA Guide
- 24 February 2021, K&L Gates Recognized in 2021 Chambers Global Guide
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide

- 26 May 2016, K&L Gates, Lawyers Earn Honors in Chambers Global, Regional Guides
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders
- 6 May 2015, K&L Gates, Lawyers Recognized as Leaders in Chambers Global Guides

AREAS OF FOCUS

- Environment and Energy
- Antitrust and Competition
- Commercial Disputes
- Energy Disputes

INDUSTRIES

- Energy
- Oil and Gas
- Power
- Power Generation and Transmission
- Utilities