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Deanne M. O'Dell

MEMBER
CO-CHAIR, REGULATED INDUSTRIES (ENERGY, UTILITIES, AND TELECOMMUNICATIONS)

Deanne O'Dell, former counsel to a commissioner of the Pennsylvania Public Utility Commission, has nearly 20 years of public utility law experience. Over the past decade, she has represented a diverse mix of clients, including electricity generation suppliers, natural gas supplier and distribution companies, competitive telecommunications carriers, rural incumbent telephone companies, wireless carriers, cable companies, entities in rail-highway crossing matters, and water utilities. On behalf of these clients, she has engaged in all facets of regulatory law including business planning, licensing, regulatory compliance, policy advocacy, and monitoring of relevant issues. In addition, Deanne has litigated numerous major cases before various public utility commissions and, in Pennsylvania, has represented several clients before the appellate courts up to and including the Pennsylvania Supreme Court.

Prior to entering private practice, Deanne's seven years of experience at the Pennsylvania Public Utility Commission prepared her to successfully represent public utility clients. During that time, Deanne served as counsel to one of the five Pennsylvania commissioners. In the course of providing legal, technical, and policy advice to the commissioner, Deanne gained valuable insight about the commission. Importantly, through first-hand experience, she learned strategies that can successfully advance a client's objectives at the commission. Deanne also served as an assistant counsel in the Commission's Law Bureau and represented the commission in administrative, appellate, and Federal Communications Commission proceedings. As a result of her time at the Pennsylvania Public Utility Commission, Deanne acquired broad experience regarding all aspects of public utility law, which she continues to draw upon today as she serves her clients.

REPRESENTATIVE MATTERS

- Comprehensive representation before the Pennsylvania Public Utility Commission of trade organization consisting of over 20 retail electricity and natural gas suppliers operating throughout the United States. These matters include a variety of litigation and policy-oriented proceedings related to retail electricity competition. For example, the representation of the client's interests in several complex and litigated proceedings involving the electric distribution companies resulted in the implementation of important retail market enhancement

PRACTICE AREAS:

Energy

Telecommunications

Telephone Consumer Protection Act (TCPA)

Utilities

Data Centers

STATE ADMISSIONS:

Pennsylvania

COURT ADMISSIONS:

U.S. Court of Appeals for the District of Columbia Circuit

EDUCATION:

J.D., The Dickinson School of Law of The Pennsylvania State University, 1997

B.A., summa cum laude, University of Pittsburgh, 1994

measures in Pennsylvania. These programs include the customer referral and purchase of receivable programs that were ultimately structured consistent with the client's recommendations. This noteworthy outcome has presented excellent opportunities for electric generation suppliers doing business in Pennsylvania to provide competitive generation supply to consumers.

- Representation of retail electricity generation suppliers in a multitude of rulemaking and policy-oriented matters. In Pennsylvania, this process generally involves the initiation of a docket, a stakeholder process, and an opportunity to submit formal comments. Matters typically involve highly technical issues and/or complex business processes that need to be understood and carefully explained to policymakers to ensure resulting rules are reasonable. Through significant involvement in such matters, key regulations directly applicable to electricity generation suppliers have been implemented in a measured and reasonable manner. These regulations include sales and marketing requirements, customer disclosure notice requirements, and accelerated switching processes.
- Advised and counseled one of the largest energy suppliers in North America in navigating the regulatory requirements imposed by the Pennsylvania Public Utility Commission and the New Jersey Board of Public Utilities to enter into a consumer retail marketing partnership with the largest cable company in the United States.
- Routinely represent and provide legal counsel to a variety of telecommunications, electricity, and gas supplier companies regarding Pennsylvania Public Utility licensing, certification, and compliance requirements. That includes reviewing customer contracts, marketing practices, and reporting obligations of these entities to ensure compliance with regulatory requirements.
- Represent telecommunications carriers requiring approval from the Pennsylvania Public Utility for changes in control and asset transfers. As an example, the purchase of one Pennsylvania rural incumbent local exchange carrier by another involved the filing of multiple applications, tariffs, and additional information as requested by the Commission prior to receiving authority. All approvals needed to be acquired within a short timeframe due to the need to quickly consummate the transaction. Through preservation and determination, all approvals were timely received to permit a smooth transition.
- Represented a competitive telecommunications provider in an highly-contested complaint proceeding involving an issue of first impression for the Pennsylvania Public Utility Commission. After addressing numerous procedural hurdles—including an attempt to dismiss the complaint through interlocutory review, numerous discovery objections, and a petition for reconsideration—the commission concluded that it had the authority to apply federal law to resolve disputes pertaining to the compensation for ISP-bound traffic. As a result, the commission determined that the client was entitled to significant compensation that had not been paid over a period of seven years. This was a significant win for the client.

PROFESSIONAL AFFILIATIONS

- Federal Communications Bar Association
- Pennsylvania Bar Association Public Utility Law Section
- Pennsylvania Number Steering Commission, Former Chair
- James Bowman American Inn of Court, Former Member
- Mid-Atlantic Conference of Regulatory Utilities Commissioners (MACRUC), Telecommunications Committee, Former Member
- National Association of Utility Regulators (NARUC), Staff Subcommittee on Consumer Affairs, Former Member
- Maryland Public Service Commission, Pro Hac Vice
- Delaware Public Service Commission, Pro Hac Vice
- Massachusetts Department of Telecommunications and Cable, Pro Hac Vice

COMMUNITY INVOLVEMENT

- Pennsylvania Bar Institute Public Utility Law Conference, Course Planner (2005-present)
- Pennsylvania Bar Association's Commission on Women in the Profession, Mentor
- Central Pennsylvania Food Bank, Former Board Member

AWARDS AND RECOGNITION

- Selected for inclusion in The Best Lawyers in America 2025 – 2027 for Energy Regulatory Law

NEWS AND INSIGHTS

PUBLICATIONS

- "UPDATE: Retail Energy Supplier Agrees to Three Year License Revocation Period and Lesser Financial Payment Pursuant to Settlement Agreement Regarding Violation of Pandemic Marketing Prohibitions," Eckert Seamans Energy Supplier Litigation Blog, June 22, 2021.
- "PUCO Litigation Involving Broker Contract Comes To An End But Only After Motion To Dismiss Denied," Eckert Seamans' Energy Supplier Litigation Blog, February 15, 2021.
- "MD Energy Supplier Accused of Enrollment Violations," Eckert Seamans' Energy Supplier Litigation Blog, December 21, 2020.
- "Variable Rate Contract with a Price "Based on Business and Market Conditions" Not Actionable," Eckert Seamans' Energy Supplier Litigation Blog, December 9, 2020.
- "Illinois Commerce Commission Rules That Natural Gas Variable Rates Do Not Need To Match Rate Provided By Default Service Provider," Eckert Seamans' Energy Supplier Litigation Blog, December 8, 2020.
- "Alert: PA Settlement Filed Resolving PUC Complaint against Energy Services Providers, Inc. d/b/a Pennsylvania Gas & Electric," Eckert Seamans' Energy and Utilities Blog, March 2015.

- “New PA Licensing Requirements For Natural Gas Suppliers And Annual Reporting Requirements For Existing Licensed Natural Gas Suppliers To Be Effective Soon,” Eckert Seamans’ Energy and Utilities Blog, May 2014.
- “Pennsylvania Telecommunications Carriers Beware: Fees for Paper Bills are Not Permissible,” Eckert Seamans’ Telecommunications Blog, April 2014.
- “Claims of Uniqueness Cannot Not Justify Legally Impermissible Action: What We Learned About Pennsylvania’s Competition Act From A Small Utility In Northeastern Pennsylvania,” Eckert Seamans’ Energy and Utilities Blog, February 2014.
- “Pennsylvania Considering Reducing Financial Security Requirement For Electric Generation Suppliers,” Eckert Seamans’ Energy and Utilities Blog, February 2014
- “A 2014 New Year’s Tip: Review Your Telemarketing Strategies To Ensure Compliance With New FCC Rules Effective Late Last Year,” Eckert Seamans’ Energy and Utilities Blog, January 2014.
- “Where do you think you are, Pennsylvania?” Eckert Seamans’ Legal Update, Fall 2010.

MEDIA COVERAGE

- “Ruling Gives Pa. Electric Providers Greater Discretion,” Law360, July 26, 2013.

SPEAKING ENGAGEMENTS

- “For the Record: Navigating Remote PUC Hearings during the Pandemic,” panel discussion for the Pennsylvania Bar Association Public Utility Law Section, January 2021.
- “The Telephone Consumer Protection Act,” co-presenter, Eckert Seamans’ Continuing Legal Education Seminar, August 2015.
- “Alternative Energy Opportunities: What to Look For and What to Avoid,” co-presenter, Eckert Seamans’ CLE, September 2015.
- “Polar Vortex Regulatory Aftershocks & Protecting Your Business in the Event of a Customer Bankruptcy,” co-presenter, Eckert Seamans’ Business of Selling Electricity audio conference, December 2014.
- “Tips For Protecting Your Trademarks & Copyrights and Avoiding Marketing Mishaps,” co-presenter, Eckert Seamans’ The Business of Selling Electricity teleseminar, October 2013.
- “Definitional Issue Related to SIP Interconnection,” panel moderator, COMPTEL PLUS Spring 2013 Convention and Expo, March 2013.
- “New Competitive Opportunities for Electricity Services in Pennsylvania,” Eckert Seamans’ CLE, April 2010 and August 2010.
- “What to do When the Electric Rate Caps Come Off in Pennsylvania,” co-presenter, October 2009.
- Course Planner for Pennsylvania Bar Institute Public Utility Law Conference (2005-present).
- “New Federal Telecommunications Legislation: A Voice for the States?” NARUC Staff Subcommittee on Consumer Affairs annual meeting in 2005.

- “Regulatory Update re: Telecommunications Issues,” Pennsylvania Public Utility Law Conference, 2005.
- “The Pennsylvania Experience,” U.S. Congressional Briefing, 2002.
- “Regulatory Efforts to Decrease the Proliferation of New Area Codes in PA and Nationwide,” testimony before the Subcommittee on Telecommunications of the Pennsylvania House Consumer Affairs Committee, 2001.