



## BRIAN W. BURNETT

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### SHAREHOLDER

Brian Burnett handles a wide variety of energy, natural resources and environmental law matters for clients before federal, state and local agencies, and governmental entities. Mr. Burnett is also involved in various aspects of energy and utility development including contract negotiation, obtaining governmental approval and related permits, as well as project operation and compliance. His practice includes water, property, contract and telecommunications law, and related litigation. He has represented developers and landowners in the development of cogeneration, small power production and renewable energy facilities including solar farms.

### EXPERIENCE

Previously, Mr. Burnett was an Assistant Attorney General for the State of Utah, Chief of the Public Utilities Section, handling all aspects of cases regarding gas, electric, telecommunications and water utility matters before the Public Service Commission of Utah and the Federal Energy Regulatory Commission in Washington, D.C.

Prior to joining Kirton McConkie, Mr. Burnett practiced at a large Utah law firm where he was a shareholder, director, officer, and section chair.

Mr. Burnett has been selected by his peers for inclusion in The Best Lawyers in America, Mountain States Super Lawyers, and Utah Business Magazine's "Legal Elite" in the areas of energy and natural resources law. He maintains an AV Preeminent with Martindale-Hubble Peer Review Rating, which is the highest rating awarded to attorneys for professional competence and ethics.

Mr. Burnett has served as the Chair of the Energy, Natural Resources & Environmental Law Section of the Utah State Bar, serving previously as the Energy Committee Chair. He served twice as the Chair of the Administrative Law Section of the Utah State Bar. He was previously the Chair of the Bonneville School Community Council. He is currently on the Leadership Committee of And Justice For All and vice-chair of the Foothill-Sunnyside Community Council in Salt Lake City.

Examples of representation:

- Counsel for over 30 years to an electric generating facility under PURPA producing power from a waste product and selling to PacifiCorp, including contracts, permits, permit appeals, construction, operation and compliance.
- Counsel for an international utility in the successful approval of the purchase of PacifiCorp.
- Counsel for a national utility in the successful approval of the merger of Questar Corporation.
- Counsel for landowners negotiating, drafting and completing various option and lease agreements for solar energy projects totaling over 18,000 acres.
- Counsel for a 20 MW geothermal project negotiating, drafting and completing agreements for the sale of renewable electricity to a university; the first project to use Rocky Mountain Power's Schedule 32 where renewable energy facilities are contractually tied to a customer. The geothermal project came online in late 2019.
- Counsel for a health care organization negotiating, drafting and successfully completing agreements for the purchase of 20 MW of solar energy; the second project to use Rocky Mountain Power's Schedule 32 where renewable energy facilities can be tied to a customer. The solar project is projected to come online in 2022.

### PRACTICE AREAS

NATURAL RESOURCES  
AND ENERGY

ADMINISTRATIVE  
PROCEEDINGS

ENVIRONMENTAL  
REGULATION AND  
LICENSING

WATER RIGHTS

PROPERTY TAX DISPUTES  
AND RESOLUTIONS

### LANGUAGES

GOVERNMENT & UTILITIES  
TELECOMMUNICATIONS

### LANGUAGES

SWEDISH

# BRIAN W. BURNETT

## EDUCATION

University of Utah College of Law, JD, 1982  
Utah State University, B.A., Cum Laude, 1978

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## ADMISSIONS & AFFILIATIONS

Bar Admissions: Utah, 1982  
Affiliations: Administrative Law Section Chair, Utah State Bar (1992-1993, 2011-2012)  
Energy, Natural Resources and Environmental Law Section Chair, Utah State Bar (2012-2013),  
Officer and Energy Committee Chair, Utah State Bar (2007-2012)  
Government Relations Committee, Utah State Bar (2010-2012)  
Environment, Energy, and Resources Law Section, American Bar Association  
Public Utility, Communications and Transportation Law Section, American Bar Association  
Energy Bar Association, Rocky Mountain Chapter

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## HONORS & AWARDS

*Utah Legal Elite*: Energy and Natural Resources (2007-2020)  
*Best Lawyers*: Natural Resources Law (2005 - 2021); Energy Law (2005-2021); Lawyer of the Year, Natural Resources Law (2022)  
*Mountain States Super Lawyers*: Energy and Natural Resources (2007-2008, 2010-2020)  
AV Preeminent Peer Review Rated, Martindale-Hubbell