

## Cole Hutchison

Associate

Austin

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### OVERVIEW

Cole has extensive experience in administrative and commercial litigation, from the district court to the Texas Supreme Court. His administrative litigation experience ranges from contested cases in front of various state agencies to the State Office of Administrative Hearings, and subsequent appeals to Texas state courts. Cole's experience includes both working cases from the very beginning and taking over cases in various stages of litigation.

Among his commercial workload, Cole represents clients in property tax lawsuits, including at trial. He develops litigation strategy, including the use of expert opinions and reports, that helps to ensure clients are well-positioned at the district court and appellate levels, as well as in future tax years.

Cole also represents clients within the Texas energy market in ratemaking cases for electricity providers and other contested administrative dockets at the Public Utility Commission of Texas. That work includes water rate appeals and rulemaking proceedings. He also provides guidance on applications for certificates of convenience and necessity, as well as other regulatory compliance filings, such as retail electric provider certificates and emergency operations plans.

Cole previously served as an assistant attorney general in the Open Records and Administrative Law Divisions for the Office of the Attorney General of Texas. In those roles, he issued numerous open records letter rulings interpreting the Texas Public Information Act (PIA) and represented state agencies in suits for judicial review, PIA lawsuits, rule challenges, and other litigation matters. That representation extended from the State Office of Administrative Hearings to district and appellate courts, and all the way to the Texas Supreme Court. Cole also worked on various administrative investigations and advised Texas agencies on the enactment of legislative bills.

### REPRESENTATIVE MATTERS

- Co-representation of a corporate entity in litigation concerning multiyear property tax appraisal valuations, obtaining a jury verdict in favor of the client, including an award of the statutory maximum amount of attorneys' fees.
- Representation of multifamily housing complexes at the Public Utility Commission of Texas in a challenge to water utility rates implemented by municipal utility districts.
- Worked with clients and the Public Utility Commission of Texas to aid in the development of updated rules on

the renewable portfolio standard in light of recent legislation.

- Representation of clients in contested Certificate of Convenience and Necessity matters, obtaining final orders that prevented unnecessary incurrence on client property.
- Obtained a summary judgment in multiple lawsuits over the Texas Public Information Act.
- Defended a Texas state agency in district court in a controversy arising from previous agency enforcement action.
- Drafted proposed amendments to the Texas Property Tax Code, a portion of which was later enacted.
- Worked with a Texas state agency to obtain a judgment in its favor at the State Office of Administrative Hearing in licensing matters.
- Filed an amicus brief on behalf of a client's interests in an ongoing appeal.

## **AWARDS**

- *Austin Monthly*, Top Attorney, Government and Administrative (2024)

## **TOP AREAS OF FOCUS**

- Business Litigation
- Energy Policy + Legislation
- Government + Regulatory
- State Attorneys General

## **ALL AREAS OF FOCUS**

- Business Litigation
- Energy
- Energy Policy + Legislation
- Government + Regulatory
- State Attorneys General

## **PROFESSIONAL/COMMUNITY INVOLVEMENT**

- Member, State Bar of Texas
- Member, Austin Young Lawyers Association
- Member, Austin Bar Association
- Administrative Law Section
- Civil Litigation Section
- Civil Appellate Section
- Corporate and Tax Section
- Oil, Gas, and Mineral Section

## **PROFESSIONAL EXPERIENCE**

- Assistant attorney general III, The Office of the Attorney General of Texas, Administrative Law Division (2019-2021)

- Assistant attorney general III, The Office of the Attorney General of Texas, Open Records Division (2015-2019)

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- Baylor University School of Law, J.D., 2014
- The University of Texas at Austin, B.S., *with honors*, 2011

### **BAR ADMISSIONS**

- Texas

## **SPEAKING ENGAGEMENTS**

- Speaker, “Requirements for Modification of PFD Findings,” Texas Bar CLE 35 Annual Course: Advanced Administrative Law, July 13-14, 2023.
- Speaker, “Section 23.01(e): Who Care About the Legislature’s Intent?” Texas Oil & Gas Association Ad Valorem Tax Committee Annual Conference, February 28-March 2, 2023.

## **PUBLICATIONS**

- Author, “Texas Supreme Court Issues Electric Opinion on PUC Orders During Winter Storm Uri,” Locke Lord QuickStudy, July 11, 2024.
- Co-author, “Ramifications for Texas State Agencies After Overturning of *Chevron* Deference,” Locke Lord QuickStudy, July 8, 2024.