Marc D. Machlin

Partner

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Marc advises clients on complex regulatory matters; he obtains regulatory approvals, defends enforcement actions, and challenges regulatory actions in court; he focuses on the energy, transportation, and telecommunications sectors; he also advises manufacturers, retailers, and consumer products companies.

OVERVIEW

Marc's practice covers a broad range of areas, including:

- Energy, with particular experience relating to infrastructure projects, pipeline projects, and renewable energy projects.
- Public utility regulation, telecommunications regulation, and railroad regulation.
- Transportation, NHTSA, FRA, and motor carrier safety.
- Consumer protection laws and FTC.
- Product safety.
- Environmental regulation, compliance, and litigation.

Marc represents clients in connection with many types of infrastructure projects, including cogeneration, solar energy, battery storage, and other renewable energy projects.

He regularly represents clients on transactions that require regulatory approvals or that have regulatory implications.

Marc's practice involves representing clients before many federal agencies, including, but not limited to, the U.S. Department of Transportation, the Committee on Foreign Investment in the United States (CFIUS), the U.S. Environmental Protection Agency, the U.S. Department of Energy, the Federal Energy Regulatory Commission, the Federal Communications Commission, the Consumer Product Safety Commission, and the Federal Trade Commission. He also represents clients before state agencies, including public utility commissions and other state agencies.

Marc frequently represents clients in connection with government investigations and enforcement actions. He also represents clients in rulemaking proceedings, permitting, and related appeals.

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He has advised clients on numerous government investigations and has successfully negotiated with state and federal regulators; he has advised clients on a wide variety of consent orders and settlement agreements.

Marc is active in many professional organizations, including the Energy Bar Association, the ABA Section of Public Utility Law, the Federal Communications Bar Association, the ABA Section of Natural Resources, Energy and Environmental Law, and the Association for Transportation Law, Logistics and Policy.

REPRESENTATIVE MATTERS

Energy

- Advised clients with respect to approximately 30 solar projects, most of which have been completed. These projects have been located in many regions of the United States, including the East Coast, the West Coast, the Midwest and the Southeast. Most of these projects have been roof-mounted or ground-mounted solar photovoltaic systems; however, we also have advised clients on solar thermal projects and on concentrated solar projects.
- Counseled a pipeline that transports natural gas liquids on jurisdictional issues involving FERC and a state public utility commission.
- Advised a leading independent power producer on regulatory issues arising in connection with the sale of certain hydroelectric facilities. We also are advising this company on regulatory issues involving its expanded retail operations.
- Represented a leading power marketer in obtaining required licenses from state public utility commissions and in drafting power sales agreements for large retail customers.
- Represented the unregulated affiliate of an investor-owned utility based in Pennsylvania in connection with a series of investments in the renewable energy and battery storage sectors.
- Represented one of the largest purchasers of electricity in the mid-Atlantic region in a proceeding before the Maryland Public Service Commission involving the restructuring of an electric utility, the development of unbundled rates and the establishment of a mechanism allowing the recovery of appropriate stranded costs.
- Obtained waivers from FERC needed for the transfer of pipeline capacity agreements.
- Represented various intervenors in utility merger proceedings before the Pennsylvania Public Utility Commission and the Federal Energy Regulatory Commission (FERC).

NHTSA

- Advised a leading U.S. glass manufacturer in connection with a recall campaign and in obtaining an exemption from certain NHTSA regulations.
- Advised a global tire company in connection with a product recall initiated by the manufacturer and undertaken in cooperation with NHTSA.
- Advised a windshield manufacturer in connection with an internal review of compliance issues involving NHTSA; established procedures and guidelines to ensure full compliance with the agency’s automotive safety standards.
- Advised a leading U.S. tire manufacturing company on a NHTSA investigation; successfully negotiated an end to the investigation and assisted in the design and implementation of a limited recall.
- Represented a manufacturer of remote car starters; provided advice on safety standards issued by NHTSA.
- Represented a leading global tire manufacturer in connection with an information request or Special Order issued by NHTSA.
- Represented a group of tire companies in connection with NHTSA’s safety standards for tire pressure monitoring systems.

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Rail Transportation and Motor Carrier Transportation

- Represented a Class I carrier in connection with a dispute with FRA relating to a series of Special Audits.
- Represented a Class I carrier in connection with a line sale opposed by another rail carrier holding trackage rights over the transferred line; obtained a favorable STB decision authorizing the transaction.
- Advised a freight railroad in negotiations with Amtrak relating to Amtrak's initiation of seasonal passenger service on a 90-mile track segment.
- Defended a freight railroad in connection with an accident that resulted in deaths and numerous injuries; assisted in resolving claims and in resolving various regulatory inquiries.
- Advised a global building products company on a series of transactions with motor carriers and with an international broker that facilitated the exportation of hazardous waste from the U.S. to a location in France.
- Advised Amtrak in connection with the restructuring of an electric utility; negotiated a favorable settlement that reduced the rates paid by Amtrak for electric service.
- Represented a freight railroad in negotiations with a commuter authority seeking access to a 30-mile track segment; developed a long-term facility-sharing agreement, and advised the rail carrier on a range of liability issues associated with passenger operations.
- Advised a captive motor carrier on a compliance investigation initiated by the Federal Motor Carrier Safety Administration; resolved all compliance issues through adoption of a series of corrective actions.
- Advised a leading ethanol trading company and logistics provider on the sale of a motor carrier subsidiary and the simultaneous execution of a long-term transportation services agreement.

Environmental

- Advised a leading manufacturer of buses and heavy-duty trucks on EPA requirements for certification of new vehicles; identified exemptions under the Clean Air Act that could be used during testing and marketing of new vehicles.
- Advised a leading U.S. timber producer on NEPA issues associated with the construction and operation of a new line of railroad by a State agency.
- Assisted a glass manufacturer in the development of an auditing program and in periodic audits of production facilities throughout North America.
- Represented the City of Ann Arbor and Washtenaw County in EPA administrative proceedings in which EPA conducted an audit of a grant awarded to the county, and initially asserted that the county would have to return to EPA for more than $4 million in grant funds; obtained a Region 5 decision overturning the initial ruling by the audit team; this decision allowed the county to retain the funds.
- Advised a chemical manufacturer in the development of an auditing program and a broader environmental compliance program.
- Represented Wayne County, MI in connection with a citizens suit seeking to enjoin the construction and operation of an underground sewage retention basin; obtained a ruling from the U.S. district court dismissing the complaint with prejudice.
- Advised a manufacturer on a successful strategy for obtaining a federal NPDES permit for a discharge to the Illinois River; simultaneously advised this manufacturer on strategies for obtaining a state permit allowing a discharge into groundwater from existing wastewater retention basins.
- Advised a manufacturer on legal issues associated with an effort to separate storm water from industrial wastewater and to create new discharge points to the Illinois River.
- Represented a manufacturer on legal issues involved in combining plant sanitary waste with industrial wastewater; developed a strategy involving possible annexation into a municipality for the purpose of gaining access to a publicly owned treatment works (POTW).
- Advised a natural gas distribution company in connection with manufactured gas sites.

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- Represented a glass manufacturer in connection with a variety of Brownfields transactions.

Telecommunications

- Advising a leading manufacturer of automotive components on FCC licensing issues that may arise in connection with the use of radar-based sensors inside the vehicle.
- Represented a private equity firm in connection with an acquisition successful of a regional provider of ambulance services; assisted the company in obtaining all necessary FCC approvals for the change in control relating to essential FCC radio licenses.
- Advised a cable television system in connection with a PUC preceding governing the rehabilitation of a bridge used by a freight railroad, where a group of telecommunications companies and an electric utility own and operate facilities above or below the bridge.
- Advised a private equity firm based in China in connection with a review of the FCC's restrictions on foreign ownership.
- Represented a cable television system and an affiliated telephone company in connection with a series of complaints filed with a State PUC; obtained PUC orders dismissing all filed complaints on jurisdictional grounds.
- Represented a telecommunications provider based in Canada in connection with a series of disputes relating to the Universal Service Fund charges imposed by the FCC.
- Advised a venture capital fund focused on the communications sector in connection with a review of statutory limitations on lobbying activities.
- Represented a cable television system and affiliated Internet service provider in connection with Pennsylvania PUC proceedings relating to a proposed acquisition of another cable television company; obtained all necessary PUC orders authorizing the proposed acquisition.
- Advised a consumer products company on the FCC rules mandating the use of captions on certain videos.

Product Safety/Consumer Protection

- Represented a clothing distributor that mistakenly and unknowingly distributed winter coats for children that failed to meet applicable lead standards; developed a corrective action program in collaboration with the CPSC.
- Represented a marketer of dietary supplements responding to an FTC information request and in improving marketing practices in order to strengthen compliance with FTC standards.
- Represented a manufacturer of wall outlet plugs in connection with a review of CPSC reporting rules.
- Advised a national retail chain in connection with an evaluation of CPSC rules applicable to a toy.
- Advised an apparel chain in connection with an FTC investigation focused on cross-promotion involving a magazine subscription; successfully modified the promotion and addressed the FTC's concerns, thereby avoiding any civil penalties.
- Advised a national retail chain on an FTC investigation that focused on certain marketing claims; successfully negotiated series of corrective measures.
- Represented a national retail chain in connection with a review of pricing policies and marketing practices with respect to sales and special promotions.
- Represented a retail clothing chain in connection with a review of CPSC requirements and FTC labeling requirements on certain products made in China for use by children.
- Advised a distributor of energy saving light bulbs and other energy-saving products in connection with a review of applicable CPSC requirements.

TOP AREAS OF FOCUS

- Energy

- Environmental + Natural Resources
- Government + Regulatory
- Telecommunications + Infrastructure

ALL AREAS OF FOCUS

- Automotive
- Business Litigation
- Electric Vehicle Technology + Sustainable Infrastructure
- Energy
- Energy Construction
- Environmental + Natural Resources
- Environmental Due Diligence
- Environmental Litigation + Enforcement Defense
- Federal Trade Commission (FTC)
- Government + Regulatory
- Government + Regulatory Litigation
- International
- Litigation + Trial
- Natural Resources
- Renewable Energy
- Telecommunications + Infrastructure
- Transportation

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Association for Transportation Law, Logistics and Policy
- Member, ABA Section of Public Utility Law and the ABA Section of Natural Resources, Energy and Environmental Law
- Member, Energy Bar Association, including its Finance and Transactions Committee; former chairman of the Antitrust Committee
- Member, Federal Communications Bar Association

EDUCATION AND CERTIFICATIONS

EDUCATION

- Harvard Law School, J.D., *cum laude*, board of editors, *Harvard Environmental Law Review*
- Brown University, A.B., *magna cum laude*, Phi Beta Kappa

BAR ADMISSIONS

- District of Columbia

COURT ADMISSIONS

- Supreme Court of the United States
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, District of Columbia
- U.S. Court of Federal Claims

SPEAKING ENGAGEMENTS

- Speaker, "Distributed Generation 2.0: What You Need to Know," *Energy Law Insights*, September 12, 2023.
- Speaker, "Distributed Generation: The New Paradigm for Energy and Why It Matters to You," Harvard Law School Association of New York City and Harvard Law School Women's Alliance of New York, May 18, 2021.

PUBLICATIONS

- Co-author, "Team Telecom's Enforcement Moment: FCC Announces First-Ever Enforcement Action Against Satellite Service Provider," *Troutman Pepper Locke*, January 15, 2026.
- Co-author, "Unpacking a New Era of Compliance for Submarine Cables," *Law360*, September 2, 2025.
- Co-author, "FCC Expands National Security Reporting Requirements and Restrictions," *Troutman Pepper Locke*, July 18, 2025.
- Co-author, "Driving Change: Scaling Up EVs in the U.S.," *Troutman Pepper*, April 8, 2024.

MEDIA COMMENTARY

- Quoted, "EV and AV Manufacturers Want More Regulatory Clarity, Report Say," *Automotive News*, April 15, 2024.