



Mark R. Overstreet

Title: Senior Member

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Mr. Overstreet represents businesses and individuals in their relations with and regulation by state and local governments. He has over 40 years in handling complex matters before state administrative agencies and in state and federal courts. He represents electric and telecommunications providers before the Public Service Commission of Kentucky and on appeal in rate cases, applications for certificates of public convenience and necessity to construct transmission lines and telecommunications facilities, the transfer and acquisition of utilities, the approval of the issuance of debt by the utility, the acquisition by a regulated entity of a fifty percent undivided interest in a 1560 MW coal-fired generating station, as well as the approval of renewable energy purchase power agreements.

Mr. Overstreet also litigates state and federal constitutional issues before the state and federal courts.

CAPABILITIES

Practice Areas

- Administrative Law
- Appellate Advocacy
- Business Litigation
- Environmental, Energy & Sustainability
- Government & Regulatory Litigation
- Health Care - Environmental
- Litigation & Appeals
- Renewable Energy Development

RECENT ASSIGNMENTS

- Successfully represented the Kentucky General Assembly in defending an action brought by more than 150 school districts challenging the adequacy of public school financing.
- Successfully represented the Governor of Kentucky in an action brought by the President of the Kentucky Senate challenging the constitutionality of Governor's veto of Road Plan and Executive Branch's ability to expend funds in light of veto.

BAR ADMISSIONS

- Kentucky

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- General Recovery and Remedy Theories in Debtor/Creditor Law
Debtor Creditor Relations in Kentucky (4th Ed. 2020)
- Public Service Commission of Kentucky Proposes Amending Regulation Governing Uniform Fuel Adjustment Clauses Stites & Harbison Client Alert, May 7, 2019
- Separation of Power and Does it Exist in the Administrative Hearing Process?
Panel Member, sponsored by the Office of the Attorney General Administrative Hearing Branch (2012)
- Judicial Review of Administrative Decisions
Kentucky Civil Practice After Trial (3rd Ed. 2011)
- Water Utility Regulation
Kentucky Water Law, Half Moon Seminars, 2011
- 2010 Administrative Law Update
Presenter, Kentucky Association of Administrative Adjudicators, 2010
- Post-Trial Proceedings
Co-author, *Kentucky Civil Practice at Trial* (3rd Ed. 2008)
- Judicial Review of Administrative Decisions
Kentucky Administrative Law (2nd Ed. 2006)
- Comparative View of Administrative Law
Kentucky Administrative Law (2nd Ed. 2006)
- Preclusive Effect of Administrative Determinations in Subsequent Court Proceedings
Bench & Bar, March 2004

FIRM LEADERSHIP

- Retirement Plan Committee, Member
- Frankfort Office Executive Member, former Executive Member

MEMBERSHIPS

- American Bar Association
- Kentucky Bar Association
- Franklin County Bar Association , member and Treasurer

EDUCATION

University of Kentucky College of Law J.D., with high distinction 1980

- Order of the Coif

- *Kentucky Law Journal*, Survey Editor (1979-80), Staff Member (1978-79)

University of Kentucky B.A., with high distinction, Psychology 1976

- Phi Beta Kappa, Departmental Honors in Psychology

MORE THAN STITES & HARBISON

Mark is a long time member, Treasurer and former Chairman of the Franklin County Public Library District. Mark enjoys reading and history, particularly concerning Winston Churchill and the American Civil War. He also serves as judge and moderator for all levels of Kentucky Governor's Cup quick recall competition.

ACCOLADES

- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *Best Lawyers in America*®, Administrative/Regulatory Law, Communications Law and Energy Law (1995-2024)
- *Best Lawyers in America*®, Lexington Area Lawyer of the Year for Administrative/Regulatory Law (2012, 2018, 2022, 2024)
- *Kentucky Super Lawyers*® (2007-21)
- *Chambers USA, "America's Leading Lawyers for Business,"* Environmental, Natural Resources and Utilities (2013-15)

TESTIMONIALS

" . . . always been pleased and impressed with his representation . . . highly recommend him and his associates. "

- *Best Lawyers*

" . . . invaluable resource and member of our team . . . knowledgeable, responsive, and effective . . . "

- *Best Lawyers*

" He does it all and does it well. I would highly recommend him. "

- *Best Lawyers*

" . . . highly recommended by clients . . . "

- *Chambers USA*