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Brothers rack up miles in a fight against the feds

By Joseph N. DiStefano

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West Chester investment-fund manager **Richard Gates** and his twin brother, **Kevin**, are going to need **Acela** frequent-rider passes if their preemptive fight against the **Federal Energy Regulatory Commission** keeps up much longer.

"It's my fifth trip down to D.C. in the last couple of months," Richard Gates said Monday. He runs the **TFS** mutual funds and other portfolios with assets totaling \$2 billion with his brother and other math-genius partners.

Kevin Gates served on a panel called "Mugged by the State: When Regulators and Prosecutors Bully Citizens" at the government-skeptical **Cato Institute** on Monday while Richard Gates was preparing for Tuesday's Senate committee hearing over whether **President Obama's** pick, **Norman Bay**, should chair the FERC board.

The Gateses are trying to wreck Bay's nomination. In Bay's current job as FERC's enforcement director, they say, he has overseen a years-long investigation of the brothers' **Powhatan Energy Fund L.L.C.** for possible misdeeds regarding trading payments on the Norristown-based **PJM Interconnection** electricity market. They and their experts insist they played by the rules.

You can read the Gates position at their website, www.ferclitigation.com. FERC's side is harder to find, because the government hasn't actually brought charges. "We don't comment on those kinds of things," FERC spokeswoman **Mary O'Driscoll** said.

Sens. Joe Manchin (D., W. Va.) and **Lisa Murkowski** (R., Alaska) are skeptical of Bay's appointment, the Hill newspaper reported, while **Sen. Martin Heinrich** (D., N.M.) told the paper he backs Bay as an "admired public servant with outstanding credentials."

It adds a Washington wrinkle that the Gateses are Democrats: "All our [political] contributions have been blue," Rich Gates said.

Bank in, drugs out

As rumored since last winter, **JPMorgan Chase & Co.** confirms it is buying 58 acres of the **AstraZeneca** U.S. headquarters complex at 1800 Concord Pike (Route 202) between Wilmington and Chadds Ford.

The property was part of AstraZeneca's U.S. headquarters campus, which is being scaled back amid job cuts and a possible sale of the European drugmaker.

JPMorgan, which has had outposts in Delaware since the state cut bank taxes and liberalized loan rules 35 years ago, has lately chafed at operating and regulatory costs in its native New York.

"Delaware continues to be a great place to conduct business, and for our employees to live and work," spokeswoman **Nicole Kennedy** said. JPMorgan employs more than 7,500 at credit card, investment, and tax-shelter sites across northern Delaware, up by 1,200 since 2012.

Video deal

The Whistle, operator of TheWhistleNetwork.com, a New York-based online sports platform cofounded by software developer **John West** and ex-Gatorade executive **Jeff Urban**, has raised \$10 million from Philadelphia-based **SeventySix Capital**, ex-Major League Baseball president **Bob DuPuy**, ex-Nickelodeon and Disney Cable president **Gerry Laybourne**, Clear Channel boss **Bob Pitman**, and pro athletes such as **Derek Jeter** and **Peyton Manning**. The site's external-affairs chief, **Brian Selander**, ex-spokesman for Delaware Gov. **Jack Markell**, is the source of the information.

The Whistle says its "content partners" include the **NFL, MLB, NASCAR, PGA, Major League Lacrosse**, and a Philadelphia-based pro Frisbee site called **Major League Ultimate**. **Wayne Kimmel** of SeventySix Capital said he and his partners were "great fans of the team at the Whistle," which they say they hope will be acquired at a fat premium by a big sports-media company seeking online fans.