

The Energy Bar Association
Announces its
Mid-Year Meeting



ENERGY
BAR ASSOCIATION®

November 13-14, 2008
Capital Hilton Hotel
1001 16th Street, N.W.
Washington, D.C.

Shaping Our Energy Future in the Era of Soaring Global Energy Consumption, Carbon Emissions and Prices

The United States faces significant and ongoing energy challenges as evidenced by this year's experience of oil prices passing \$140 per barrel and gas at the pump exceeding \$4 per gallon. Electricity prices have soared in part due to the increased cost of fuels such as natural gas, coal, and oil. Coal use for power generation promises to be restricted by impending legislation to reduce Green House Gas (GHG) emissions and by increasing public resistance to exploitation of this resource in some regions. Increasing energy consumption and GHG emissions in developing countries suggest rapidly evolving economic, supply security, environmental and public health implications for the globe. Thus, the new U.S. administration will face daunting issues on a global stage. Its reaction or leadership on these issues will affect the way the U.S. energy industry develops in coming years and the way the federal government and states regulate energy companies. Shaping Our Energy Future in the Era of Soaring Global Energy Consumption, Carbon Emissions and Prices will explore our energy future with leading experts and policymakers on: the U.S. role in solving global warming, potential changes in the role of natural gas and its regulation, shifting priorities in electric transmission regulation, energy market investigations, advice to the industry in addressing a changing federal-state regulatory response to these challenges, ethics and practice/skills development.

PROGRAM SCHEDULE

THURSDAY, NOVEMBER 13, 2008

8:45 a.m. **REGISTRATION**

9:00 a.m. **WELCOME AND INTRODUCTION**

Richard G. Smead, Co-Chair EBA Programs and Meetings Committee
Navigant Consulting, Inc.

Donna M. Attanasio
President, Energy Bar Association
White & Case LLP

9:00 - 10:00 a.m. **KEYNOTE ADDRESS**

Our Global Energy Challenges - The US Role in Solving Climate Change

Ambassador Stuart E. Eizenstat
Covington & Burling LLP

10:00 - 10:15 a.m. **BREAK**

10:15 a.m. - 12:15 p.m. **The Challenges of Global Warming and Energy Supply Security – The Backdrop, the Debate and Advice to the New Administration**

Global warming is one of the most challenging issues for the new administration. The time to understand and inform the debate is now. Learn the state of the science of global warming and its potential consequences. Understand the international efforts to curb green house gas (GHG) emissions – Kyoto, the Bali Road Map and the next chapter. Hear a healthy debate and advice for the new administration as President McCain or President Obama moves the country forward on a global stage. Change is coming and will affect the US energy sector for years to come. Domestically, should the Federal government pass cap and trade, support R&D and deployment of new nuclear, carbon capture and renewable technologies? Can we drill our way out of the crisis? How much can we achieve through energy efficiency? What are the ramifications of US energy/GHG policy? Will the policies succeed without state support? Hear a panel of experts illuminate and offer vision for the new administration and our industry in tackling one of the world's greatest challenges.

Moderator: The Honorable Suedeen G. Kelly
Commissioner
Federal Energy Regulatory Commission

Speakers: The Science of Global Warming:
Peter Backlund, Director of Research
National Center for Atmosphere Research

Policy Advice:
Ambassador Stuart E. Eizenstat
Covington & Burling LLP

Timothy Profeta, Director, Nicholas Institute for Environmental Policy Solutions, Senior Associate Dean, Environmental Sciences & Policy, Duke University

Rafe Pomerance, President
Clean Air-Cool Planet

12:30 - 2:00 p.m. **LUNCHEON AND LUNCHEON SPEAKER**

Cap and Trade Regulation, Carbon Taxes—The Pros and Cons

Introduction: Stuart A. Caplan, Co-Chair of the EBA Programs and Meetings Committee
White & Case LLP

Speaker: William D. Nordhaus, PhD
Sterling Professor of Economics
Cowles Foundation, Yale University

2:15 - 3:45 p.m. **CONCURRENT SESSIONS**

Session A: Natural Gas in the Climate Change Debate

This panel will address the complex role of natural gas in a GHG-limited world: Will gas be the first alternative to higher-carbon fuels? Is there enough domestic gas supply to supplant coal-fired generation, help “bridge” to renewables, and displace significant amounts of vehicle fuel? What issues are raised by the lower, but still significant carbon content of natural gas itself? What institutional and infrastructure changes are needed for the optimal use of natural gas to address the nation's issues?

Moderator: Channing D. Strother, Jr.
McCarthy, Sweeney & Harkaway, P.C.

Speakers: Jim Martin, Vice President, Programs & Planning
American Clean Skies Foundation

Jonathan Levy, Policy Advisor to
Rep. Rahm Emanuel (D-Illinois)

Stephen Harvey, Director, Office of Oil and Gas
U.S. Energy Information Administration

David Schryver, Executive Vice President
American Public Gas Association

**Session B: Getting Renewables to Market –
Do We Need a New Approach to
Transmission Development?**

Renewable resource developers want new transmission capacity to move electricity from renewable-rich zones to load centers. Transmission companies stand ready to invest in such projects if the regulatory environment is supportive. Several states and RTOs have adopted policies to encourage a transmission build-out to support their renewable energy policies. Is new policy needed on transmission planning? Cost allocation? Rate incentives? Should new policy approaches be implemented at the Federal, State or regional level? This Panel will discuss these issues from a diverse set of perspectives.

Moderator: Robert W. Gee, Chair of EBA State Commission
Practice & Regulation Committee
President, Gee Strategies Group, LLC

Speakers: Lisa M. Barton, Vice President, Transmission
Strategy and Business Development,
American Electric Power Corp.

Jess Totten
Director, Competitive Markets, Public Utility
Commission of Texas

Denise Hill
Director, Transmission
Horizon Wind Energy

Stuart Nachmias, Vice President
Energy Policy and Regulatory Affairs
Consolidated Edison Company of New York

3:45 - **BREAK**
4:00 p.m.

4:00 - **CONCURRENT SESSIONS**
5:30 p.m.

**Session A: The Mobile-Sierra Doctrine after the
Supreme Court's Morgan Stanley Decision**

This panel will address the impacts of the Supreme Court's June 26, 2008 decision in *Morgan Stanley Capital Group Inc. v. Public Utility District No. 1 Of Snohomish County*, where the Court rejected the Ninth Circuit's view of the Mobile-Sierra Doctrine. This panel consists of representatives of sellers, buyers, consumers, and State regulators to discuss the Court's decision and its implications.

Moderator: Grace D. Soderberg, Co-Chair EBA Programs
and Meetings Committee
Edison Electric Institute

Speakers: Howard E. Shapiro
Van Ness Feldman, P.C.

Eric Christensen, Assistant General Counsel
Snohomish County PUD No. 1

Frank R. Lindh, General Counsel
California Public Utilities Commission

Catherine M. Krupka
Sutherland

Session B: Enforcement Across the Agencies

This panel comprised of agency representatives will discuss each of their respective agencies' recent enforcement initiatives designed to address allegations of market manipulation. FERC and other agencies have new enforcement powers (or powers that have been used infrequently in the past) designed to address market manipulation claims in the gas, power and oil sectors. The panel will also address their views on speculation and the FTC Advance NOPR which focuses on the oil industry.

Moderator: Kirstin E. Gibbs
Sutherland

Speakers: Anna Cochrane, Deputy Director
Office of Enforcement
Federal Energy Regulatory Commission

Stephen J. Obie, Acting Director
Division of Enforcement
Commodity Futures Trading Commission

Norman Armstrong, Jr., Acting Deputy Director
Federal Trade Commission

5:30 - **CHARITABLE FOUNDATION OF THE
ENERGY BAR ASSOCIATION RECEPTION**
7:30 p.m.

The Charitable Foundation of the Energy Bar Association will be holding its Sixth Annual Fundraising Gala - *The Power of Giving*. A contribution is required, please see registration form. Proceeds to be contributed to energy-related projects.

FRIDAY, NOVEMBER 14, 2008

8:15 - **BREAKFAST AND BREAKFAST SPEAKER**
9:15 a.m.

**Carbon and Energy Markets— A Field
of Dreams or a Nightmare on Elm Street?**

Introduction: Grace D. Soderberg
Edison Electric Institute

Speaker: Ken Malloy, Executive Director
Center for the Study of Carbon and Energy Markets

9:30 - **CONCURRENT SESSIONS**
11:00 a.m.

Session A: The Ethics of ADR

"The Ethics of ADR" will explore ethical issues facing advocates, mediators and arbitrators in a variety of ADR settings, with a focus on the energy industry, under current codes of professional responsibility. There are myriad ethical issues that can arise in the ADR context with which practitioners must be familiar. The presentation will review requirements by a growing number of states and governmental bodies, including the Federal Energy Regulatory Commission, that attorneys discuss or undertake alternative methods of dispute resolution with their clients. The presenters will highlight practical ethical issues and obligations that may arise in the context of informal and formal settlement, mediation, or arbitration proceedings, with citation to actual

cases, court rulings and applicable codes of ethics. The program will include hypothetical examples designed for audience participation. The panel features the following experts on mediation and arbitration law.

- Moderator: Paul B. Mohler
Law Offices of Paul B. Mohler, PLC
- Speakers: Richard L. Miles, Director of the Office of Administrative Litigation and the Dispute Resolution Service
Federal Energy Regulatory Commission
- Steven A. Shapiro
Press, Potter & Dozier, LLC
- Robert P. Wax
Charter Resolution LLC
- Edna Sussman
Hoguet Newman Regal & Kenney LLP

Session B: Carbon Sequestration: Can it be part of the solution?

The U.S. now obtains nearly half of its electricity from coal-fired generation, which is estimated to increase to 54% by 2030. Coal is also our largest domestic energy resource with DOE estimating a several hundred year supply available to meet future energy needs. Yet, coal releases twice as much carbon emissions per MWh of electricity as natural gas-fired generation. China and India too are heavy users of coal fired generation, with China reported to be activating one coal plant per week. With a growing recognition of the need to reduce GHG emissions from current levels by as much as 70%, how do we reconcile projected growth in the use of coal as a generation fuel with the need to reduce substantially carbon dioxide emissions? This panel will examine current industry and government programs which seek to achieve these opposing results by preventing and/or capturing and sequestering carbon emissions from existing or future coal generation.

- Moderator: Michael Dworkin, Professor of Law & Director, Institute for Energy & the Environment
Vermont Law School
- Speakers: Edward Rubin
Carnegie Mellon University
- Frederick R. Eames, Partner
Hunton & Williams LLP
- James L. Turner, Group Executive & President, US Franchised Electric & Gas
Duke Energy Corporation
- Victor Der, Principal Deputy Assistant Secretary
Office of Fossil Energy
U.S. Department of Energy

11:15 a.m. - 1:00 p.m. **CONCURRENT SESSIONS**

Session A: Greenhouse Gas Policy and Utility Regulation – Emerging Challenges at the Interface

Greenhouse gas regulations and related policies are being implemented by a number of states, and the electricity sector emissions are often a primary focus of these policies. How do regulated utilities, and their utility regulators, address the sometimes conflicting goals of “going green” and keeping rates down? How does the prospect of future carbon prices affect traditional utility resource planning and regulatory

prudence review? How are energy efficiency and renewable energy policies factored into utility strategies? How will climate-related policies affect wholesale power markets? How is regulatory oversight of transmission development affected by “green” goals? This Panel will discuss the strategies adopted by regulators and utilities on these issues, and the implications for the electricity sector as the Federal government considers climate regulation.

- Moderator: The Honorable Richard E. Morgan
Commissioner
District of Columbia Public Service Commission, Chair of NARUC Task Force on Climate Change Policy
- Speakers: Anne E. Hoskins, Vice President
Federal Affairs & Policy
PSEG Services Corp.
- Jack Stoddard, Legal Advisor to
Michael R. Peevey, President
California Public Utilities Commission
- Howard Gruenspecht, PhD
Acting Administrator
U.S. Energy Information Administration
- Stephen G. Whitley
President and Chief Executive Officer
New York Independent System Operator

Session B: Practice Development Panel

Within each sector of practice before energy regulatory agencies at the federal and state level, the basic mechanics of how proceedings are run, what steps are the most helpful, and, based upon experience, what approaches work the best are critical to the success of any practitioner. Successful lawyers also recognize that differences among the various industries can play a role in the presentation of a party’s positions. This panel will bring together experienced practitioners in the energy regulatory arena, describing their experiences and providing advice as to how to navigate various types of proceedings. This is a panel that should be essential to a new practitioner, or to a practitioner who is or will be changing areas of practice.

- Moderator: Jason F. Leif
Jones Day
- Speakers: Robert H. Loeffler
Morrison & Foerster LLP
- Harvey L. Reiter
Stinson Morrison & Hecker LLP
- Richard M. Lorenzo
Day Pitney LLP
- The Honorable Eve Moran
Administrative Law Judge
Illinois Commerce Commission
- The Honorable Edward M. Silverstein
Administrative Law Judge
Federal Energy Regulatory Commission

1:00 p.m. **CLOSE**

GENERAL INFORMATION

HOW TO REGISTER: All registrations must be made in advance by completing the attached form and mailing it with your check payable to the Energy Bar Association, 1020-19th St., N.W., Suite 525, Washington, D.C. 20036. Credit card payments may be mailed or faxed to (202) 833-5596. Confirmations will be sent to registrant via email if an address is provided and materials will not be mailed, but available the day of the program. For more information contact the EBA at (202) 223-5625.

The deadline for receipt of advance registration is November 5, 2008. Conference registrations will only be accepted when accompanied by a check, money order, government purchase order/training form or credit card information and may be limited by the capacity of the facilities. **Registrations will not be held without payment.**

CANCELLATION POLICY: Refunds will be given to registrants who submit written cancellation to the address shown on the registration form by **November 5, 2008, less a \$50 administrative fee.** The cancellation policy also applies to registration forms that are received and accepted after the deadline date. No refunds will be given after **November 5, 2008.** **Substitutions** are acceptable at any time (non-members substituting for members will be charged the difference between non-member and member fees). Please note that regardless of the date the cancellation notice is received, no refunds will be processed until after the program.

MEMBERSHIP: Join the Energy Bar Association now and immediately **SAVE** on conference registration fees. Visit the EBA website at www.eba-net.org for membership information or contact the EBA office at (202) 223-5625.

MEETING LOCATION & HOTEL ACCOMMODATIONS: Capital Hilton hotel located at 1001 16th Street, N.W., Washington, D.C.

BADGES: Please wear your badge at all times when attending official EBA functions. Badges are a security measure to identify people who have a legitimate reason to be in the meeting areas.

CONTINUING LEGAL EDUCATION: MCLE accreditation has been (or will be) requested from states with general MCLE requirements. Each state has its own rules and regulations defining "CLE".

TO ASSURE ACCREDITATION, THE NECESSARY CLE INFORMATION MUST APPEAR ON YOUR REGISTRATION FORM.



REGISTRATION FORM

ONE FORM PER REGISTRANT

Please register the following person for the **Mid-Year Meeting**, to be held on **November 13-14, 2008.**

LAST NAME FIRST NAME (M.I.)

FIRM/COMPANY/AGENCY

ADDRESS

CITY STATE ZIP

PHONE FAX

EMAIL *Registration confirmations will be sent via email if an address is provided.

REGISTRATION FEES (Join EBA now and SAVE on meeting registration fees):

- \$525 EBA Members
 \$625 Non-Members
 \$150 Government/Academic/Student

Additional Fee For Contribution to the Charitable Foundation of the Energy Bar Association Sixth Annual Fundraising Gala - *The Power of Giving*, to be held at the Capital Hilton hotel from 5:30-7:30 p.m. on November 13, 2008.

- \$100 Ticket(s) Non-Government \$50 Ticket(s) Government
 Additional Contribution \$ _____

*Please note that if your firm/company is a sponsor of the reception, the firm/company receives complimentary tickets.

PAYMENT METHODS: (TAX ID #52-6054231)

- Check Enclosed (Payable to the Energy Bar Association)
 Government Purchase Order Enclosed P.O. # _____
 MASTERCARD VISA AMERICAN EXPRESS

Signature of Cardholder _____

Card #: _____ Exp. Date: _____

I plan to apply for **Continuing Legal Education** credit in the following states:
*Only provide ID if credit is required as fees are involved with many states if credit is requested.

State _____ State ID# _____

State _____ State ID# _____



**Mail Check Payments To: Energy Bar Association
1020-19th St., N.W., Suite 525
Washington, D.C. 20036**



**FAX Credit Card Payments To: (202) 833-5596
(Credit card payments may be faxed or mailed)**

FOR EBA USE ONLY

Check Name _____
Check No. _____ Check Amt. _____ Check Date _____
Card Authorization _____ Amt. Charged _____ Date Billed _____

The Energy Bar Association is committed to the goals of fostering an inclusive and diverse membership and increasing diversity across all levels of the Association, so as to reflect the diversity of the energy industry and the Nation as a whole. Attorneys, non-attorney professionals in the energy field and law students are welcome to join our ranks regardless of race, creed, color, gender, ethnic origin, religion, sexual preference, age, or physical disability and are encouraged to become active participants in the Association's activities.