

The Energy Bar Association
Announces its
Sixty-Fourth Annual Meeting



ENERGY
BAR ASSOCIATION®

April 29, 2010

Capital Hilton Hotel
1001 16th Street, N.W.
Washington, D.C.

On the Cutting Edge of Energy Policy and Regulation

Important new developments are changing the world in which energy professionals practice, including: (1) new U.S. Supreme Court guidance on the application of the Mobile-Sierra public interest standard (i.e. NRG Power Marketing, LLC v. Maine Public Utilities Commission), (2) revolutionary proposals before FERC for interconnection wide transmission planning and cost allocation and rejection by the 7th and 4th Circuit Courts of Appeals of FERC's recent decisions on cost allocation and backstop siting authority, (3) unprecedented challenges faced by the natural gas industry to expand pipelines and storage to meet growing service needs and to attract needed capital in the current regulatory regime, (4) proposals by EPA to adopt new GHG emission reduction requirements based solely on its existing authority and without proposed new legislation and reinstatement by the Appellate Courts of nuisance law suits seeking to impose similar unlegislated regulation, and (5) jurisdictional uncertainty between FERC and the CFTC as to whom will be the primary Regulator of financial transactions in natural gas and electricity markets. The Energy Bar Association is proud to present its premier Annual Meeting event; where top government officials and leading experts in the field will address these and other important issues currently facing the energy industry.

PROGRAM SCHEDULE

THURSDAY, APRIL 29, 2010

8:00 a.m. **REGISTRATION**

8:30 a.m. **WELCOME AND INTRODUCTION**

Richard P. Bonnifield
President, Energy Bar Association
Van Ness Feldman, P.C.

8:45 a.m. **KEYNOTE SPEAKER**

The Honorable Rick C. Boucher
U.S. House of Representatives
Chairman of the Energy and Commerce
Subcommittee on Communications,
Technology and Internet

9:45 - 10:00 a.m. **BREAK**

10:00 a.m. - 11:45 p.m. **General Counsel Roundtable**

This panel of agency general counsels will discuss the top priorities of their agencies with respect to the energy sector, the critical legal challenges encountered in pursuing these energy-related policies, and the opportunities and issues for multi-agency coordination in areas of overlapping jurisdiction and interests.

Panelists: Michael A. Bardee
Principal Deputy General Counsel
Federal Energy Regulatory Commission

Dan Berkovitz
General Counsel
Commodity Futures Trading Commission

Stephen G. Burns
General Counsel
Nuclear Regulatory Commission

Joe Goffman
Senior Counsel to the Assistant
Administrator for Air and Radiation
Environmental Protection Agency

Scott Blake Harris
General Counsel
Department of Energy

Frank R. Lindh
General Counsel
California Public Utilities Commission

Constance Rogers
Deputy Solicitor for Energy and
Mineral Resources
Department of Interior

Moderator: Douglas W. Smith
Van Ness Feldman, P.C.

12:00 noon - 1:30 p.m. **LUNCHEON AND LUNCHEON
SPEAKER**

Speaker: Yakout Mansour
President and Chief Executive Officer
California Independent System
Operator Co.

1:30 -
1:45 p.m.

BREAK

2:00 -
3:30 p.m.

CONCURRENT SESSIONS

Session A: Mobile-Sierra Doctrine - NRG Power Marketing, LLC v. Maine Public Utilities Commission

On January 13, 2010, the Supreme Court held that the Mobile-Sierra public interest standard is not limited to challenges brought by contracting parties, but instead applies to all challenges to contract rates, regardless of the challenger's identity. This panel will discuss the implications of the NRG case for energy contracting and rate case settlements at FERC.

Moderator: John E. McCaffrey
Stinson Morrison Hecker LLP

Panelists: Robert H. Solomon
Solicitor
Federal Energy Regulatory Commission

Scott H. Strauss
Spiegel & McDiarmid LLP

John N. Estes III
Skadden, Arps, Slate, Meagher
& Flom LLP

Session B: Transmission Planning & Cost Allocation Alternatives under Order 890

Achieving needed transmission investment in the Eastern Interconnection has been a major concern due to siting difficulties and an expected need for substantial expansion to connect remote, renewable generation to the grid and to transfer the energy produced between RTO networks to satisfy load and GHG reduction requirements. Proposals have been made at Docket AD09-8-000 that Order 890 planning be expanded to better focus on these Interconnection wide needs and to adopt Interconnection wide cost allocation for new EHV transmission plant shown to be needed. This Panel will examine the pros and cons of these proposals, their possible significance in satisfying GHG reduction requirements as well as the need and current proposals to expand FERC backup siting authority.

Moderator: Kathleen A. Carrigan
Carrigan & Associates, LLC

Panelists: Paul Hibbard
Chair
Massachusetts Department of
Public Utilities

Karen Hill
Exelon Corporation

Jonathan D. Schneider
Stinson Morrison Hecker LLP

David A. Whiteley, Sr.
Principal Member
Whiteley BPS Planning Ventures LLC

Session C: Investment in Interstate Natural Gas Facilities and Regulatory Risk

This panel will explore the challenges to investment in interstate natural gas pipelines and storage facilities posed by federal regulation. How have changes in FERC regulation changed regulatory risk in the natural gas industry during the last ten years? How does perceived regulatory risk affect the competition for capital between pipelines and other investments in a holding company? The three person panel, moderated by a prominent natural gas analyst, represents natural gas pipeline management, a former FERC Commissioner and producer/shipper interests.

Moderator: Carl L. Kirst, CFA
Senior Research Analyst
BMO Capital Markets

Panelists: The Honorable Sudeen G. Kelly
former FERC Commissioner

Christopher A. Helms
Executive Vice President of NiSource
and CEO of NiSource Gas Transmission
& Storage Group

Mark R. Haskell
Morgan, Lewis & Bockius LLP

3:30 -
3:45 p.m.

BREAK

<p>3:45 - 5:15 p.m.</p> <p>CONCURRENT SESSIONS</p> <p>Session A: Climate Change: What Will the Future Bring?</p> <p>2010 is the third year in which the prevention of significant, adverse climate change has been a focus of national and state attention. Several proposals for the development of a legal and regulatory framework with this objective to be established by new legislation are before Congress, and EPA has recently initiated an effort to establish such a framework under existing law even in the absence of new legislation. In addition, a number of state and regional programs are under development or already in operation. This Panel will review these proposed or existing frameworks and the likely future course of their development.</p> <p>Moderator: Monica A. Schwebs Bingham McCutchen LLP</p> <p>Panelists: Nikki Roy Vice President, Federal Government Outreach Pew Center on Global Climate Change</p> <p>Roger Martella Sidley & Austin</p> <p>Patrick D. Traylor Hogan & Hartson L.L.P.</p> <p>John Dernbach Distinguished Professor of Law Widener University School of Law</p> <p>Session B: CFTC Proposed Regulation of Energy Markets</p> <p>In the wake of the recent financial crisis, the U.S. Treasury Department and the Congress have advanced various proposals to regulate the over-the-counter derivatives market. These proposals have the potential to significantly impact regulation of energy markets and have highlighted the jurisdictional tensions between the CFTC and FERC. In December 2009, the House of Representatives passed comprehensive financial reform legislation that includes over-the-counter derivatives reform. This Panel will discuss the pending over-the-counter derivatives legislation and explore the proposed legislation's policy implications and potential impacts to the energy industry.</p>	<p>Moderator: Lisa E. Epifani Van Ness Feldman, P.C.</p> <p>Panelists: Scott O'Malia Commissioner Commodities Future Trading Commission</p> <p>Vincent P. Duane Vice President and General Counsel PJM Interconnection, L.L.C.</p> <p>Patricia Dondanville Schiff Hardin LLP</p> <p>Robert McNally President Rapidan Group</p> <p>Elizabeth A. Moler Executive Vice President Government Affairs and Public Policy Exelon Corporation</p> <p>5:15 - 5:45 p.m. BUSINESS MEETING</p> <p>5:45 - 7:00 p.m. RECEPTION</p> <p>7:00 p.m. PRESIDENT'S AWARD PRESENTATION DINNER & DINNER SPEAKER</p> <p>Presentation: Richard P. Bonnifield President, Energy Bar Association Van Ness Feldman, P.C.</p> <p>Remarks: The Honorable Richard D. Cudahy Recipient of the Energy Bar Association's 2010 President's Award for Leadership in the Development of U.S. Energy Law</p> <p>Dinner Speaker: The Honorable Jon B. Wellinghoff Chairman Federal Energy Regulatory Commission</p>
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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, 1990 M Street, N.W., Suite 350, Washington, D.C. 20036. Credit card payments may be mailed or faxed to (202) 833-5596. Confirmations will be sent to registrants 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 April 21, 2010. 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 **April 21, 2010, 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 **April 21, 2010.** (If cancellation is requested after deadline and accepted, there will be a \$100 administrative fee). 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.

MEETING LOCATION & HOTEL ACCOMMODATIONS: Capital Hilton hotel located at 1001 16th Street, N.W., Washington, D.C. To reserve a room, call the hotel directly at (202) 393-1000 or 800-HILTONS.

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.

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

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.

FOR EBA USE ONLY:

Check Name _____
Check Date _____ Check No./Authorization# _____
Amount _____ Date Billed _____



ANNUAL MEETING REGISTRATION FORM

ONE FORM PER REGISTRANT

Please register the following person for the **Sixty-Fourth Annual Meeting**, to be held on **April 29, 2010.**

LAST NAME FIRST NAME (M.I.)

FIRM/COMPANY/AGENCY

ADDRESS

CITY STATE ZIP

PHONE FAX

REGISTRANT EMAIL ADDRESS

REGISTRATION FEES:

\$600 EBA Members \$750 Non-Members \$200 Gov't/Academic/Student

Additional Fee For Contribution to the Foundation of the Energy Law Journal Reception Honoring the FERC ALJ's to be held at the law offices of K&L Gates, 1601 K St., N.W., Washington, DC from 5:30 - 7:30 p.m. on April 28, 2010.

\$70 Ticket(s) Non-Government \$25 Ticket(s) Government

Additional Contribution \$ _____

*Please note that if your firm is a sponsor of the reception, they receive complimentary tickets. Please confirm before sending a separate payment.

In the Interest of Going "Green," the EBA Now Offers the Election to Receive Meetings Materials in TWO Ways – Electronic or Paper Format.

Registrants who request electronic materials will be sent the materials via email prior to the meeting. Please be advised that since you requested the electronic materials there will be no materials on-site.

Please Help Us By Checking Your Choice: Electronic **OR** Paper

PAYMENT METHODS: (TAX ID #52-6054231)

Check Enclosed (Payable to the Energy Bar Association)

Government Purchase Order Enclosed P.O. # _____

MASTERCARD VISA AMERICAN EXPRESS DISCOVER

Card #: _____ Exp. Date: _____

Signature of Cardholder _____

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# _____

REGISTER IN ONE OF THE FOLLOWING THREE WAYS:

1. MAIL THIS FORM WITH PAYMENT TO:

Energy Bar Association
1990 M Street, N.W., Suite 350, Washington, DC.. 20036.

2. **FAX** with credit card payment (no checks or money orders) to **(202) 833-5596.**
Please do not both fax and mail, as this may result in duplicate charges.

3. **REGISTER ON-LINE** at the secure EBA web site www.eba-net.org

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.