

ENERGY LAW JOURNAL

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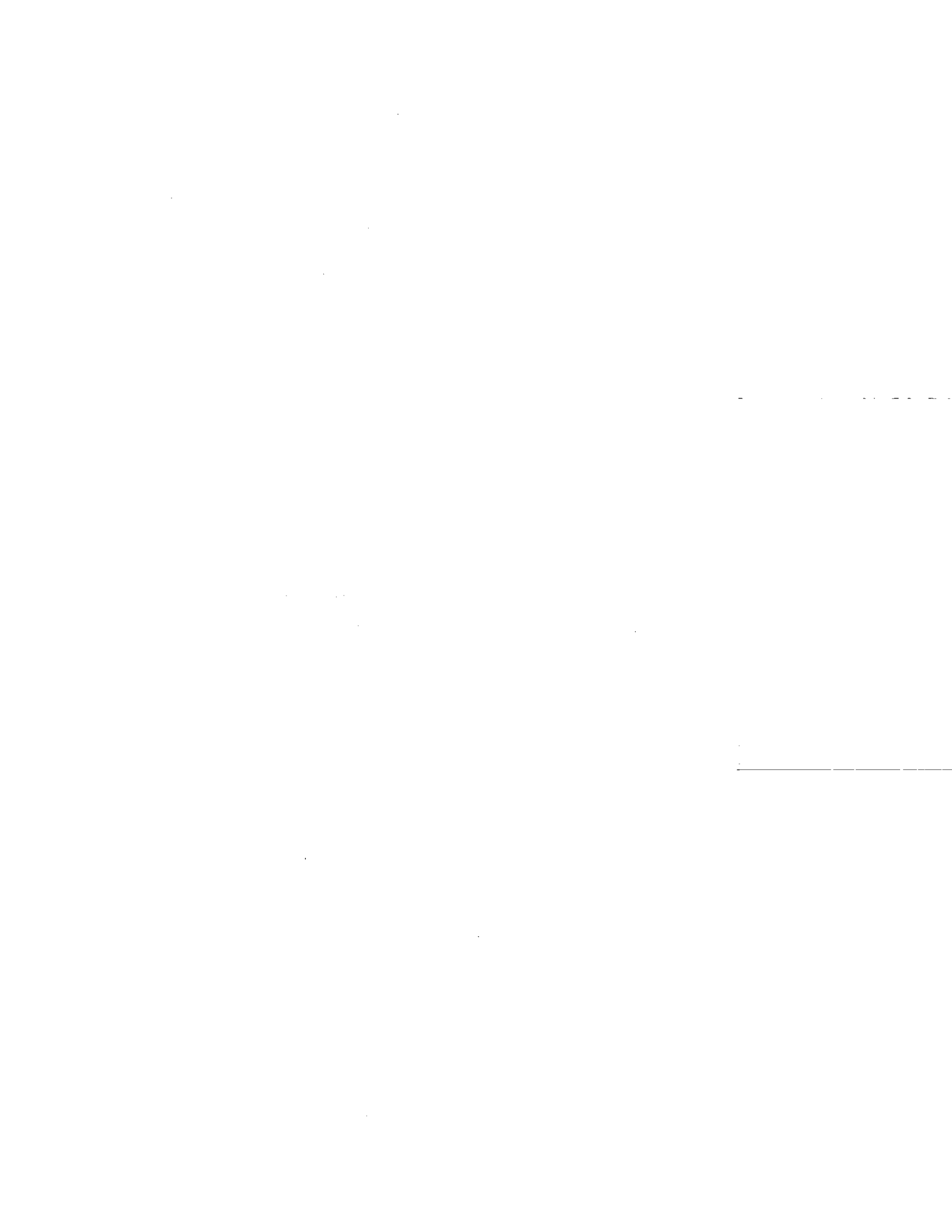
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The *Energy Law Journal* is published two times a year. Articles by members and non-members of the Association are welcomed. All manuscripts should be of substantial length, not previously published, dealing with the energy industry, and follow the seventeenth edition of *The Bluebook: A Uniform System of Citation*. A brief biographical statement should be included. All manuscripts should be sent to Mr. Clinton Vince, Editor-in-Chief, Sullivan & Worcester LLP, 1666 K Street, N.W., Suite 700, Washington, D.C. 20006. Only manuscripts submitted exclusively to the *Energy Law Journal* will be considered for publication. The opinions expressed in the published material are those of the writers and are not intended as expressions of views of the Energy Bar Association. Inquiries about advertising in the *Energy Law Journal* should be addressed to Mr. Andrew S. Katz at (202) 508-0903. The *Energy Law Journal* is indexed in the INDEX TO LEGAL PERIODICALS, The CURRENT LAW INDEX, WESTLAW, and LEXIS services.

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EDITOR'S PAGE

Oscar Wilde once wrote that in matters of great importance, style rather than sincerity, is the essential thing. I have long felt just the opposite is true—that sincerity is what counts. Since assuming the role of Editor-in-Chief of the *Energy Law Journal*, I have only encountered sincerity – at every level – from the extraordinary Editorial Board that former Editor-in-Chief, Bill Mogel, assembled, to the student editors at Tulsa, to the authors who grace our pages and, of course, from our patron, the Foundation of the *Energy Law Journal*, presided over by the able Richard Meyer.

But, just in case Oscar Wilde was right about style, we have decided to give the Journal a “face lift,” after twenty-five years. We hope you will enjoy the new cover which now bears the official colors of the Energy Bar Association and a new “look.”

In terms of content, we are pleased to declare that the latest edition of the *Journal* is as strong as any we have published. FERC Commissioner Joe Kelliher tells us where the FERC, with support from Congress, should be heading on the subject of competitive markets and the daunting issues of market manipulation and market power. Judge Cudahy of the U.S. Courts of Appeals for the Seventh Circuit has teamed with Professor William Henderson to produce an extraordinarily comprehensive and insightful analysis of the “Rise and Fall of Two Energy Icons” – Insull and Enron. Giovanna Golini adds international perspective in focusing on “Tradable Green Certificate Systems in the E.U.” Monica Berry examines the “hot” topic of Liquefied Natural Gas and, in particular, jurisdiction over siting, construction, and operation in the context of the commerce clause.

This edition also features reports of the committees on electric utility regulation, legislation and regulatory reform, and natural gas regulation that are as timely as they are informative. Finally, Jonathan Schneider discusses the complexities of Steven Yetiv’s new book: “Crude Awakenings: Global Oil Security and American Foreign Policy.” Happy reading!

Clinton Vince
Editor-in-Chief

IN MEMORIAM

Richard A. Solomon, who brilliantly served the public in a number of capacities, died on January 23, 2005.

Dick, born in New York in 1917, graduated from Harvard in 1939, and received his law degree from Yale in 1943. He became a JAG Officer serving in the China-Burma-India theater during World War II and was a prosecutor of Japanese war criminals after the war. When he returned to civilian life, Dick joined the Federal Communications Commission where he held a variety of positions from 1947 until 1959. Dick's next stop was as the Deputy Chief, and later Chief, of the Appellate Section of the Anti-Trust Division at the Justice Department.

Dick's energy law career began in 1962 when he was appointed General Counsel of the Federal Power Commission. During his seven-year tenure as General Counsel, Dick used his considerable appellate skills to defend the Federal Power Commission's major policy endeavors: of improving the reliability of the electricity grid and developing area and national rates for sales of natural gas. While at the Commission, Dick was honored as a recipient of the Tom C. Clark Award, the highest award for a federal government attorney, from the Federal Bar Association.

In 1969, Dick joined the law firm of Wilner & Scheiner where he turned to representing state and local interests, primarily the Public Service Commission of the State of New York and other consumer interests in a wide range of cases before the Federal Energy Regulatory Commission. Dick retired in 1994 from the law firm of Morrison & Hecker. Throughout his fifty-year legal career, Dick was known for his skillful appellate advocacy, having argued a dozen cases before the Supreme Court and innumerable times before the Circuit Courts. Dick served as President of the Energy Bar Association in 1985-86.

Dick freely shared his incredible legal skills with many lawyers whom he mentored throughout his career. While he was a fierce advocate, he never took himself too seriously and had a wonderful sense of humor. He coupled those qualities in his self-created persona as an "absent minded professor." Who can forget hearing his voice from the back of a hearing room asking, "What case is this?" and then watching him ask the toughest cross questions going to the heart of the case?

IN MEMORIAM

Radford Lawrence Schantz, age seventy-nine, who retired in 1989 as President of Foster Associates, an economic consulting firm specializing in energy and regulated utilities, died January 20, 2005, at his home in Bethesda, Maryland. He had lung cancer. Mr. Schantz was a founding member of Foster Associates in the mid-1950s. After his retirement, he remained active in community affairs and continued to play the clarinet.

He was born in Gainesville, Georgia, and spent his high school years in Lowville, New York. Mr. Schantz served in the Navy in the Pacific during World War II and participated in the Battle of Leyte Gulf.

He was a 1949 electrical engineering graduate of Syracuse University, and in 1952 he received a master's degree in business administration from New York University. Early in his career, Mr. Schantz did electrical engineering work for Consolidated Edison Co. in New York and taught economics at NYU and Harvard University.

He was a member of River Road Unitarian Church in Bethesda as well as the Bethesda-Chevy Chase YMCA, where he also did volunteer work and developed the seniors' tennis league. Survivors include his wife of thirty-eight years, Erika Bading Schantz of Bethesda; two children from his first marriage, Radford Schantz Jr. of Arlington, Virginia, and Douglas N. Schantz of Houston, Texas; two children from his second marriage, Susanne E. Schantz of London, England, and Thomas B. Schantz of Alexandria, Virginia; two brothers; and six grandchildren.

Mr. Schantz led Foster Associates during a period of profound changes in the energy industry and government regulation. He testified extensively concerning energy and regulatory policy. His wisdom and industry made him a giant in the field. He was a friend and mentor to many of us.

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