

EBA2020



Annual Meeting & Conference

APRIL 15, 2020 • 9:00 AM–5:30 PM ET
VIRTUAL CONFERENCE



Join Our Twitter Contest

Tweet your excitement to be attending or start a discussion using hashtag #EBA2020AM

SCHEDULE AT A GLANCE

Wednesday, April 15, 2020

Time	Event
8:45 AM – 9:00 AM	Online Platform opens for pre-conferencing chats between attendees
9:00 AM – 9:10 AM	Annual Meeting Welcome
9:10 AM – 9:15 AM	Program Overview
9:15 AM – 9:45 AM	Special Guest, Gina McCarthy, President NRDC: A View from the EPA
9:45 AM – 10:30 AM	The Honorable Kevin J. McIntyre General Session: Post-Modern Administrative Law And The Energy Lawyer
10:30 AM – 11:00 AM	Break and Online Networking
11:00 AM – 11:45 AM	PURPA 2020: FERC Brings A New Lens To Its PURPA Regulations
11:45 AM – 12:15 PM	Lunch Break—Open Chat
12:15 PM – 1:40 PM	EBA Annual Meeting, Awards Presentation and Mid-Day Session: Managing Through Covid-19: How Utilities Are Grappling With The Health Crisis
1:45 PM – 2:45 PM	New Wine in Old Bottles: Current Controversies under the Interstate Commerce Act
2:45 PM – 3:45 PM	2020 Playbook for Pipelines—Proposals, Politics and Predictions
3:45 PM – 5:00 PM	Closing General Session: Energy & Climate & the Elections



A MESSAGE FROM THE PRESIDENT AND CEO



Dear Colleagues,

Thank you for joining us for this year's novel take on our Annual Meeting. First and foremost, we hope that you, your families, and loved ones are safe and healthy, while our hearts go out to those who are struggling. We're grateful for the healthcare workers and first responders in our communities and around the world, who are on the front lines working tirelessly to combat the virus and care for those in need. Their heroism is inspiring.

Recognizing that we wouldn't return to life as usual for a while, the EBA Board pivoted quickly to a virtual platform for our meeting, and EBA Staff has responded marvelously to the challenge, bringing you the **EBA 2020 Annual Meeting & Conference Reimagined** on April 15, 2020! We're confident that the virtual format will bring you what we all expect in a major EBA conference: Timely panels, outstanding speakers and even time for much needed networking, virtually of course.



Following kick-off, some virtual networking and little ceremony, we are excited to host Guest Speaker, Gina McCarthy, President, Natural Resources Defense Council, and former, Administrator, Environmental Protection Agency. Following that will be the Honorable Kevin J. McIntyre General Session: Post-Modern Administrative Law and the Energy Lawyer. After the

general session, we will offer more virtual-networking and round out the morning with a session on PURPA 2020: FERC brings a new lens to its PURPA regulations.

During the lunch hour, we will conduct the association elections, recognize association and foundation leadership and present the Jason F. Leif Chapter Service Award and the Diversity and Inclusion Champion Award. We'll also be pleased to introduce EBA's 2020–2021 President, Jane Rueger

Immediately following lunch, our Mid-Day session features Trade Association CEOs Tom Kuhn (EEL), Joy Ditto (APPA) and Tim Matheson (NRECA) addressing measures the energy community is taking to address COVID-19 ("Managing through Covid-19: How Utilities are Grappling with the Health Crisis.") We're grateful these CEOs could join us on short notice to bring us all up to speed.

At that point, we move to "New Wine in Old Bottles: Current Controversies under the Interstate Commerce Act, followed by the session: 2020 Playbook for Pipelines: Proposals, Politics and Predictions."

And finally, we end the day with a timely outlook on Energy, Climate and the Elections, with reporters Steve Mufson (Washington Post), Gavin Bade (Politico), and Amy Harder, (Axios).

Nothing about the execution of this annual meeting is ordinary. And we'll ask you to bear with us through any technical hiccups as we manage a brand new format. What is a constant is our collective commitment to the EBA community, and the conviction that we have something valuable to offer each other, the clients we serve and the energy sector that serves the nation. We hope you find the experience fun and rewarding.

Stay safe and healthy!

Sincerely,

Jonathan D. Schneider
EBA President, 2019–2020

Lisa A. Levine, CAE
EBA Chief Executive Officer

EBA2020 Annual Meeting & Conference

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Welcome to the Energy Bar Association's 2020 Annual Meeting & Conference

reimagined! The conference will be presented as a one-day virtual conference with excellent sessions and speakers. Discussions will be focused on the legal issues related to all aspects of energy law. Attendees will include attorneys, non-attorney professionals, and students active in all areas of energy law, including antitrust, international energy transactions, legislation and regulatory reform, electric utility regulation, alternative dispute resolution, finance and transactions, and environment and public lands at federal, state, and international levels. EBA is thrilled to welcome you to our new format! and delete the rest of the sentence.

MEETING HASHTAG: #EBA2020AM

Want a great way to say you're excited to be attending? Or share a great picture of your virtual view while attending this online program? Let everyone know by using the **#EBA2020AM**.

CONTINUING LEGAL EDUCATION (CLE) CREDIT

EBA has received approval for 5–7 hours of MCLE credit from various states. EBA applied to the following states for MCLE: CA, CT, FL, IA, IL, NJ, OH, NY, PA, TX, VA. MCLE accreditation has been (or will be) requested from states with general MCLE requirements. Each state has its own rules and regulations regarding "CLE". For questions on CLE email **EBA-CLE@eba-net.org**.

To assure accreditation, the necessary CLE information must appear on your registration form. You should also add your bar numbers to your profile with EBA. If your bar number or state are missing, we cannot guarantee receipt of credit. Only registered attendees are eligible for CLE. Students are not eligible for CLE.

AWARD RECIPIENTS

2020 JASON F. LEIF CHAPTER SERVICE AWARD



*Crystal McDonough,
McDonough Law LLC*

2020 DIVERSITY AND INCLUSION CHAMPION



*Chief Judge
Carmen A. Cintron,
FERC Office of
Administrative Law Judges*

A banner for the Energy Bar Association 2020 Mid-Year Energy Forum. The left side is dark green with a white stylized 'E' logo and the text 'ENERGY BAR ASSOCIATION'. Below this, '2020' is in large yellow font, followed by 'MID-YEAR ENERGY FORUM' in yellow. The right side is light green with a yellow diagonal stripe and a swirling pattern. It features 'OCT. 13-14, 2020' in dark green and 'RENAISSANCE DOWNTOWN HOTEL WASHINGTON, DC' in yellow at the bottom.


ENERGY
BAR ASSOCIATION™

2020
MID-YEAR
ENERGY
FORUM

OCT. 13-14, 2020

**RENAISSANCE DOWNTOWN HOTEL
WASHINGTON, DC**

WEDNESDAY, APRIL 15, 2020: **VIRTUAL PROGRAM AGENDA**

Full schedule: <https://www.eba-net.org/education-events/2020-annual-meeting-conference/#Agenda>

8:45 AM

ONLINE PLATFORM OPENS FOR PRE-CONFENCING CHATS BETWEEN ATTENDEES

9:00 AM – 9:10 AM



ANNUAL MEETING WELCOME

Jonathan Schneider,
EBA President, 2019–2020

9:10 AM – 9:15 AM



PROGRAM OVERVIEW

Jamie Blackburn, EBA Professional
Education Council Co-Chair



Emily Fisher, EBA Professional Education
Council Co-Chair

9:15 AM – 9:45 AM

SPECIAL GUEST: A VIEW FROM THE EPA



Gina McCarthy, President, Natural
Resources Defense Council, and former,
Administrator, Environmental Protection
Agency

9:45 AM – 10:30 AM

THE KEVIN J. MCINTYRE GENERAL SESSION: POST-MODERN ADMINISTRATIVE LAW AND THE ENERGY LAWYER



Administrative law is about the division of power between agencies and courts. It shapes how much leeway administrative agencies (like FERC and DOE)

enjoy to establish rules within their domains, and how much courts constrain these agencies via their interpretations of the governing substantive statutes and administrative-law principles. This panel will explore the evolution of administrative law over the past year and how that evolution is likely to affect the energy sector.

The panelists will address:

- Recent Supreme Court decisions and whether they presage a revolution in administrative law concerning Congress's authority to delegate broad powers to agencies and judicial deference to agencies.
- Significant Circuit-level developments in administrative law, including, but not limited to, how these decisions have played out in the Circuits over the past year.
- Important administrative-law decisions in the energy sector, with a focus on decisions that may have broad effects beyond the parties to the particular case.

Moderator:

Kathleen Barron, Senior Vice President, Government and Regulatory Affairs and Public Policy, Exelon Corp

Speakers:

Eamon P. Joyce, Partner, Sidley Austin LLP

Emily Hammond, Jeffrey and Martha Kohn Senior Associate Dean for Academic Affairs, George Washington University Law School

Zachary C. Schauf, Partner, Jenner & Block

Robert Solomon, Solicitor, Federal Energy Regulatory Commission

10:30 – 11:00 AM

BREAK AND ONLINE NETWORKING

WEDNESDAY, APRIL 15, 2020: VIRTUAL PROGRAM AGENDA**11:00 AM – 11:45 AM****PURPA 2020: FERC BRINGS A NEW LENS TO ITS PURPA REGULATIONS**

In 2019, FERC proposed sweeping changes to its longstanding PURPA regulations. This panel will explore FERC's proposal and its potential impacts:

1. PURPA's first 40 years—what has it accomplished, and what is its role in the modern energy landscape?
2. What are the major changes proposed by FERC and what are the next steps?
3. Who has jurisdiction over PURPA? What can Congress do, what can FERC do, and what is the role of state commissions?
4. What are the implications for renewable resource procurement—for planning and rates? For utilities and independent developers?

Moderator:

Christina Hayes, Vice President, Berkshire Hathaway Energy Company

Speakers:

Anthony T. Clark, Senior Advisor, Wilkinson Barker Knauer

Joshua Epel, Sustainability Consultant to the Chancellor, New Mexico State University

Jack Thirolf, Head of Public Policy and Institutional Affairs—USA + Canada, Enel Group

11:45 PM – 12:15 PM**LUNCH BREAK—OPEN CHAT****12:15 PM – 1:40 PM****EBA ANNUAL MEETING AND AWARDS PRESENTATION**

EBA Board Elections and Announcement of 2020–2021 President Jane Rueger

MID-DAY SESSION: MANAGING THROUGH COVID-19: HOW UTILITIES ARE GRAPPLING WITH THE HEALTH CRISIS

The nation's resilience to the COVID-19 pandemic depends very much on the utility sector's ability to manage through this crisis. This panel of industry leaders will walk through measures the energy sector is taking to handle the crisis in this difficult period.

Moderator:

Emily Fisher, Edison Electric Institute

Speakers:

Joy Ditto, CEO, American Public Power Association

Thomas Kuhn, CEO, Edison Electric Institute

James Matheson, CEO, National Rural Electric Cooperative Association

1:45 PM – 2:45 PM**NEW WINE IN OLD BOTTLES: CURRENT CONTROVERSIES UNDER THE INTERSTATE COMMERCE ACT**

The panel will discuss some of the current issues regarding FERC's regulation of interstate oil pipelines including the recent Magellan order, which prohibits

WEDNESDAY, APRIL 15, 2020: VIRTUAL PROGRAM AGENDA

certain marketing affiliate transactions, the current state of play for market based rates, and the upcoming index adjustment. The panel will also discuss the key differences between oil and gas pipeline regulation, including traps for the unwary.

Moderator:

Glenn S. Benson, Partner, Baker & Hostetler LLP

Speakers:

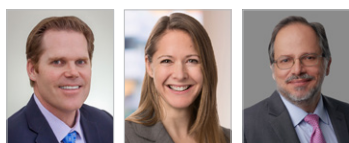
Shannon Coleman, Assistant General Counsel, Tall Grass Energy

Mark R. Haskell, Partner, Blank Rome LLP

Amy L. Hoff, Partner, Caldwell Boudreaux Lefler

2:45 PM – 3:45 PM

2020 PLAYBOOK FOR PIPELINES—PROPOSALS, POLITICS AND PREDICTIONS



With at least four major natural gas pipeline projects on appeal, draft legislation circulating the halls of Congress purporting to amend Section 7 of the Natural Gas Act, and a renewed focus on FERC's certificate process, there are changes afoot for how pipeline projects will be planned, reviewed, and developed. This panel will explore the current state of play at FERC, in the appellate courts, and on the Hill, and discuss the road ahead for natural gas infrastructure projects in light of so many proposed and potential changes to the legal and regulatory environment.

Moderator:

Alex Oehler, Interim President, Interstate Natural Gas Association of America

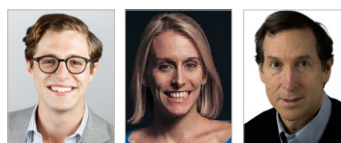
Speakers:

Cate Stetson, Partner, Hogan and Lovells

David Bookbinder, Chief Counsel, Niskanen Center

3:45 PM – 5:00 PM

CLOSING GENERAL SESSION: ENERGY & CLIMATE & THE ELECTIONS



Elections Matter: Energy issues have focused the electorate as never before, and many have observed a more partisan approach to decision-making at FERC. The panelists will explore how the parties and Presidential Candidates are addressing energy issues, and the increasing focus on the role played by FERC in the national discussion.

Moderator:

Jonathan Schneider, Stinson

Speakers:

Gavin Bade, Energy Reporter, Politico

Amy Harder, Energy Reporter, Axios

Steve Mufson, Climate Change Reporter, The Washington Post

Not Yet An EBA Member?

Did you know that by joining EBA, the discount you receive for attending the Mid-Year Energy Forum more than pays for your membership? For information about membership and to join, visit: eba-net.org/networking/benefits-joining-eba

Join today and save!

SOCIAL MEDIA



Connect with us on LinkedIn:
[linkedin.com/company/energy-bar-association](https://www.linkedin.com/company/energy-bar-association)



Connect with us on Twitter:
[@EnergyBarAssoc](https://twitter.com/EnergyBarAssoc) #EBA2020AM



<https://www.eba-net.org/events/>

Upcoming EBA Events



Webinar: Energy Storage: Can We Get It Right?

May 19, 2020 • 1:00 PM – 2:00 PM

Remote Participation ONLY

2020 EBA Rocky Mountain Chapter Annual Meeting

June 4, 2020 • 8:00 AM – 4:30 PM

2020 EBA Northeast Chapter Annual Meeting

June 11, 2020 • 8:30 AM – 4:30 PM

New York, NY

Webinar: Energy Law Academy Course 110: Electric Reliability

June 24–25, 2020 • 12:00 PM – 12:30 PM • Remote Participation

2020 Mid Year Energy Forum

October 13–14, 2020 • 11:00 AM – 9:00 PM

Renaissance Hotel Washington DC

999 Ninth St., NW • Washington, DC, 20036

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About EBA

The Energy Bar Association (EBA) is a non-profit voluntary association of attorneys, energy professionals and law students whose mission is to enhance the professional excellence and ethical integrity of its members in the practice, administration, and development of energy laws, regulations and policies.

Energy Bar Association

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About CFEBA

The Charitable Foundation of the Energy Bar Association's mission is to engage in charitable activities, including the support of worthwhile energy-related charitable projects, as well as other community service projects, through financial contributions and volunteer services provided by the Foundation, members of the Energy Bar Association and others. For more information or to support its charitable endeavors, please go to <https://www.eba-net.org/cfeba/about-cfeba/>.



About FELJ

Since 1980, the *Energy Law Journal* (ELJ) has provided great value to the Energy Bar Association's members. The Journal provides in-depth analyses on current, salient issues affecting members and their clients and businesses and provides a forum for the exploration and understanding of new, cutting edge issues. The *Journal* is a benefit to EBA members and subscriptions are available to non-EBA members. In 1986, the Foundation of the Energy Law Journal (FELJ) was created to manage the funding and business of the ELJ. For more information, please go to EBA-Net.org/felj/.

DIVERSITY & INCLUSION

The Energy Bar Association ("EBA") is committed to the goals of fostering an inclusive and diverse membership and increasing diversity across all levels of the Association. Attorneys and energy professionals in the energy field are welcome to join our ranks, regardless of race, creed, color, gender (including gender identity or expression), sexual orientation, family and marital status (including pregnancy), family responsibilities, religion, national origin, age, personal appearance, political affiliation, veterans status, disability, source of income (government, solo, corporate, firm practice), or place of residence or business (geographic diversity) and are encouraged to become active participants in the Association's activities.