

IN THIS ISSUE

President's Message	2
From the Executive Director	3
FELJ News	4
EBA Members in the News	5
EBA Ambassador	6
EBA Remembers Chief Judge Wagner	7
EBA Committees	8
Judge's Corner	9
Excerpts from Past <i>ELJ</i> Issues	10
Mid-Year Meeting Photo Gallery	11
EBA Chapter Updates	13
CFEBA Updates	16
EBA Upcoming Events	24

Philip D. Moeller Exits After Nine-Year Tenure as a FERC Commissioner with Riveting Interview

He Scores Battles Won and Battles to be Waged

Gary Guy & David Connelly

Before he left office at the end of October, colleagues-in-law-and-reportage Gary Guy and David Martin Connelly (aka "John Scali and Morton Dean") were feted to an amazingly introspective conversation with outgoing FERC Commissioner Philip D. Moeller that we are happy to share with our faithful readers. Channing Strother (aka "Cool Hand Luke") was not on this particular venture and most likely is off the beat for this publication because he has left the area and assumed a position on the bench as a Federal Administrative Law Judge within the Social Security Administration. His legacy is treasured by us all, and in the tradition he started, we still have box quotes of interesting tidbits for your reading pleasure.

We invite you to listen to the full interview with Commissioner Moeller at www.eba-net.org. In the meantime, we set forth here the highlights.



Honorable Philip D. Moeller

WHAT WAS – AND WHAT MIGHT HAVE BEEN

He was a FERC Commissioner for what he calls "an exciting nine years" that have been "intellectually challenging" and involved "fundamental" changes in the energy landscape, particularly in the electricity sector. He calls it a "fabulous time" to have been at the Commission, and to have served with a variety of Commissioners and "really outstanding Staff."

He is among the top five longest

Moeller, continued on page 4

President's Message

Richard Meyer



Greetings EBA Community:

The Mid Year Meeting was a major success. The programming was excellent, the speakers were interesting, and the sessions were well-attended. Kudos to those who played a part, and a special thanks to all sponsors. We could not do it without all of you.

As I observed at the meeting, the membership campaign has been progressing at an aggressive pace. What specific role can you play? You can do three things. First, renew your own membership without delay. Second, be a good EBA Ambassador and enlist one other person - a lawyer or energy professional - to join. Third, through your own college or law school, find a student interested in energy and encourage them to join too. A student membership is only \$25. Better yet, sponsor the student by paying for his or her membership. More than thirty students have been sponsored since September. A shout out here to our EBA members in Louisiana who are in the lead on this effort!

What else can you do to enhance our EBA community? This one is especially easy: Refer your own law school or university to an important article in the current *Energy Law Journal*, [*Energy Law Education in the U.S.: An Overview and Recommendations*](#). It is the first such overview and should be brought to the attention of all educational institutions involved in energy studies. The article contains specific practical recommendations. EBA itself will consider implementing several.

Pay increasing attention to the CFEBA's efforts this year. With Mike Stosser's leadership and with help from others the CFEBA will be lighting up a village, quite literally. CFEBA and volunteer linemen from the U.S. will bring safe reliable electricity for the very first time to a village in Bolivia. When the CFEBA was founded more than a decade ago, who ever thought that the then fledgling charitable arm of EBA would make that kind of meaningful concrete difference in the lives of others? Bottom line for you: Please support this effort and consider donating your charitable dollars to the CFEBA. Make a difference.

Wishing you all an enjoyable holiday season.

A handwritten signature in black ink, appearing to read "RMeyer".

Richard Meyer
EBA President

From the Executive Director

Lisa A. Levine, CAE



As we approach the new year, it is a great time to look back and consider all that you have accomplished and the successes you have achieved during the past year. Here at Energy Bar Association, we are taking a moment to do the same.

During 2015, the Energy Bar Association held more than 45 educational Energizers, many included CLE hours, six regional Chapter Annual Meetings, two national two-day conferences, numerous networking events from receptions to luncheons, book club meetings, get-togethers with commissioners and regulators and so much more. EBA helped keep our members up-to-date with weekly issue of *EBA Insights* e-newsletter, quarterly issues of *EBA Update Newsletter* and an overwhelming number of broadcast emails. EBA opened its On-Demand Library earlier this year and we already see it is a big hit! Our community is enjoying all sorts of energy-related programs they can listen to at their leisure – and some even provide CLE hours.

We connected to the larger energy audience through our LinkedIn site and through our involvement with universities and the energy media. “Networking” is always rated as one of the most valuable aspects of EBA membership. We tried to exceed your expectation with increased opportunities to connect by publishing an electronic and paper version of our Annual Membership Directory and by providing members with direct access to other members through the always up-to-date online directory. EBA counts more than 250 volunteers within its active committee structure, where members can volunteer to help develop and lead programs, write articles, gain valuable leadership skills...and yes, network!

EBA’s affiliate foundations, the Foundation for the Energy Law Journal (FELJ) and the Charitable Foundation EBA (CFEBA) also provide valuable resources to the membership. FELJ, publishes, two issues per year of the scholarly *Energy Law Journal*, free to all members and CFEBA helps us do our charitable work. CFEBA’s goal for 2016 is to raise \$200,000 to help “Light Up the Village” by bringing much need electricity to a small village in Bolivia.

These are just a few of the milestones and accomplishments we can point to in 2015. We hope you are as proud of your association as we are....and we hope to continuing bringing you the resources and benefits you desire in 2016.

Have a very happy holiday season and wonderful new year! I look forward to working with you in 2016!

Cheers!



Lisa A. Levine, CAE
Executive Director



About EBA

The Energy Bar Association (EBA) is an international, non-profit association of attorneys, non-attorney professionals, and students active in all areas of energy law. The EBA promotes the professional excellence and ethical integrity of its members in the practice, administration, and development of energy laws, regulations and policies. The EBA provides superior educational programming, networking opportunities, and information resources to its members. It has over 2,500 members throughout the United States with regional chapters located in Houston, New Orleans, the Midwest, Southern, Western, Northeast and Rocky Mountain regions.

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Moeller, continued from page 1

serving Commissioners. He announced last spring he did not wish to be reappointed and his latest term has now elapsed. He served with Chairs Kelliher, a Republican like himself, and then Wellinghoff, LaFleur, and Bay, three Democrats. While he states that most issues are non-partisan, he found that when you are in the majority your view is subsumed within the FERC orders, whereas when you are in the minority, your voice comes through more clearly.

“Make sure that all the Commissioners talk to each other or else it can become a viper’s nest on the 11th floor.”

Had there been a President McCain or a President Romney, he may well have been elevated to the Chairmanship. He stated that “each Chair brings their distinct imprint,” and confirmed that “priorities would have been a bit different” had he been Chairman under a President of his party. In particular, “I believe in markets. I believe they have added incredible value to consumers and the environment.” On the other hand, he praised Chairman Bay for opening up the process so that other Commissioners “can have a say” on priorities and for being “open to ideas that I have had” concerning the efficient operations of the Commission and responsiveness to the public. He also commended the current Chairman for the “comradery

News from FELJ

Why member dues “check offs” are so important

Since 1980, the Energy Law Journal has been a great benefit to EBA members. Support the Foundation’s mission of publishing the Energy Law Journal by including a donation to the FELJ in your annual EBA dues payment. Your contribution will help defray the FELJ’s expenses for publication of the Energy Law Journal. Every member receives a copy of the Journal but your dues do not fund the costs. We rely heavily on contributions and sponsorships, in addition to advertising and royalty payments to fund the Journal expenses.

Over the past thirty five years, the Energy Law Journal has become the preeminent publication for energy law and energy practitioners in the United

States. The ELJ publishes legal, policy, and economic articles of lasting interest with significant research value on subjects dealing with all aspects of the energy industry, including the electric, gas, oil, renewables and hydroelectric sectors. The ELJ provides thought-provoking and thoroughly researched articles by practitioners, internationally known academics, federal judges, high ranking government officials and members of the Federal Energy Regulatory Commission. Highly respected, the ELJ is often cited in federal and state court opinions and law review articles, by energy industry speakers, and the FERC. □

About FELJ

Since 1980, the *Energy Law Journal* 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. Visit www.felj.org to learn more or subscribe.

that we have now.”

He recalled how when he was first about to become a Commissioner, he sought out former Commissioners and Staff for advice, and was told to “make sure that all the Commissioners talk to each other or else it can become a real viper’s nest on the 11th floor.” Under Chairman Bay, he says that “has not happened” (viper’s nest, that is).

MAKING HIS MARK

“Every decision is going to make somebody mad,” he points out, because “we are calling balls and strikes, we are calling winners.” He tries to “make it clear where I stand on the big issues, and have an open door policy, with thousands and thousands of meetings.” He believes that those who have been Commissioners understand these demands and have a mutual respect

Moeller, continued on page 18

EBA Members in the News

Sue Kelly on Washington's 'Most Powerful Women' List

Meena Dayak, Public Power Daily

Sue Kelly, president and CEO of the American Public Power Association, has been named one of Washington's "Most Powerful Women" in the November 2015 issue of Washingtonian magazine.

The magazine lists more than 100 of the region's most influential women in business, law, government, education, media, nonprofits, and the arts. Washingtonian says the roster reflects the many spheres where women now hold sway, in both the public and private sectors as well as in the arts, science, and community service. Kelly was listed in the "Business, labor, and lobbying" category for her representation of 2,000 community-owned electric utilities serving more than 48 million people.

"Congratulations to Sue on this richly deserved recognition," said Doug Hunter, APPA board chair and CEO of the Utah Associated Municipal Power Systems. "This is a proud moment not just for Sue and APPA but for all of public power. We appreciate how effectively Sue has raised our profile in the nation's capital."

Sue Kelly became president and CEO of APPA on April 1, 2014. In the past 18 months, she has worked to improve relations with members of the media, legislators and policymakers, and colleagues at other energy trade associations. At the same time, Sue has also traveled across the country, visiting members



and apprising them of developments in Washington and how they impact day-to-day operations to deliver electricity.

"I am honored by this recognition," said Kelly. "It shows the strength of public power and the appeal of our message. The commitment of our community-owned member utilities, as they keep the lights on for millions of Americans, makes it easy to advocate for them in Washington. And I couldn't do it without our wonderful staff and board," she added.

Prior to becoming president and CEO, Kelly was APPA's senior vice president, policy analysis and general counsel. In that capacity, she helped APPA and its members in energy policy formulation and with policy advocacy before the Federal Energy Regulatory Commission, federal courts, and other governmental and industry policy forums. From 1998–2004, Kelly was a principal with the Washington, D.C. law firm of Miller, Balis & O'Neil, P.C. From 1995–1998, Kelly served as the senior regulatory counsel for the National

Rural Electric Cooperative Association.

In March 2008 Kelly was appointed to a one-year term on the U.S. Department of Energy's Electricity Advisory Committee. She served a second term on the EAC from June 2012 to April 2014. In April 2010, Kelly was elected president of the Energy Bar Association. In January 2015, she was selected to serve as an associate member on the Commodity Futures Trading Commission's Energy and Environmental Markets Advisory Committee. She is also a member of the E Source Advisory Board.

Kelly is a frequent speaker on energy-related topics. She has given presentations to many industry groups, including the National Association of Regulatory Utility Commissioners, the Organization of PJM States, Inc., the National Association of State Utility Consumer Advocates, the Energy Bar Association, the American Bar

Continued on page 23

EBA Ambassadors

Each One, Reach One

The results are in for the first half of the 2015-2016 EBA Ambassador membership drive: since the beginning of the “Each One, Reach One” campaign we have brought in 456 new members! This represents a consistent increase in our recruitment for each month of 2015, over the same month in 2014, of at least 50%. Overall, our recruitment efforts have resulted in a 71% increase in new members over 2014! These results would not be possible without the significant dedication of the EBA Ambassadors, some of whom have reached the double digits in their recruitment efforts.

CONGRATULATIONS TO OUR TOP RECRUITERS IN 2015!

Adrienne Clair, 13 referrals
Vicki Baldwin, 12 referrals
Rich Meyer, 11 referrals
Mike Stosser, 11 referrals
Dan Pancamo, 10 referrals
Crystal McDonough, 10 referrals
Kelsey Chilcoat, 9 referrals
Dana Shelton, 7 referrals



GET INVOLVED—BECOME AN EBA AMBASSADOR

When EBA membership grows, we all benefit through access to an expanded network of industry professionals. But, as an added incentive, if we hit our goal of 3,000 total members by the end of the organizational year, EBA has pledged to make a significant contribution to the Charitable Foundation of the Energy Bar Association for every member referred by you.

Recruiting new members is about sharing your membership experience with others. Some suggestions to help you reach potential members and encourage them to join include:

- ◇ Share your copy of the [EBA Update Newsletter](#), [EBA Insights](#), or the [EBA Annual Report](#);
- ◇ Publish an article in your firm newsletter about why you belong to EBA;



- ◇ When new employees begin working in your firm, tell them how EBA can help them transition into their new role;
- ◇ Share the benefits of an [EBA membership](#), including a personal experience in which your EBA membership has benefitted you in your career (a positive testimonial can be a great recruitment tool);
- ◇ Invite a prospective member to attend the [EBA Annual Meeting & Conference](#), or [Mid-Year Meeting & Conference](#) with you (visit the [EBA calendar](#) to view all upcoming events);
- ◇ Give a gift of EBA membership to a colleague, or sponsor a student for one year of membership.
- ◇ Follow up! Check back in a few weeks to see whether your prospective recruit has joined, and see if there are any questions that you can answer.

Learn more about the *Each One, Reach One* membership campaign at www.eba-net.org/eba-ambassadors.

Refer a colleague to our membership page for more information or to join at www.eba-net.org/join.

EBA Mourns Passing of FERC Chief Judge Curtis L. Wagner, Jr.

Gary Guy



Chief Judge Curtis L. Wagner, Jr.

The passing this month of Chief Judge Wagner marks the end of an era, and comes as a great loss to all EBA members. It was just August of last year that the Chief Judge was honored in a

ceremony headed up by then FERC Chairman Cheryl LaFleur for completing his 60th year of Civilian Federal Government service. Although FPC Chief Judge Joseph Swerdling extended his tenure beyond the date the agency became FERC for the first year and half, Curtis Wagner served as Chief Judge at FERC from mid-1979 until the day of his death (having made a case assignment that very day both by email and telephone call to the newly assigned Judge). All practitioners at FERC knew him well. On countless occasions, he told us he loved us,

and we returned that love, plus enormous respect.

The Chief Judge presided over many litigated cases, including one with Georgia Governor Jimmy Carter as a witness, with a long lunch break so he could announce his candidacy for President at the National Press Club. Among the landmark cases tried before Chief Judge Wagner was *Public Utilities Commission of California v. El Paso Gas Co.*, dealing with market power and abuse of affiliate relations. His decision in that case warranted a front page article in *The New York Times*.

His Honor also was a Settlement Judge in many complex cases where he assisted the parties in resolving their differences. He lectured extensively on settlement and mediation processes,



Pictured with Chief Judge Wagner, from left to right, are: granddaughter Kim; son Rex; daughter-in-law Susan; granddaughter Rikki; and son Curtis III.

and was well known for his successes in that area. For example, Chief Judge Wagner was instrumental in achieving a settlement in the Illinois Power proceeding which made the MISO RTO possible. He also mediated the SECA case involving payments for lost revenues for charges eliminated on transactions between MISO and PJM. And he served as the Settlement Judge in the California power shortage/refunds dispute, including participating in White House Task Force meetings. Moreover, he served as Settlement Judge in the U.S. Northeast Pipelines cases involving five competitive applications to move gas from Canada to the Northeast United States and New York. In just 90 days, he achieved a settlement that resulted in the Iroquois Pipeline System – something which under traditional licensing procedures would have taken five years or longer.

And he was a great friend to our Association, speaking at various EBA events, writing the first Judge's Corner article for our newsletter, and



Chief Judge Wagner receiving his 60 years of Federal service award in August, 2014.

Continued on page 23



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career
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Visit the
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• Free to search
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**Access through the
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MyEBA](http://www.eba-net.org/MyEBA)**

EBA Committees

The EBA Committees provide an opportunity for members to network with fellow practitioners and stay up-to-date with new developments in their practice areas. These committees conduct two educational events a year, provide a report to the *Energy Law Journal* on developments and assist in planning and conducting panels at the Mid-Year and Annual meetings, in their subject matter. Barely a week goes by that there is not at least one committee event scheduled on the calendar.

The EBA Electricity Committee held four educational/networking events in the first six months of the Committee year. Each of the four events was excellent, including one panel discussion, titled “*Jurisdictional Blurred Lines*,” held on September 22; a reception for FERC Commissioner Colette Honorable held on October 6; an EBA Energizer event on locational marginal price issues held on October 20; and a lunch held on October 28, titled “*Section 205/206 Fundamentals and Insights*.”

The FERC Practice Committee is planning a three-part series for spring on “*Effective FERC Advocacy*,” which will provide members with an insiders’ view of the FERC decision-making process.

Also on the calendar is a one-hour panel discussion hosted by the Alternative Dispute Resolution and Consensus Building Committee. This program, entitled “*Mediating an*

Energy Case – Practical Advice from Program Administrators,” will be held in April of 2016.

The 2015-2016 EBA Committees are diligently working on activities for 2016. Committee programs are open to everyone so feel free to invite your colleagues. Check the EBA Calendar for a complete listing of upcoming Committee events.

**For more information about EBA
Committees, please go to:
www.eba-net.org/get-involved**

Judge's Corner

Q&A with Acting Chief Judge Carmen A. Cintron

Earlier this month Judge Carmen A. Cintron was named Acting Chief Judge of the Federal Energy Regulatory Commission (FERC). This appointment follows her appointment as Deputy Chief Judge in September 2015. In October, FERC Practice Committee co-chair Kimberly Frank sat down with Judge Cintron to find out more about her career, what her appointment means for the Office of Administrative Law Judges and Dispute Resolution (OALJDR), and the day-to-day challenges of her work as an Administrative Law Judge with the Commission.

TELL US ABOUT YOUR DECISION TO BECOME AN ADMINISTRATIVE LAW JUDGE.

The circumstances prompting that decision are still very clear to me. I was Staff at the Federal Communications Commission (FCC) and assigned to litigate a contentious license revocation case. I looked around the crowded hearing room, which was buried in copies of exhibits and boxes of documents, and I decided that I could do what the Administrative Law Judge was doing. I held on to my goal despite the time it took to work through the arduous qualifications process.

YOU HAVE BEEN AN ALJ FOR MORE THAN 20 YEARS, AND MOST OF THAT TIME HAS BEEN WITH FERC. PLEASE TELL US ABOUT YOUR EARLY EXPERIENCES.

My first assignment was with the Social Security Administration in San Jose, California. I was a

business major in college, so the decisions were wrenching for me on a personal level – especially the cases involving mental health issues. Later, I was promoted to a Chief Judge position in Atlanta, which was very demanding in terms of workload and management activities. However, the accomplishments of reducing backlogs – thus providing speedier decisions to the public – was very rewarding. In addition, we accomplished the herculean task of moving the office to a brand new state-of-the-art building. I was with the Social Security Administration for five years before I returned to Washington to join FERC.

Returning to Washington was the right decision for me. When I started at FERC, I brought with me 14 years of complex ratemaking and regulatory experience from the FCC. I was able to transfer that skill set quickly to FERC matters.

YOU MUST ENJOY RATE CASES.

Of course! Rate cases have been our bread and butter. During my time at FERC the industry has changed substantially – and so has the regulatory framework. I consider myself fortunate to have presided over some groundbreaking and precedential cases, including enforcement matters.

PLEASE SHARE A SIGNIFICANT MOMENT IN YOUR CAREER AS AN ALJ.

I attended the oral argument at the Supreme Court for *Morgan Stanley Capital Group Inc. v. Public Utility District No. 1 of Snohomish County*, and sat behind the U.S. Solicitor. Justice Scalia asked one of the attorneys how I ruled in my Initial



Acting Chief Judge Carmen A. Cintron at Elegant Dancing in Fairfax, Virginia

Decision. It is not every day that your case gets to the Supreme Court!

TELL US WHY YOU ACCEPTED THE ACTING CHIEF JUDGE APPOINTMENT.

My management experience will be useful in the administration of OALJDR. My undergraduate degree is in management and, during my tenure as Chief Judge at the Social Security Administration, I managed more than 50 employees and 11 judges, including two retired judges. I enjoy the challenges of everyday issues as they arise, including identifying the needs of the employees and the office. Helping employees succeed has always been one of my priorities.

Continued on page 22

Energy Law Journal

Excerpts from Past Issues

TEN YEARS AGO

*"Natural gas has been regarded as the ideal fossil fuel for multiple uses – from electricity generation to manufacturing, in part because of its efficiency, in part because of its relative cleanliness, and in part because of its relatively low delivered cost. For many years, natural gas was a wise and easy choice; America is blessed with an abundant supply and gas burns cleaner and is considered by some to be more environmentally preferable to other fuels. That abundant supply translated to low prices, and those low prices helped fuel a strong and vibrant economy. Now however, the days of low gas prices are over, and the nation is in the midst of a very real natural gas crisis."*¹

TWENTY YEARS AGO

*"Modifications of PURPA may be in order, and reexamination by the FERC and by Congress may be necessary. This ought not, however, involve abandonment of PURPA's basic policy objectives. Retention of PURPA in a form appropriate to serve those goals remains important – even if commitment to market forces is the wave of the immediate future."*²

THIRTY YEARS AGO

"Economic rents constitute the difference between the market price of a commodity or service and the price necessary to elicit its production. Thus, if Wilt Chamberlain commands a market place [sic] of \$1 million a year as a basketball player, and could earn only \$100,000 in the next most lucrative occupation, he may be said

*to enjoy economic rents of \$900,000 a year. Similarly, if particular units of natural gas can be produced (with a normal profit) at a wellhead price of \$1.00, but the market price is \$2.50, those units generate economic rents of \$1.50."*³

All prior issues of the Journal are available at www.FELJ.org.

References

1. United States Senator James F. Inhofe and Frank Fannon, *Energy and the Environment: The Future of Natural Gas in America*, 26 ELJ 349, 349 (2005)
2. Hon. Richard D. Cudahy, *PURPA: The Intersection of Competition and Regulation Policy*, 16 ELJ 419, 439 (1995)
3. Stephen F. Williams, *The Proposed Sea-Change in Natural Gas Regulation*, 6 ELJ 233, 238 (1985)

2016 EBA Annual Meeting & Conference

June 7-8, 2016

Renaissance Downtown Hotel, Washington, DC

www.eba-net.org/2016

2015 Mid-Year Meeting & Conference



Honorable Cheryl A. LaFleur delivers Luncheon Address



General Session: *The Looming Cyber Threats and How to Combat Them*



Keynote Speaker Richard Pierce, George Washington University Law School, with Session Moderator Donna Attanasio



Concurrent Session: *Stormy Seas Ahead for U.S. Water Policy*



Luncheon on Thursday, November 19

Photo Gallery



Rich Meyer (left) presents the 2015 State Regulatory Practitioner Award to Stephen Watts,



General Session: On a Knife-Edge: Rewards and Penalties in Capacity Performance



Todd Wooten, Keynote Debate: Perspectives on Energy Issues from the Hill

2015-2016 CFEBA Fundraising Kickoff Reception

November 18, 2015

Light up the Village!

Reception attendees network and raise money for CFEBA's Light Up the Village campaign to bring life-changing electricity to farming families in rural Bolivia.



EBA Chapter Updates

The EBA Chapters are gearing up for 2016 annual meetings and the latest details are available on the EBA Calendar page: www.eba-net.org/calendar

Rocky Mountain Chapter

The Rocky Mountain Chapter, along with the EBA Power Generating and Marketing Subcommittee, co-sponsored an EBA Energizer titled *"Clean Power Plan: Federal and Western Perspectives - A Work In Progress"* on October 13, 2015. This event took place at several locations in the Rocky Mountain region, with video conferencing between venues. The event provided an overview of the Clean Power Plan and its current status from a federal, national perspective, and insights into how Rocky Mountain states are analyzing the Plan and beginning to develop state compliance plans. They are also in the early stages of planning a CLE event for February in Utah with a suggested topic of the power needs of ski resorts. They have scheduled their Annual Meeting for **May 6, 2016** in Denver, CO, which will consist of a full day of CLE and networking reception.

Midwest Chapter

The Midwest Chapter is hard at work confirming speakers for their Annual Meeting, which will take place on **March 7-8, 2016** in Indianapolis at the Omni Severin Hotel. The Board is assembling panels and working on recruiting sponsors. They are also working on setting up more formal committees to try to attract new members and new involvement within the chapter.

Houston Chapter

The Houston Chapter held an EBA Energizer on September 23rd, titled *"Recent Energy Regulatory Developments in Texas,"* in Houston with speaker Barry Smitherman, former Chairman of both the Railroad Commission of Texas and the Public Utilities Commission of Texas. Mr. Smitherman discussed recent developments at both agencies arising from the recent dramatic increase in oil and gas production in Texas; the change in the ERCOT fuel mix, and the possible implications of EPA's "Clean Power Plan." The Chapter is excited to host an upcoming luncheon at the Jones Day office in Houston featuring esteemed guest, Commissioner Colette D. Honorable. This event will provide EBA members and guests with the opportunity to get to know

Commissioner Honorable in an informal atmosphere, ask questions and fit in some quick networking with colleagues over lunch.

On December 7, 2015, the Houston Chapter co-hosted a networking reception in conjunction with the EBA Primer event on Energy Trading and market demand in the natural gas, oil and electricity sectors. Bracewell and Giuliani sponsored the event.

Western Chapter

The Western Chapter held an EBA Energizer, titled *"Scaling Renewable Energy: A Perspective from Google, Inc.,"* with speaker Sam Arons of Global Infrastructure at Google, Inc. on October 16, 2015.

Google is on the forefront of



Sam Arons of Google speaks to a very engaged Western Chapter audience.



Attendees to the *Scaling Renewable Energy: A Perspective from Google* program on October 16

companies that are sourcing their own renewable energy to meet growing energy needs. Arons discussed Google's innovative global renewable strategy to meet its energy needs. This event took place at Holland & Knight in San Francisco and was very well-attended.

The Chapter is now finalizing their agenda for the 2016 Western Chapter Annual Meeting, taking place on **February 24-25, 2016** at the Palace Hotel San Francisco. The Chapter is excited to hear from FERC Commissioner Tony Clark for their morning keynote and plan to host a CFEBA silent wine auction in support of their local Habitat for Humanity.

Southern Chapter

The Southern Chapter held an EBA Energizer teleseminar with Jeffrey Moore, Senior Energy Analyst at Bentek Energy, a unit of Platts on *"The Changing Face of the North American Natural Gas Market"* on November 6, 2015. They are currently working on their Spring Annual Meeting which will be co-sponsored by Southeastern Energy Society.

Northeast Chapter

The Northeast Chapter hosted a program on October 14, titled *"Shaping the Utility of the Future"* that examined ongoing state commission inquiries into how to better deploy technology resources into retail energy markets and how retail efficiencies might impact the larger wholesale market. This program was hosted at the Ballard Spahr offices in NYC and Philadelphia, with video conferencing between the two locations. The Chapter is planning another dual-location event for **February 4, 2016** with the Alternative Energy Committee and will soon have a date set for their Annual Meeting in early May 2016.

New Orleans Chapter

The New Orleans Chapter of the Energy Bar Association has been working hard to revitalize its chapter and increase its membership. It held two very successful recruiting events recently. The first, a "Careers in Energy Law Panel Presentation," was held at



New Orleans Chapter visits Louisiana State University Law School on October 22 for an EBA "Road Show"

Louisiana State University ("LSU") on October 22, 2015. Four panelists made a presentation to a group of about 30 students in attendance who are pursuing an energy law curriculum at LSU. Also the energy law faculty and support staff all attended the program and were very supportive of and grateful for the Chapter's efforts.

The four panelists for the LSU program were as follows:

- ◇ Brandon Frey, Executive Counsel to the Louisiana Public Service Commission;
- ◇ Mark Pearce, General Counsel, Cleco Power, one of the investor-owned electric utilities in Louisiana;
- ◇ Nick Pascale, Associate General Counsel, National Rural Electric Cooperative Association;
- ◇ John Schwartzenburg, Partner, Jackson Walker LLP Houston office, with an extensive energy law transactional practice that is both domestic and international, and covers both oil & gas matters and electric power matters.

All of our speakers, including Chapter President Dan Pancamo with opening remarks, did a great job. The student response and interest was terrific. All of the speakers remained after the program to converse with the students and to answer their many questions.

Chapter Vice-President Dana Shelton also made a presentation regarding the Energy Bar Association to a group of students at Tulane Law School, at the invitation of Michael Fontham, an EBA member and *ad junct* professor

of evidence at Tulane. The Tulane students were also very receptive and grateful for the outreach efforts.

The two recruiting events garnered more than 30 new applications for student membership in EBA. Due to the generosity of EBA leadership and Stone, Pigman and Phelps Dunbar law firms, all of those new student application fees were underwritten for the students so that their memberships were at no cost to them.

There appears to be a lot of interest in EBA among the law student groups in Louisiana, and the New Orleans Chapter intends to make outreach to those students one of its on-going functions. The New Orleans Chapter intends to conduct a program at Loyola Law School of New Orleans in the Spring.

As part of its on-going revitalization and recruitment efforts, the New Orleans Chapter intends to submit an application to EBA leadership to officially become a Louisiana-wide Chapter, and to change its name accordingly, to broaden its geographic base and appeal to parts of Louisiana outside New Orleans. The Chapter also hopes to host a CLE function in 2016 to provide an opportunity for members to obtain high-quality, relevant and convenient CLE hours in Louisiana. □ □



Louisiana State University Law School



On-Demand Programs

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Charitable Foundation of the Energy Bar Association (CFEBA) Update

This year, CFEBA announced a new partnership with NRECA International Foundation to support the men and women of U.S. utilities who lend their skills to design and implement successful and sustainable rural electrification programs, bringing electricity to parts of the world that lack it. Over 50 years, these efforts have improved the lives of millions of people in developing countries such as Bolivia with access to safe, reliable and affordable electricity. Such access to electricity is a key to better education and health care, access to clean water and new economic opportunity as a result. We are thrilled to support NRECA International's work with CFEBA grants. CFEBA will continue to provide grants to other worthy organizations, but our work with NRECA International will be the cornerstone of our efforts.

As part of the efforts to increase fundraising, the CFEBA abandoned the Fall "silent auction" event format of yesteryear – and introduced their year-long campaign – which was launched at the Fundraising Campaign *Light Up the Village* Kickoff Reception on November 18, 2016 and will culminate in a sit-down dinner gala to be held in conjunction with the EBA Annual Meeting in June 2016.

The 2015-16 Fundraising Campaign: *Light Up The Village!* Kickoff Reception immediately followed the Mid-Year Meeting and Conference with over 200 in

attendance. The event and Fundraising Campaign have been extremely successful so far. To date, contributions to the 2015 -2016 Annual Campaign approximately \$105,000!

During the Reception, the seventh Paul E. Nordstrom Service Award was bestowed posthumously on A. Karen Hill. This award was established by the EBA and the CFEBA in memory of Paul E. Nordstrom, a past president of the EBA and the first president of the CFEBA. The Paul E. Nordstrom Service Award honors EBA members who have demonstrated exemplary and significant service to the EBA and the community. The award was presented by CFEBA President Michael A. Stosser and accepted by Karen's daughter, Caryn Dashukewich. Three new firms were also honored with awards for continuously giving to CFEBA for 5 or more years consecutively.

Guests enjoyed hors d'oeuvres and cocktails while networking, participating in the exciting mystery wine grab and listening to live music from Richard Seals, Cheney Thomas & EBA's Jonathan Schneider.

CFEBA was pleased to recognize its continuous donors, Robert Weishaar, Jr. of McNees Wallace & Nurick LLC, Richard Lorenzo of Loeb & Loeb LLP and Emma Hand of Dentons US LLP, with the CFEBA Continuous Giver Award.



EBA President Rich Meyer (left) and CFEBA President Michael Stosser (right) present the Paul E. Nordstrom Award to Caryn Dashukewich (center), who accepted it in honor of her mother, Karen Hill.



CFEBA President Michael Stosser (right) presents the CFEBA Continuous Giver Award at the CFEBA .

The Board of Directors of the Charitable Foundation of the Energy Bar Association is indeed thankful to the many of you who have already contributed or attended the CFEBA Kickoff Reception last month. Because of your generosity, we are positively impacting peoples' lives. For more information on the *Light Up The Village!* Fundraising Campaign and our exciting project to provide electricity in rural Bolivia, visit: www.cfeba.org/node/198

**Thank you to the following
2015 CFEBA Annual Fundraising Campaign Donors:**

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About CFEBA

The Charitable Foundation of the Energy Bar Association's mission is to engage in a wide variety of energy-related internships, providing educational grants and scholarships, participating in volunteer community service

projects and providing financial support to needy individuals and non-profit organizations for payment of utility bills and other purposes. The Foundation relies upon tax-deductible contributions from EBA members and businesses for its funds and the active participation of EBA members for its service projects.

**For more information about CFEBA campaigns or to
make a donation, please go to www.cfeba.org.**

FERC Order Numbering System Explained

We received the following inquiry from a member:

The numbers assigned to FERC Orders are not always sequential. For example, Order No. 2004 and Order No. 1000. Some seem to tie together by number rather than by date of issuance. For example, Orders No. 436 and Order No. 636, as well as Order Nos. 887, 888, and 889. How is it determined when to designate an out-of-numeric sequence number to a FERC Order and for what reasons?



Secretary Kimberly D. Bose

What better place to go for an answer than the Secretary of the FERC herself, Kimberly D. Bose? So that is what we did.

Ms. Bose explained that Final Rules are assigned numbers in sequence in most cases. When there is a series of rehearing orders on a Final Rule, then the Order No. is retained on the rehearing orders, but with a letter following the number. For example, Order No. 790-A.

However, "more unique or memorable" Order Nos. are occasionally "requested and reserved in advance by the Secretary's Office," Ms. Bose elaborated. They are then subsequently assigned to a specific Rulemaking that "may impact the industry more significantly" or to a Rulemaking that is "particularly unique".

Voila! There you have it.

Keep the questions coming and we will search out the answer directly from the source. □

for the service that has been involved.

His dissents, particularly with respect to Order No. 745 dealing with demand response and how to compensate for that service, where the Supreme Court will be issuing a ruling, are indicative of where he has felt like a lonely voice in the wilderness. He was also a loner on reliability concerns over closures intended to comply with the mercury air toxics rule. He has raised singular concerns about the Clean Power Plan implementation by the EPA creating problems with the electric transmission grid in that he is concerned that interstate commerce of electric transmission will have inefficiencies brought about through differences in state practices. He also foresees increased emissions being an unintended consequence of incorrect implementation of the CPP. Gradually, as people learned more about these reliability implications of the EPA rules, he found that his “lonely” perspective was picked up by others.

Likewise, he encountered initial opposition to his initiation of action on gas and electric coordination, both “outside and inside the building.” For the most part, he says it is “universally recognized that this set of issues needs to be addressed so that we manage the transition as easily as possible.” He maintains that these are “not insurmountable problems, but the sooner we deal with them” the better off we will be, particularly “when it is extremely cold and we may not have enough gas to serve all the needs of the energy system.”

He called it “fun” to have essentially spearheaded the opening of a docket on gas/electric coordination. But he is only “slightly pleased” with the progress made to date. He pinpointed the genesis as the outage in the Southwest in the winter of 2011, “around the time of the Super Bowl.” There was an outage in Texas and problems in New Mexico and Arizona, where pilot lights went out and pressure was put on the local gas distribution companies. He commended as “excellent” the outage report that was put out jointly by FERC and NERC. But he observed that it was published in August 2011, when no one was in town. Consequently, it landed with a “thud.”

The lead investigator pointed out to Commissioner Moeller that there had been similar outages over the last three decades, each time resulting in great reports with great recommendations, only to end up on the shelf, collecting dust. “My motivation was I was not going to let that report collect dust.” He saw that the Commission seemed uninterested in conducting a national discussion of coordination of the industries, so he put out his “letter to the world” asking a series of questions. These included short and intermediate measures, such as the need to improve communication, coordination, and efficiencies, with the gas day and electric day beginning at different times, and how to increase infrastructure, particularly in the northeast and then more



broadly with the EPA regulations. Chairman Wellinghoff opened up a formal docket to deal with the issues raised in the Moeller letter, and the response was overwhelming, partly due to events that transpired afterward.

Specifically, Commissioner Moeller saw progress come from this undertaking, between the pipelines and the RTOs, “just in time before the polar vortex event” in the winter of 2013-14. That is, “very significantly, the polar vortex events” gave impetus to his gas/electric coordination efforts, with PJM’s CEO Terry Boston telling Commissioner Moeller that he had become a believer as PJM saw the need to take new steps, including in capacity procurement.

“We made some progress in better alignment of the gas and electric day,” he noted. But he sees more that needs to be done, perhaps not so much within the realm of FERC’s jurisdiction but rather that of the siting authorities of various Federal and State agencies. He also sees a need to send proper economic signals to get more pipelines built where they are needed. “At this point,” he states, “people are probably going to wait a little while to find out how the Power Plan turns out and how the state

plans are drafted and how they work with other states.”

In the meantime, he points out that it takes a long time to get construction approval, as people exercise their free speech rights to challenge applications, so he recommends starting the process sooner rather than later. He points to the different natures of the electric and gas industries, including different regulatory, financing, and siting rules. He has encouraged both sectors to learn more about the other industry, even to the point of understanding the different meanings of the same terminology within each business, both nationally and regionally. This is because of the “convergence that seems to be on a trajectory that is not abating and is only going to increase.” This involves the fact that the price of natural gas is lower than was expected a few years ago and gas plants are fast-ramping and easier to site and finance. “We have so much supply now; that will be a moderating force on the price.”

THE BEST AND WORST ENERGY EVENTS, AND WHAT LIES AHEAD

What were LNG import terminals when Mr. Moeller became a Commissioner have been reconstituted as LNG export facilities. And these facilities have been the most controversial matters to come before the Commission throughout his tenure, no matter which way the LNG happens to be moving. This 180 degree turn-around in LNG operations is the most significant positive development in the industry in the last 50 to 60 years, he maintains. He identifies the most disruptive as the 1973 oil embargo.

And fracking, the cause of the LNG exports, was something he was able to observe “from the ground floor.” Shortly after coming on board at FERC, he began meeting with the natural gas production community periodically as part of a task force. The emergence of extraction techniques causes him to be “very bullish” about long term gas supplies. He says that America and our allies

will benefit from this additional development of natural gas.

On the regulatory side, he experienced the unpopularity of high electricity prices in response to the prices of fuel supplies. As the market changed, with prices falling 50% in 2008, he found that the critics became quiet. He believes that the Commission was right to maintain “a steady hand and stay the course, while tweaking a few things” in allowing market forces to work.

“I am fuel neutral, but not reliability neutral.”

He also sees the need for the Commission to address seams issues related to RTOs. He says these issues will not take care of themselves and need Commission involvement. While FERC was active at the time that a national standard market design was being considered and RTOs were being formed 10 or 11 years ago, he believes that there remain some issues to be resolved.

New transmission investment is another imperative, according to the Commissioner, for a variety of reasons. These include the redundancy it provides; the capability to accommodate fuel mix; location constrained resources, such as wind, which is far from load; and the need for reducing congestion costs and increasing reliability. He states that it is hard to build transmission “even when all the stars are aligned.” It is typically a multi-year process, with “thorny” cost allocation issues across jurisdictions, and siting in state and



From left to right: David Connelly, Philip Moeller, Gary Guy

county hands, making for a “riskier and longer process.” He believes that the reward should be commensurate with the risk, and observes that “we cannot stay at a near-zero interest rate forever.” These projects must be able to attract capital for a 30- to 40-year life, and it takes years to develop Commission policies to address the needs. He said that many projects were in “limbo” while the Commission embarked on just such an undertaking.

The long and litigious process of FERC ratemaking is colored by the uncertainty of monetary policy, he points out, with a “concern” that

“Get to know the Commissioners and the Staff. Don’t wait until you need help. Develop relationships.”

transmission ROEs have sometimes fallen at or below state authorized returns. He maintains that the “risk at the transmission level is higher than at the distribution level.”

As to competitive supply sources and technologies, FERC plays no favorites, according to Commissioner Moeller, with the admonition that, “I am fuel neutral but not reliability neutral.” (Some of his colleagues have adopted this quote as descriptive of their approach as well, much to his delight.) He believes it is a sound approach that he hopes will be continued whereby “we can facilitate some generation over others,” such as with a product

Mulling Moeller’s Musings

- Q.** Favorite D.C. restaurant? **A.** *Tosca*.
- Q.** Favorite dessert? **A.** Cherries jubilee. (Lisa Levine, he wants it served in brandy and set on fire at an EBA Dinner.)
- Q.** Favorite weekend escape? **A.** Hershey, Pennsylvania.
- Q.** Favorite sport: Baseball.
- Q.** Favorite TV show? **A.** *Key and Peele*.
- Q.** Most recent book read? **A.** Half way through *Boys in the Boat*.
- Q.** Hidden talent? **A.** Hard to pick.
- Q.** A tip to master work/life balance? **A.** Avoiding stressful commutes.
- Q.** Something on your bucket list? **A.** Singing the National Anthem at a baseball game.
- Q.** Something you’ve checked off your bucket list? **A.** Throwing out the first pitch at a major league baseball game.
- Q.** Person most influential in your childhood? **A.** My parents.
- Q.** Person who most influences you now? **A.** Professionally, Senator Slade Gorton.
- Q.** Public figure you admire (not necessarily in Washington)? **A.** Senator Slade Gorton.
- Q.** Most beautiful place you’ve ever seen? **A.** The Canyonlands in Utah.
- Q.** Most important lesson to teach your kids? **A.** Work hard.
- Q.** Item you would take to a desert island: **A.** Food.

FERC called “conditional firm.” This was undertaken to recognize the realities of wind generation as equivalent to firm but not universally the same since wind is not always available. These kinds of policies have been more beneficial in allowing new market products while generally beneficial overall, he maintains. He clarifies that such an approach “is not picking winners but is meant to facilitate market access.”



SECURITY PROBLEMS IN PERPETUITY

As for outstanding threats, the Commissioner pointed out that FERC called upon NERC to develop a physical security standard with a quick turn-around time, which “is moving forward, it is a good start, and is to be continued.” As to geomagnetic disturbances, he explains that this threatens locations differently based on the topology. This makes a difference in terms of

determining whether the costs of GMD investments in each locality are justified by the relative potential risks. As for cyber threats, he states that “the threat continues, will probably increase, and we need continued vigilance.” While FERC can get briefings, he laments that those in the industry with clearances and facilities to receive classified information are “spotty,” making for an “ongoing challenge.” He noted that legislation to provide FERC greater ability to act

in emergencies is being advanced, and that FERC and NERC are working together to protect the grid from cyber threats “as much as possible.”

Regulation has to keep up with evolving threats, as people come up with “new and creative ways” to disrupt the grid. Consequently, this will be a concern that Commissioner Moeller states will be with us for “perpetuity.” He cautions that we need a good recovery plan in the event that an attack is successful. That is a reason why he views redundancy of new transmission to be important. We must be “constantly vigilant” to

“My motivation was that I was not going to let that report collect dust.”

this “new reality.”

In particular, competitive new market entrants and new two-way communication capabilities create new vulnerabilities. The old grid was “less efficient but safer.” Now, he states, “we have to be constantly cognizant of the vulnerabilities, as more and more devices can connect through radio signals to create more energy points on the grid,” including in home devices. For this reason, he elaborates, there has been an effort to keep NARUC colleagues “in the loop” with briefings of those with clearances. The state commissions must approve many of the expenditures related to dealing with cyber challenges and that is why the levels of government confer on this subject.

He also commends the Commission for having initiated a

discussion concerning supply chain vulnerability. The CIP 5 standards, he commented, indicate that vulnerabilities in the supply chain need to be addressed, including with hardware and software applications, due to hacking. Vendors need to provide products that cannot be compromised, but the extent of their success is “not known right now,” he recounted. He foresees the need for a technical conference or some other forum to look into whether these matters are applicable to a NERC standard.

PUTTING TRANSPARENCY INTO ENFORCEMENT

He talked about the Office of Enforcement often being active outside of public scrutiny to the point that “people on the outside saw enforcement as a black box” without knowing what to expect or how to deal with it. He credits Chairman Bay with increasing the transparency of enforcement practices when he was the Director of that Office. On the other hand, he understands the concerns of entities that undergo investigations that do not result in any action not wanting adverse publicity that precedes the eventual exoneration. Consequently, he explained that the annual enforcement reports give examples of what has taken place without identifying the entity involved. He said that this gives more of a feel for how the Office functions. Also, he touts the penalty guidelines as “something you can work off of now” in terms of a template. He also is in agreement with the allowance of Brady rights to accused entities, and the disclosure of entities once an investigation has gone beyond a certain threshold.

He favors having a separate Enforcement Staff, which handles a

wide variety of matters, including market analyses. However, while FERC is basically an economic regulator, he states that “it is important that the rates people be in a very vibrant conversation with the enforcement people so that it is thoroughly understood how some market behavior could have occurred.”

THE LOYAL MOELLER STAFF

For the most part, his personal Staff has stayed with him for the balance of his term. He had been advised – incorrectly – that people would not stay for more than a couple years because of the heavy workload. Instead, some stayed for 8 or more years, including his current Policy Advisor Robert Ivanauskas, and his Confidential Assistant Jennifer Murray, who was with him from Day 1. And many have gone on to very high positions within FERC, such as Jason Stanek, Jignasa Gadani, and Jennifer Shipley, as well as Becky Robinson who has moved to Commissioner LaFleur’s Staff. Patty Hurd is now a Social Security ALJ in Michigan. He praised these and other former Staffers in his Office, including Policy Advisors Jesse Hensley and Christie DeVoss, who went on to other things just this year, for playing an enormously important role. He calls them essential “surrogates” in negotiating and floating ideas to get orders out on time. “They have the right personality, the right work ethic, and the right approach toward creative solutions.” Plus, “the office has been terrific with people not taking themselves too seriously.”

HOW TO SUCCEED IN WASHINGTON

Each agency has its own particular statutory end-date for a

Commissioner whose term expires. "It is strange to me that NRC Commissioners have to be out the door. CFTC can serve until the end of Congress; FERC is until the end of the current term of the Congress." He chose to leave on his own terms, after his second term expired, but before the end of the Congressional term.

Where will he end up? Where does he most feel at home within the USA? He claims it all, after spending six summers in Alaska, being born in the Midwest, and having just been out to his ranch in Seattle, which is where he is from. D.C., he advises, is a place for young people, "a town of relationships that needs care and feeding," and a place to put people on a good trajectory.

We will have to wait to see the next chapter. In the meantime, the good Commissioner offered us these concluding thoughts: First, he expressed "enormous gratitude" to Presidents Bush and Obama for nominating him and to the United States Senate for twice confirming him, and to his colleagues and the FERC Staff, and to his many welcome visitors. Second, he advises the Bar to "get to know the Commissioners and Staff. Don't wait until you need help. Develop relationships." And, he cautions the public to "be civil; do not disrupt the workings of the Commission."

He has certainly lived by these words of civility, and consequently he has built up a reservoir of good will. He has displayed openness, candor, leadership, and generosity of spirit. We wish him well! □

HOW DO THE ADDITIONAL RESPONSIBILITIES CHANGE YOUR DAY?

Let's just say that maintaining my caseload plus handling the office's administrative matters does not leave much room on my plate.

SOME WERE SURPRISED BY COMMISSION'S DECISION TWO YEARS AGO TO COMBINE THE DISPUTE RESOLUTION SERVICE WITH THE OFFICE OF ADMINISTRATIVE LAW JUDGES. HOW HAS THE INTEGRATION OF THE OFFICES WORKED OUT?

The combination of the two functions has worked well. Dispute resolution staff have a particularized skill set and those skills have been helpful. They are very successful in resolving disputes and having them in our office provides greater opportunity to have them help us in our settlement process. I have used dispute resolution staff in some of my settlements with great results.

YOU WERE ACTIVE ON THE BOARD OF PROFESSIONAL RESPONSIBILITY OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR TEN YEARS. PLEASE COMMENT ON PROFESSIONAL ETHICS IN THE CONTEXT OF THE FERC ADMINISTRATIVE HEARING AND SETTLEMENT PROCESS.

I was involved with the Board in various capacities, including as Hearing Committee Chief and as a two-term Board member. Professionalism and ethical integrity are essential in the administrative process. In my experience, the energy bar is conscientious of their ethical obligations and only infrequently do I hear concerns about attorneys practicing before us.

WHAT ADVICE WOULD YOU GIVE TO AN ASPIRING ENERGY ATTORNEY?

Work hard and stay focused.

Do not let yourself be intimidated.

Do not ever allow others' perceptions about your differences to diminish your effectiveness. I am pleased to see many more women and minorities in our agency and in the hearing room. This is a positive development for the industry.

TELL US SOMETHING UNEXPECTED ABOUT YOU.

Twenty years ago I started ballroom dancing. If I'm not working, there is a good chance you can find me at Elegant Dancing in Fairfax, Virginia. I also love hiking, biking, walking or just plain being outdoors.

READ ANY GOOD BOOKS LATELY?

Mysteries and crimes are my go-to genre. I recently finished *Blue Labyrinth* by Douglas Preston and Lincoln Child. Some of my favorite authors are Lisa Scottoline, Robert K. Tanenbaum and Patricia Cornwell. □



Judge Carmen Cintron

Sue Kelly, continued from page 5

Association, the American Antitrust Institute, the E Source Forum, and the Harvard Electricity Policy Group. She has also appeared before federal and state administrative agencies, and testified before committees of the U.S. Congress and state legislatures.

Kelly earned her J.D. degree with high honors from the George Washington University in 1980, and her A.B. degree in Honors Interdisciplinary Studies and Economics, magna cum laude, from the University of Missouri in 1977. □

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<http://www.publicpower.org/Media/daily/ArticleDetail.cfm?ItemNumber=44707>

In Memoriam, continued from page 7

spearheading the provision of Wi-Fi capability in the FERC headquarters building.

The late Chief Judge received his law degree from the University of Tennessee in December 1951. He received his pre-legal education at Tennessee Polytechnic Institute. He was admitted to the Tennessee Bar on March 31, 1952. His government service spanned both the Criminal and Civil Divisions of the United States Department of Justice, and serving in a civilian capacity as Chief of the Regulatory Law Division in the Army's Office of The Judge Advocate General where he represented the entire Federal Government in utility and transportation cases. Prior to entering Government Service, Chief Judge Wagner was in the private practice of the law with Kramer, Dye, McNabb & Greenwood in Knoxville, Tennessee.

Chief Judge Wagner was appointed an Administrative Law Judge at what was then the Federal Power Commission on September 8, 1974, and became Chief Administrative Law Judge of its successor, the Federal Energy Regulatory Commission, on June 25, 1979.

One of his first cases at the old FPC was the Irrigation curtailment cases dealing with whether gas would be made available to the irrigation farmers. He held several hearings in Washington, D.C., Albuquerque, Phoenix and Lubbock. In the early days of his career at FERC, Chief Judge Wagner handled the license cases for the importation of LNG from Algeria to Louisiana ports. He lived to see the day when LNG import terminals were transformed into export facilities. And he handled

Enron market manipulation and abuse cases that were the precursor to the strengthened enforcement authorizations now being exercised at FERC. His judicial career influenced federal energy regulation through the last quarter of the Twentieth Century and the first decade and a half of the Twenty-First.

Chief Judge Wagner received numerous awards, including the Department of the Army's highest award, the Decoration for Exceptional Civilian Service, and the University of Tennessee Accomplished Alumni Award. He was named in four separate editions of *Who's Who*, including *Who's Who in the World*.

Chief Judge Wagner truly was an outstanding man of our world, and he will be long revered by the members of our Association. □

Upcoming EBA Events

For the full calendar, visit www.eba-net.org/calendar

Meet Commissioner Colette D. Honorable

January 12, 2016, Houston, TX

2016 Western Chapter Annual Meeting

February 25-26, 2016, San Francisco, CA

2016 Midwest Chapter Annual Meeting

March 7-9, 2016, Omni Severin Hotel, Indianapolis, IN

Enforcers & Defenders Conference

March 8, 2016, George Washington Law School, Washington DC

Meet the Judges: Trial and Settlements with Jennifer Whang, Michael Haubner and Dawn Scholz

March 23, 2016, Sidley Austin LLP, Washington DC

2016 Rocky Mountain Chapter Annual Meeting

May 6, 2016, Denver, CO

2016 EBA Annual Meeting

June 7-8, 2016, Renaissance Downtown Hotel, Washington, DC

2016 EBA Mid Year Meeting & Conference

October 5-6, 2016, Renaissance Downtown Hotel, Washington, DC

2017 EBA Annual Meeting

April 3-4, 2017, Renaissance Downtown Hotel, Washington, DC

2017 EBA Mid Year Meeting & Conference

October 15-18, 2017, Renaissance Downtown Hotel, Washington, DC

DIVERSITY POLICY STATEMENT:

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.