



EBA Update

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FERC Deputy General Counsel David L. Morenoff Revels in Position

He Relishes his Role in the Agency Consistently Ranked at the Top of Job Satisfaction

By Gary Guy and David Connelly

On the day before Thanksgiving, the FERC Office of General Counsel's Deputy General Counsel David L. Morenoff graciously welcomed your team of interviewers Gary E. Guy and David Martin Connelly (aka "Frank Blair and Steve Bell") to his offices for an in-depth and candid interview.



Growing Up: Local Boy Makes Good

He is a native of the D.C. suburbs of Rockville, Maryland. His education would take him away but also lead to his return. He earned a bachelor's degree in history *magna cum laude* from Brown University in Rhode Island while interning in the offices of the then Rhode Island Congressman Jack Reed. Upon graduation in 1995, he postponed a plan to get an advanced degree in public policy and instead took a full time position with the Congressman and was working for him after his election to the Senate. One of his areas of concentration in that Senate office was energy. As to his further studies, Senator Reed advised David that he should acquire a law degree rather than a public policy graduate degree, as the Senator had both and considers the latter more useful. So, after three years of Capitol Hill employment, off he went again to the northeast, graduating *cum laude* from Harvard Law School in 2001.

With his law degree, he returned to the area to engage in private practice at Troutman Sanders L.L.P. for five years out of a desire to be engaged in the energy field that he finds to be dynamic and fascinating. In 2006, being interested in developments on the Hill involving energy, he listened intently to the Senate Energy and Natural Resources Committee hearings on the FERC

Commissioner nomination of Jon Wellinghoff. So taken was he with what he heard that Mr. Morenoff applied for a position as a Commissioner's Assistant with the new Commissioner Wellinghoff. He had an hour's length long-distance telephone interview with Mr. Wellinghoff, who was still in Nevada, and he landed the job. As Mr. Morenoff explains it, Mr. Wellinghoff "has such confidence in his own instincts" that he could tell from that phone interview that "this was going to work." Although he did think it over for a couple of days before calling back to offer the position. James Pederson and Mary Beth Tighe were the other two hires by the incoming Commissioner as FERC Staff veterans who were well steeped in the inner workings of the agency. Mr. Morenoff had both impeccable educational credentials and energy practitioner experience that obviously appealed to the good Commissioner but was not then a FERC Staffer. So, just ten years ago, in August 2006, he began his FERC career as Legal Advisor to Commissioner Wellinghoff. From there, he was off and running.

"He has such confidence in his own instincts that he could tell this was going to work."



Moving through the Office of General Counsel

As a Commissioner's Assistant, Mr. Morenoff looked over all the different matters that came up for voting at Commission Meetings. He advised Commissioner Wellinghoff on these matters and got to know the talented people at FERC. He also dug deeply into esoteric topics, and co-authored two *Energy Law Journal* articles with the Commissioner, one on participation of demand response in wholesale markets in the fall of 2007 and the other on the potential of hydrokinetic energy in the fall of 2008 (with Jim Pederson as a third author on the latter article). He found Commissioner Wellinghoff to be "passionate" on these particular topics. FERC Order No. 719-A came to adopt much of the rationale espoused in that demand response article and the same legal rationale carried over to Order No. 745. "It was wonderful to see" the Supreme Court rule on that Order and the underlying rationale of the *ELJ* article, observes Mr. Morenoff, "particularly since we won!"

"It was wonderful
to see, particularly
since we won!"

He was still working at Commissioner Wellinghoff's side when President Obama tapped Commissioner Wellinghoff to succeed Joseph T. Kelliher as Chairman. The new Chairman appointed a new General Counsel, Thomas R. Sheets, and Mr. Morenoff joined the OGC "front office" in the summer of 2009 as Special Counsel under both Principal Deputy GC Michael A. Bardee and Deputy GC Kathleen L. Barrón. Among other responsibilities, Mr. Morenoff and a small team within OGC early on focused on getting the rulemaking underway that led to Order No. 1000 on transmission planning and cost allocation in collaboration with the new Office of Energy Policy and Innovation.

In the spring of 2010, Ms. Barrón left the agency to assume a top executive position with Exelon Corporation, and in October 2010 Mr. Morenoff moved up to become Deputy General Counsel (the position which he now holds). Two months later, Mr. Sheets, who had come out of retirement to take the position offered to him by his long-time friend Jon Wellinghoff, took leave of the Commission. Mr. Bardee was promoted to General Counsel, with Mr. Morenoff holding the number two slot in the office, albeit with no change in title.

One of Chairman Wellinghoff's innovations as Chairman was the creation of the Office of Energy Infrastructure Security in September 2012, and the Director of the Office of Electric Reliability, Joseph McClelland, transferred to head up this new office. In his place, Chairman Wellinghoff named Mr. Bardee to head up the Office of Electric Reliability, with the result that Mr. Morenoff instantly became Acting General Counsel, a position he held for two years. During this time, through 2013, the Chairman was serving out his term while a successor was

being considered in a drawn out process. Ron Binz had been nominated but was running into some opposition that appeared to be holding up the confirmation process. Ultimately, he withdrew his nomination. In the interim, Chairman Wellinghoff ended his term and Cheryl A. LaFleur was named Acting Chairman. She retained all department heads, including her Acting General Counsel Morenoff. The succession continued to be embroiled in controversy even with the Binz nomination withdrawn when President Obama nominated Norman C. Bay, the Director of the Office of Enforcement, to fill the Commissioner vacancy and to serve as the next Chairman. Some members of Congress resisted the latter designation and were instead promoting the elevation of Acting Chairman LaFleur to assume the title. As readers will recall, an agreement was reached between the White House and the Senate Energy and Natural Resources Committee by which Ms. LaFleur was confirmed for a full Commissioner term with the understanding she would serve as Chairman for a truncated term, and Mr. Bay was also confirmed as a Commissioner with the understanding that he would be designated by the President to succeed Chairman LaFleur at a date certain. The result was that Ms. LaFleur was Acting Chairman for approximately nine months and then Chairman for about another nine months.

During her term as Chairman (no longer Acting), Ms. LaFleur offered the position of General Counsel to Mr. Morenoff (no longer Acting), and he accepted the position as an honor. Commissioner Bay was upfront with Mr. Morenoff as to retaining the discretion to name his own General Counsel once his Chairmanship would commence. But he was very complimentary of Mr. Morenoff and let him know that, regardless of what decision he made, he hoped Mr. Morenoff would continue to make a contribution to the agency in some capacity.

Back Again as Deputy General Counsel

Indeed, a few months after he took over the Chairman's gavel in 2015, Mr. Bay brought back a close friend, Max Minzner, who had previously served him at the Office of Enforcement when Mr. Bay was the Director.

But there is continuity in the office in that Mr. Morenoff was happy to remain and assume his former Deputy role. There is precedent for this in that Cynthia A. Marlette stepped down as General Counsel under Chairman Pat Wood III to return to her former role as Deputy General Counsel under Chairman Kelliher to fulfill the timetable established by Congress in the Energy Policy Act of 2005 for several FERC rulemakings to be undertaken and completed. And, of course, John S. Moot and Michael Bardee are two other examples of former GCs who remained at FERC in other capacities (with Ms. Marlette resuming her post as General Counsel when Mr. Moot moved on to become Chief of Staff under Chairman Kelliher).

His days vary quite a bit depending on where things stand in relation to a Commission Meeting date. He states that there is somewhat of a routine in processing draft orders for formal presentation for voting. The amount of meetings varies but at all times he personally remains available for consultation with Staff and for reporting to the Chairman and Commissioners on the status of the work flow. His role is generally that of a “facilitator” between all echelons of offices in accomplishing the work of the Commission. Representatives of his office participate in pre-filing meetings along with Advisory Staff of other offices. He balances the assignments for such matters with others in the OGC front office to make sure that OGC is appropriately represented.

Another area of responsibility that he enjoys is the supportive role that OGC plays in the preparation of testimony before Capitol Hill by not only Commissioners but department heads on hearings relating to their specialized functions. Draft legislation is sometimes submitted to FERC for technical assistance, and that is always looked at very carefully within OGC.

We asked him about whether the recent upsurge in protestors in and around the FERC building, even in the midst of FERC Sunshine Act Meetings, interferes with the operations of the Commission. He did not seem to find this “new normal” to be a particular impediment in conducting business. On the contrary, he spoke about respecting the right of free speech and understanding why people have “strong views” concerning the important matters that come before FERC. He emphasized, however, that the public can be most effective by commenting on the record in the docketed proceedings that form the basis of FERC decision-making.

The Issues; The Challenges

“There is a certain degree of uncertainty coming out of the election,” observes Mr. Morenoff. He pointed out that with the two Republican Commissioners having left the Commission with their seats still vacant and Commissioner Colette D. Honorable’s term ending next year, there might be a pairing of nominations from different parties to more easily facilitate confirmation. In the meantime, he affirmed that it is necessary for the Commission to “focus on the core responsibilities of the agency.”

“There is a certain degree of uncertainty coming out of the election.”

Stating his belief that the Commission functions best when there is a full complement of five Commissioners, he also sees one of the strengths of the agency as being the year in and year out bipartisan agreement, with roughly 98 percent of its orders being unanimous. He attributes this to the expertise of the Commission and the seriousness of the highly technical matters that come before FERC. For that reason, he is optimistic that the change in the Administration will result in no diminution in the adherence to the highest standards of technical analyses for which FERC is credited.

In particular, he informs us that everyone is continuing to move forward with the business of the agency and that there has been no communications from any incoming or outgoing government officials to do otherwise. This applies both to matters for which there are statutory deadlines as well as generic matters that are already underway. There is a recognition that “the changes in the composition” of the Commission may affect the outcome of ongoing initiatives. He expects any changes to be as to “emphasis” and that they will be “gradual.”

That being said, Mr. Morenoff’s experience has been that “the Chairman does make a great deal of difference in the agency both in terms of substantive priorities as well as through the tone and personality and background and skills” that each brings to the office. The Senior Staff must make sure to move forward in the direction of the Chairman’s priorities, he states. That includes making sure that “transitions are as smooth as possible.”

The big issues he sees ahead include “the uncertainty associated with the composition of the Commission and how that may change over the next year; if and when we do have a new Chairman, what will the priorities be; and many issues that I think carry over regardless of those transitions, as important as they are because of the nature of the issues.” These include the focus over decades on the development of competitive electric markets and the tension over state public policies and insuring that those markets serve the purpose for which they were created. Also, with the increasing development of new technologies, he sees FERC addressing how those technologies will serve the consumer under FERC market rules.

The efficient permitting of gas infrastructure is another area where he sees continued emphasis, particularly with a possible new look at the Council of Environmental Quality’s guidance on NEPA. “I hope the benefits that have been drawn from interagency communication are something that we can carry forward.” He would expect to see increased application of interagency cooperation in the realm of national security as well, with DOE, DHS, NERC, and FERC all having responsibilities in maintaining the reliability and security of the electric grid.



Thoughts about the EBA and Energy Practice

Mr. Morenoff has been a great friend of the EBA. As mentioned, he was a contributing author to two *ELJ* articles. He also spoke at a Smart Grid conference and two Committee brown bag lunches. He lauds the EBA as “a unique vehicle that facilitates conversations” across all sectors of the industry. While mindful of *ex parte* prohibitions concerning specific cases, he views both the formal EBA programs and the informal interactions as a particularly helpful way for FERC personnel to learn about general perceptions and concerns of energy professionals.

We also found him to be a proponent of pursuing a career at FERC. He points out to us that the Office of Personnel Management does a survey of job satisfaction within the federal workforce each year and that FERC consistently comes within the top five agencies within its category (mid-size). Over the past three years, he observes, FERC’s OGC has placed 4th, 1st, and 2nd among its size office within the subcomponent part of the survey as among the best places to work in the federal government. He attributes this result to the fact that “we do excellent work supporting the Commission on its substantive responsibilities. But I also take a lot of pride,” he continues, “in how collectively we do that in a way that makes us a place where people want to work.”

“We do excellent work . . . in a way that makes us a place where people want to work.”

In that connection, he recalls the advice he received from Senator Reed: “Be kind, no surprises.” He has always taken to heart all that is packed into that phrase. He believes it encompasses how the office is conducted, and that it also expresses how the agency serves the public in many different contexts. As long as David Morenoff is there setting such a good example, we can expect that these well-deserved rankings will continue.

Cross Examination of Counsel



Mountains or beach: Mountains.

Most memorable vacation: Two and half weeks in Australia to celebrate his wife passing the bar exam.

Favorite comedy in film or stage: Bill & Ted’s Excellent Adventure.

Favorite sport to watch: Baseball.

Favorite book: The Phantom Tollbooth for fiction; early American history for non-fiction, particularly about Thomas Jefferson and Teddy Roosevelt.

Favorite type of music: 1980s rock.

Favorite junk food: Ice cream.

Favorite D.C. restaurant: Lebanese Taverna in Woodley Park.

Signature dish he cooks: Macaroni and cheese.

Public figure he admires: Senator Reed of Rhode Island.

Something about him that surprises people: Met his wife in summer theatre, where he worked offstage during high school and college.

On his bucket list: See the Nationals win a World Series.

Something he's checked off his bucket list: He currently has the job he has always wanted.

What he is most proud of: His girls, age 5 and 3. "I think they are fun and sweet and I hope they grow up to be kind people."

Executive Director's Message



What EBA values and why energy professionals value EBA

As we close another year, this is traditionally a time of giving thanks and reflecting on our professional and personal lives. I want to give thanks to all the members of EBA who make it function successfully, who volunteer their time on its Board, committees, chapters, two foundations and the events that truly make EBA a community of connections. Without the many EBA members who make themselves available to chart our course and make our events thrive, EBA could not exist.

In November, as we do every year, EBA visited with the commissioners of the Federal Energy Regulatory Commission (FERC). This annual opportunity to have personal meetings with FERC's leadership is unique and affords us a chance to gain insight on the issues and challenges the

agency sees ahead. It also give us the opportunity inform and share with FERC not only EBA's future plans, but the direction of Foundation of the Energy Law Journal (FELJ) and the Charitable Foundation of EBA (CFEBA) as well.

Having access to key energy policymakers, attorneys and technical specialists at the federal, state and municipal levels is one of the reasons energy lawyers and energy professionals join EBA. EBA provides access to people and information they normally would not have without membership. That's why more 2,500 energy professionals value their membership. If you are like them and value what EBA provides, renew your membership today and enjoy these benefits.

Happy holidays and warm wishes for a great new year!

A handwritten signature in black ink, reading 'Lisa A. Levine'.

Lisa A. Levine, CAE
Executive Director

It's the Season to Renew Your EBA Membership

EBA's annual membership renewal drive has begun and we invite you to renew your membership. Why is membership with EBA so valued by 2,500 energy professionals throughout the U.S. and in more than a dozen countries? Because EBA is the only association dedicated to the energy law profession with unique networking, training and knowledge sharing events. EBA is where you enjoy access to key national and state energy policymakers who make EBA's meetings a mandatory part of their calendars. EBA is where you receive discounts for Continuing Legal Education and On-Demand programs that fulfill your training and learning requirements. EBA is where you find networking opportunities with energy practitioners, technical and subject matter experts and potential clients that can build your practice and enhance your career aspirations. EBA is where you get thought leadership opportunities to enhance your reputation.

Each day of the year, energy professionals leverage their EBA membership to make connections, develop relationships, share information and build business opportunities. Making a small investment in yourself is an investment in your future. Your membership renewal is vital to helping EBA continue to make these events and programs available to you. During EBA's membership renewal period, make it a point to renew and enjoy these benefits throughout 2017. And, while you are renewing, please consider a contribution to [CFEBA](#) and [FELJ](#) to support the work of these valuable foundations. Don't delay. Renew today.

[Renew Your EBA Membership Here](#)

[For New Memberships](#)

EBA's What's Ahead

1. EBA Calendar of Events

January 2017

01/12



2017 EBA ENERGIZER SERIES: TRENDS IN NRC LITIGATION, AN ASLBP PERSPECTIVE

Nuclear Regulatory Commission Atomic Safety & Licensing Board Panel (ASLBP) administrative judges provide an insightful review of recent past and potential future litigation before the Nuclear Regulatory Commission.

01/19 to 01/20

**2017 EBA PRIMER SERIES: ELECTRICITY RELIABILITY**

In this program, participants will receive an introduction to the regulatory regime governing electric reliability in the United States.

February 2017

02/23 to 02/24

2017 WESTERN CHAPTER ANNUAL MEETING

SAVE THE DATE! This event will be held at the Palace Hotel San Francisco, 2 New Montgomery Street, in San Francisco. Stay tuned for further details.

March 2017

03/06 to 03/07

**2017 MIDWEST CHAPTER ANNUAL MEETING**

Save the Date! This event will be held at the InterContinental in Milwaukee. Stay tuned for additional details.

April 2017

04/03 to 04/04

2017 EBA ANNUAL MEETING & CONFERENCE

October 2017

10/17 to 10/18

2017 EBA MID-YEAR ENERGY FORUM

2. [Register for the 2017 EBA Primer Series: Electricity Reliability](#)



Do you know what you need to know about how electricity reliability is governed in the U.S.?

In this important **[2017 EBA Primer Series: Electricity Reliability](#)** on **January 19-20, 2017**, EBA's faculty will provide an overview of the key regulatory provision, Section 215 of the Federal Power Act, and the chief reliability regulator, the North American Electric Reliability Corporation (NERC). The discussion will include NERC's relationship with reliability regions and regulated entities, instruction on drafting and adopting mandatory and enforceable reliability standards, and compliance and enforcement. Our program will conclude with a review of special topics, including cyber- and physical security. CLE credits are available in this EBA Primer. Travel to Atlanta is simple and easy and the event requires only one overnight stay.

[Learn more and click here to register](#)

3. [2017 EBA Annual Meeting](#)



Mark your calendar for the Energy Bar Association's 2017 Annual Meeting & Conference on April 3-4 at the Renaissance Downtown Hotel in Washington, DC. Many exciting events are forthcoming such as luncheon speaker former Solicitor General Donald Verrilli, Jr. discussing the Affordable Care Act and marriage equality litigation before the Supreme Court.

This event will provide two full days of discussions focused on the legal issues related to all aspects of energy law. Hundreds of regulatory officials, 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 will be in attendance.

EBA's Annual Meeting is approved for approximately 10-15 hours of MCLE credit, and an additional 1.5 hours of ethics credit. New events are being scheduled regularly and registration information will be available soon.

[Learn more](#)

Do You Need CLE Credits Before the Year Ends? It's Easy, Get Them on Your Desktop via EBA's On-Demand Programs



The Energy Bar Association's (EBA) [On-Demand Programs](http://www.eba-net.org/on-demand) provide you content from subject matter experts on a range of energy industry issues relevant to you and your practice. EBA, in partnership with West LegalEdCenter, has developed a library of on-demand program recordings for purchase, download and to listen to when you it meets your busy schedule. Many programs include Continuing Legal Education (CLE) credits.

EBA members receive a discount on all orders. By accessing and registering for programs via [EBA's On-Demand Programs](http://www.eba-net.org/on-demand), you will enjoy your member savings. Some of the on-demand programs available to you include:

- [Mastering Your First \(or Next\) State Public Utility Commission Hearing](#)
- [Breaking the Rules and Changing the Game: Will Shale Gas Rock the World?](#)
- [My Best and Worst Experiences Facing the Appeals Court Judges: Lessons from Real World Experiences](#)

Visit EBA's [On-Demand Programs](http://www.eba-net.org/on-demand) to access all the programming available as well as CLE credits and discounts.

EBA Honors FERC's New Chief Judge Carmen Cintron

The Federal Energy Regulatory Commission's (FERC) new Chief Judge Carmen Cintron was honored in a reception organized by the Energy Bar Association (EBA) and hosted by Dentons US LLP on December 6, 2016 in Washington, DC. Chief Judge Cintron was promoted from Acting Chief Judge by FERC Chairman Norman Bay in October 2016.



(Pictured from left, FERC Chief Judge Carmen Cintron and EBA President Emma Hand)

Chief Judge Cintron discussed her agenda at FERC as she addressed the audience of more than 100 energy attorneys and professionals.

"My goals are to keep working on making improvements to various matters in order to provide the best public service possible," she said. "First, improving the electronic hearing process creating redundancies and updating hearing rooms. Second, trying to eliminate the use of any paper at hearings. Third, making the Energy Bar aware of trial presentation software. Fourth, facilitating the understanding on eTariff filing of settlements."



"Judge Cintron has laid out an ambitious series of goals for FERC," noted EBA Executive Director Lisa Levine. "Her vision and energy are unparalleled and energy professionals who watch FERC closely are convinced that she will make rapid progress in achieving the agenda she described."

Chief Judge Cintron has been a featured speaker for a number of EBA events including the recent Mid-Year Energy Forum. She has been a key judicial figure at FERC for 17 years. Prior to serving at FERC, Judge Cintron was an administrative law judge for the Social Security Administration, an attorney for the Federal Communications Commission, and an attorney for the Puerto Rico Justice Department.

[EBA Social Media Channels Share News You Need](#)



Information is the key to any successful practice. Did you know that EBA now provides you with another news source specifically on energy industry issues? Take a moment to skim news content EBA shares via its [LinkedIn](#) and [Twitter](#) channels. Let us help you stay on top of issues that matter to you and your clients by "following" us.

Energy Law Journal: Excerpts from Past Issues

Ten Years Ago

"As of late, 'liberalization' and 'regulation' of electricity markets have devolved into expressions of largely inflated use, perhaps the safest and fastest way for those expressions to become meaningless. But, properly understood, these terms remain meaningful, reflecting a fundamental change in the legal framework designed for energy markets; a change which

started in the U.S. and which now, after some delay, is occurring in Europe as well. Liberalization, for purposes here, refers to the abolition of the rights of monopolies, rights which accorded European and U.S.-American energy supplier's protection against competition. Regulation, as used here, has a double meaning. First, it relates to measures taken or enacted to ensure competition in liberalized (energy) markets. In this respect, regulation constitutes a type of sector-specific competition law, adjusted to meet the economic and technical characteristics of the various energy markets. Second, regulation makes it possible to take account of the fundamental importance of secure and reliable energy supply for the public welfare."

Prof. Dr. Thomas von Danwitz, *Regulation and Liberalization of the European Electricity Market – a German View*, 27 ELJ 423 (2006)

Twenty Years Ago

"By providing the opportunity to economically move power over great distances, the high-voltage transmission system allows for consolidation of previously spatially-dispersed demands. The consolidated demand can be served by a relatively smaller number of larger, more efficient generating plants rather than a large number of small isolated plants. The result is greater exploitation of scale economies at the generating plant level."

Raymond S. Hartman, *The Efficiency of Electric Utility Mergers: Lessons from Statistical Cost Analysis*, 17 ELJ 425, 430 (1996)

Thirty Years Ago

"[T]he courts have defended the FERC's exclusive regulatory authority over interstate rates against state commission encroachment. Moreover, in *Nantahala*, the Court applied an expansive interpretation of what constitutes an 'impermissible interference' with the FERC's jurisdiction. By not limiting the holding to 'rates *per se*' the Court drove home the message that local public utility commissions have a duty not to interfere, *in any manner*, in the area of the FERC's exclusive domain – regulation of interstate wholesale rates."

Andrea J. Ercolano and Peter C. Lesch, *Narragansett Update: From Washington Gas Light to Nantahala*, 7 ELJ 333, 341 (1986) (emphasis in original).

Chapter Updates

Western Chapter

On October 24, 2016, the Western Chapter and the University of San Francisco co-sponsored Community Choice: Implications for California's Energy Future. The session focused on the recent trend toward community control and how local governments have opted to create community choice aggregators (CCAs) in order to advance renewable energy and enhance local control. Panelists included Mitchell Shapson of the California Public Utilities Commission, Shalini Swaroop of Marin Clean Energy, and Sienna Rogers of Pacific Gas & Electric Company. The panel noted CCAs create their own portfolios of energy generation sources and then work with local utilities to deliver the power to customers. They also discussed challenges associated with CCAs.

The Western Chapter is currently working on its Annual Meeting which will be held at the Palace Hotel in San Francisco on February 23-24, 2017.

Midwest Chapter

On October 18, 2016, the Midwest Chapter, New Orleans Chapter and EBA's Oil and Gas Committee hosted an EBA Energizer on Oil Market Developments and Pipeline Siting Challenges via a live webinar where panelists participated from Chicago, New Orleans and by teleconference. Panelists focused on market developments driving oil pipeline and terminal projects, including the infrastructure needed to get production to markets in the United States or overseas. Panelists also reviewed federal versus state jurisdiction over oil pipeline siting, environmental review requirements, state certificate processes and the use of eminent domain. The event was followed by a networking reception in the offices of Steptoe LLC in Chicago.

On November 2, 2016, the Midwest Chapter hosted a panel discussion on FERC Order No. 1000: A Five-Year Checkup. Moderated by Bert Sturtevant of Whitt Sturtevant LLP, panelists debated the effects of Order No. 1000 five years after implementation and shared perspectives about its future impact. The event was hosted by Polsinelli LLC in Chicago and was followed by a networking reception sponsored by American Transmission Company LLC.

The Midwest Chapter is now working on its Annual Chapter Meeting, which will be held in Milwaukee, Wisconsin on March 6-7, 2017.

Houston Chapter

The Houston Chapter held a networking reception on October 12, 2016 at 13 Celsius in Houston, TX. The event was sponsored by King & Spalding LLP, and attendees enjoyed an evening of hors d'oeuvres, cocktails and networking with Houston-area energy professionals.

Southern Chapter

The Southern Chapter will host a networking reception in conjunction with the [2017 EBA Primer Series: Electricity Reliability](#) on January 19-20, 2017, Atlanta, GA.

Key Energy Issues Debated at Third Annual Canadian Forum

Is competitive transmission working? What is the future of customer-owned generation? What are the challenges of enforcing market rules for regulators? Those were some of the key issues debated at EBA's third annual Canadian Forum, held November 7, 2016 at the National Club in Toronto, Ontario.

Emma Hand, EBA's President, and Gordon Kaiser, EBA's Northeast Chapter President, welcomed attendees at the opening session on challenges general counsels will likely face in 2017. Among the dignitaries and notable energy professionals attending the one-day forum were: Joseph T. Kelliher, Executive Vice President, NextEra Energy, Inc. and former Chairman of the Federal Energy Regulatory Commission (FERC); Max Minzner, FERC's General Counsel; MaryAnne Aldred, General Counsel, Ontario Energy Board; Louis Legault, General Counsel, The Régie de l'énergie, Montreal; and Bruce Campbell, President, Ontario IESO.

For more information on future chapter programs and events, visit [EBA Northeast Chapter](#).

Welcome to New EBA Members and Congratulations to EBA Ambassadors



EBA wants to extend a warm welcome to new members who joined in October and November 2016:

Joining Houston Chapter

Caroline Courtney Stewart, Stewart, Vinson & Elkins LLP

Joining Southern Chapter

Jennifer Li

Joining Northeast Chapter

Meghana Aggarwal, Georgetown University Law Center

Renee M. Lani, University of Maryland

Sophia M Browning, Georgetown University Law Center

Hunter S. Cox, Van Ness Feldman LLP

Jacob Zygmunt Derewenda, Boston College

Meghan Claire Hammond, Pillsbury Winthrop Shaw Pittman

Katherine O'Konski, Spiegel & McDiarmid LLP

Jeffery Riles, Enel

Lourdes Rincon, Georgetown University Law Center

Robert B. Ross, Pillsbury Winthrop Shaw Pittman LLP

Patrick Jensen, The Kenrich Group

Joining New Orleans

Sara C. Charlton, Tulane Law School

Collin Melancon, Liskow & Lewis

Catherine S. Napolitano, Liskow & Lewis

Stephanie M. Brown, Tulane Law School

Xiani Du, Tulane Law School

Robert T. Tornillo, Tulane Law School

EBA also extends congratulations to **EBA Ambassadors** for October and November 2016: Dana Shelton, Andrew Weissman, Emily Hammond, Farhad Mirzadeh and Michael Postar. These EBA members were instrumental in getting new members to join EBA in the last two months.

Spotlight Member for Winter 2016

The Spotlight Member for the EBA Update Winter 2016's edition is Daniel Frank, a Partner at Sutherland Asbill & Brennan LLP. Daniel is the dean of EBA's Primer series.



EBA Update: How did you get into energy law?

DF: Dumb luck. If I had had my druthers, I would have gone into telecommunications law, which was the big thing back when I started with Sutherland. As it turns out, there was not a place for me in the firm's telecomm practice, so they put me in the energy group. Like I said, how lucky for me!

EBA Update: What do you value most about your membership with EBA?

DF: I value the opportunity to learn from practitioners who have great experience, insight and wisdom.

EBA Update: Why do you volunteer with EBA?

DF: Volunteering with EBA is a two-way street: It gives you the opportunity to give back to an organization and its members that have given so much to you, and it also provides an opportunity for newer lawyers to learn, meet new people, and build a reputation.

EBA Update: What guidance would you provide to new members or those new to energy law?

DF: Find a good mentor, read all the big FERC rulemakings cover to cover, and talk to engineers and other non-lawyers in the energy field. And, be active in the EBA!

EBA Update: What trends do you see happening in the energy industry over the next 3 to 5 years?

DF: Advances in technology will continue to offer opportunities and challenges. Opportunities include the continued development of energy storage and advanced nuclear reactors. Challenges include economic pressures and the increased threat of cyberattacks.

[CFEBA News: Every Day, 900 Children Die](#)



Every day, 900 children die from water-borne diseases. That is one child, every two minutes.

The [Charitable Foundation of the EBA \(CFEBA\)](#) wants to make that tragedy a thing of the past. In 2017, CFEBA is focusing its effort to fund a life-changing solar water pump and drip irrigation project for a rural Ugandan village. In partnership with [Innovation: Africa](#), a nonprofit that has helped over a million people in 100 sub-Saharan villages across seven countries through this initiative, the project will help these Ugandans access clean water for the first time.



Innovation: Africa will drill for an aquifer, install a water tank, install a solar pump, and use solar panels to pump water up to the tank. Upon completion, clean water will flow through taps to the village for the first time. This technology holds the hope that this village will not just survive, but thrive. Innovation: Africa's research, based on implementation of its solar water pump and drip irrigation system elsewhere, has resulted in improved economic opportunities, increased rates of education, and decreased rates of malnutrition and water-borne diseases. Villages have the infrastructure to support advanced technology in classrooms and clinics, and as women and children no longer need to spend significant time searching for water for drinking, cooking and washing, their quality life shows marked improvement. In addition, drip irrigation technology improves food production while using less water.



This is an ambitious and worthy endeavor, but we need your help. Please take a moment to make a tax-deductible donation online today. Our effort will culminate with the CFEBA Annual Fundraising Gala, The Power of Water, on April 3, 2017 at EBA's Annual Meeting and Conference. CFEBA is seeking sponsors of this event. Sponsorship levels and benefits can be found at [The Power of Water](#).

Across sub-Saharan Africa, 336 million people don't know what having a clean glass of water is like. And, you can change it.

[Save Lives Today](#)

CFEBA News: Low-Income Health Care and Human Services Provider in Boston Aided by CFEBA



(Mark Kalpin, CFEBA Board Member presenting a grant check to Dimrock Center President and CEO Myechia Minter-Jordan.)

CFEBA has given the Dimock Center, which provides low-income Bostonians health care and human services, an \$11,414 grant to replace its outdated air conditioning system.

The grant will cover costs for replacing an air conditioning unit that will improve conditions for patients, clients and staff, and reduce the center's energy costs. The Northeast Energy and Commerce Association (NECA) also agreed to make a "matching" donation in the amount of \$5,000. Both checks were presented to the Dimrock Center's President and CEO Myechia Minter-Jordan by Mark Kalpin, a CFEBA Board Member and past president of NECA, at the NECA Annual Holiday Event on December 8.

Founded during the Civil War as the New England Hospital for Women and Children, the Dimock Center was the first hospital in New England opened and operated by women for women. Nationally recognized as an urban model for comprehensive delivery of health and human services, the center offers screenings, immunizations, and prevention for adults and children and specialized clinics for women's health, OB/GYN, HIV/AIDS, eye and dental care.

FELJ News: Benson Honored for ELJ Service



(Pictured from left to right, Glenn L. Benson and Bob Fleishman)

Glenn L. Benson was honored by the Foundation for the Energy Law Journal (FELJ) for his 11 years of service as Business Manager for the Energy Law Journal (ELJ) on Thursday, December 1.

Bob Fleishman, Editor-in-Chief of ELJ, and Lisa Gast, FELJ President, presented Glenn with a plaque memorializing the organization's appreciation for his essential contributions. From all at FELJ, thank you Glenn!

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.