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FERC Chief of Staff Larry D. Gasteiger Emerges from Low Profile to Give Rare Public Interview

Behind the Scenes Inner Sanctum Official Tackles New Challenge

Gary Guy & Channing Strother

"This is probably it." That is what we dogged reporters Gary Guy and Channing Strother (aka "Peter Jennings and Nelson Benton") were told when we asked FERC Chief of Staff Larry D. Gasteiger if he would be interacting with the press in his new post. Apparently, we were granted not only the first, but maybe the only, news interview he will be giving as the head of the agency's entire staff. Talk about your exclusives. We even captured it all on video, which will be available at www.eba-net.org/information-resources/eba-update-newsletter. In the meantime, we offer this summary of our spring visit.

MEET LARRY GASTEIGER

Who does not know him? He has been a FERCer since 1997. You may have encountered him in the Solicitor's Office on an appeal. You may have come across him in communications with then-FERC Chairman Joseph T. Kelliher when Mr. Gasteiger was his Legal Advisor. (He showed us



an obviously deluxe edition of Machiavelli's classic *The Prince* given to him by Mr. Kelliher with a warm inscription.) You may have had dealings with him on a case when he was Deputy Associate General Counsel. Or you may have been among the many who came to him for pre-filing guidance when he was Director of the Division of Tariffs and Market Development – East within the Office of Energy Market Regulation. More recently, you might have been engaged in a matter that would occasion contact with him at FERC's Office of Enforcement, which he headed as Acting Director when Norman Bay left the Directorship of that Office to become a FERC Commissioner, and now Chairman.

(Continued on page 4)

President's Message

Richard Meyer

Greetings EBA Community:

The EBA annual meeting is like the bang of a starter's pistol.

Board and committee leadership appointments are made, committees get filled, and community planning begins. When forging these plans, visualization can be helpful. For me it is helpful to visualize the EBA as a community.

A healthy community **grows**. To that end the EBA membership committee chaired by Matt Rudolphi has been working non-stop, generating and implementing plans to attract new members. The EBA ambassador's program is in full swing, **with a goal of each EBA member attracting at least one new member**. Let's be sure we grow our community -- one member at a time, through intentional, individual efforts.

Communities also grow by nurturing their youth. Some members have already stepped up and volunteered to pay dues for individual student members (student dues are only \$25). Some law firms and chapters have begun contacting their nearest law school or college to financially sponsor groups of interested students. These are excellent, **proactive** efforts that I commend and encourage.

A healthy community is also **charitable**. EBA does this through the Charitable Foundation, whose success has been recognized recently by a national award from the American Bar Association. With this award now spurring it on, and under the leadership of its new president, Michael Stosser, the foundation is striving for its greatest success ever.

But these charitable successes can only be achieved with your financial support. Unfortunately, less than ten percent of EBA members typically contribute to the CFEBA. We can do far better! There is no reason why at least eighty percent of EBA members cannot contribute, no matter how small the amount.

Finally, a healthy community has **excellent schools**. EBA achieves this through its strong education programs. There are EBA webinars several times per month, primers around the country, chapter seminar events, and extensive programming at the mid-year and annual meetings. The crown jewel of EBA scholarship is our Energy Law Journal, where Bob Fleishman and Harvey Reiter work tirelessly at the helm, and where Grace Soderberg and the Foundation of the Energy Law Journal provide a strong supporting structure. I am particularly looking forward to an article prepared by a group of legal experts and coordinated by past EBA President Donna Attanasio. I believe this article will become the primary resource for educational institutions looking to start new or expand existing energy law programs.

There is a place for **everyone** in this healthy community, whether at the national level or at the regional level through one of our active chapters. I'd like to personally thank the many volunteers whose work has resulted in EBA successes to date, and those volunteers working now to ensure our coming successes. And I'd like to invite the rest of you to step up and volunteer. Invite a new member, contribute financially to the CFEBA, or pursue one of the many opportunities offered to you by EBA. After all, EBA is **your** community.



A handwritten signature of Richard Meyer in black ink. The signature is stylized, with the first letters of the first and last names being prominent and capitalized.

Richard Meyer

President

From the Executive Director

Planning—Enhance the Value of your Membership

Lisa A. Levine, CAE



In 2012 the EBA Board adopted a comprehensive three-year strategic plan. We are in the final months of implementation and I hope you have found your membership enriched year over year. The three major goals set out through the strategic plan are:

Enhanced Educational Programming

With the robust involvement of EBA Committees and Chapters, and through partnership with allied organizations, EBA has been able to provide vast and diverse training to members nationwide. There is rarely a week that goes by without an educational offering! To further increase value to our members, the great majority of the educational programs are also approved for CLE hours, further complementing your membership.

Enhanced Networking Opportunities

Chapters and Committees have embraced the goal of increased networking opportunities and often times have reorganized their programming to conclude the educational sessions with a casual networking reception. Many thanks go to our generous members who often offer to host these events. Chapters also strive to hold separate networking events quarterly and the Young Lawyers Councils hosts a happy hour every month! Increased networking has allowed EBA to reach deeper, geographically, into our membership to ensure all have the opportunity to meet face-to-face across the country.

Information Resource Development

Since the inception of the strategic plan, EBA has worked tirelessly to bring enhanced resources to the membership. This includes a complete redesigned website, various added features including greater access to job postings, easier online purchasing, an electronic, real-time membership directory and even an EBA Swag Store! In addition, EBA published the weekly Insights e-Newsletter including industry news and activities. Finally, we are very excited about our newest member resource – the CLE On-Demand Library now giving you access 24/7 to CLE approved programming focused on energy law topics.

The staff and Board look forward to completing this plan and to developing our next three-year plan. I welcome your thoughts and suggestions as we focus on the future.

Looking forward to seeing you at the Mid-Year Meeting & Conference November 18-19th!

Sincerely,



Lisa A. Levine, CAE
Executive Director



About EBA

The Energy Bar Association (EBA) is a non-profit voluntary association of attorneys, non-attorney professionals and law students whose mission is to enhance the professional excellence and ethical integrity of its members in the practice, administration, and development of energy laws, regulations and policies. Established in 1946 as the Federal Power Bar Association, the Association generally was focused on those lawyers practicing energy regulatory law at the federal level. In 1977, the organization changed its name to the Federal Energy Bar Association to reflect the name change of the Federal Energy Regulatory Commission. Today, the Energy Bar Association is an international, non-profit association of attorneys, non-attorney professionals and law students active in all areas of energy law. It has over 2,500 members, throughout the United States, Canada and Internationally with seven chapters in Houston, New Orleans, Midwest, Southern, Western, Northeast and Rocky Mountain regions of the U.S.

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Gastieger, continued from page 1

If you have been around long enough, you may have even known Larry Gastieger in his pre-FERC days as an attorney in the General Counsel's Office of the Commodity Futures Trading Commission in the early to mid-90s. Now that was some prescient advance planning. Nobody could have foreseen the jurisdictional overlap that the CTFC and FERC would share over market issues way back in those days. Mr. Gastieger claims it was merely fortuitous. And no doubt that is correct.

We doubt our readers happened to know him when he was clerking for The Honorable Edwin M. Kosik of the United States District Court for the Middle District of Pennsylvania from 1989 to 1991, or before that when he attended, and graduated from, the University of Pennsylvania and the Dickinson School of Law.

If you happen to reside in Fairfax, Virginia, you may know not only him but his wife and three children. And if you frequent Shakespeare plays, you may have come across husband and wife at the theatre, as one of your reporters was fortunate enough to have done last winter. (He tells us that living in the D.C. area offers so much in the arts, museums, and sporting events that "there is no excuse to be bored here.").

Here now is the inside scoop on the man of many former positions that you should find fascinating whether or not you have known him in any combination of these prior lives.

A DAY IN THE LIFE

What exactly is a Chief of Staff, in the FERC context? There have been quite a few along the way, Mr. Gastieger recalls. Susan Court, Dan Lar-camp, John Moot, and Jim Pederson

News from FELJ

Submit an Article to the Energy Law Journal

Linda A. Walsh

The *Energy Law Journal* welcomes articles and other materials on emerging issues and significant developments affecting the energy industries. All manuscripts should be of substantial length and deal with aspects of energy law or policy that are of interest to the legal profession and energy professionals. Articles can be of varying length and should provide a full consideration of the issues and opposing viewpoints. The *Journal* welcomes articles and comments by members of the Association, as well as non-members. Submissions should contain a synopsis, table of contents, and brief biographical statement about the author(s). Style and form of citations must be in conformity with the "Blue Book" and the *Journal's* Style Manual. All submissions should be sent electronically to Bob Fleishman, Editor-in-Chief, and please contact him at RFleishman@mofo.com or (202) 887-8768, if you have any questions about the timing of submissions or the ELJ's editorial process. For more information on the submission process and a copy of the *Journal's* Style Manual visit www.felj.org/write-elj/submission-process.

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.

are among those who have performed this role. He tapped into the "wealth of knowledge base" of some of his predecessors as Chief of Staff to prepare for the job. But he has found that the particular functions can vary from one to another because "it is a role that appears to be fairly personal" to the desires of the particular Chairman. Chief Gastieger is still in his early stages in performing this function, and sees it as an evolving role for him.

On the plus side, he states: "Here (the Chief of Staff's Office) it is everything the Commission does, not just one slice of what the Commission

works on, so your perspective is much broader than when working in one particular office. The topics are all over the place," he continues, "running the gambit from substantive issues, to operational issues, to personnel issues."

But the corollary is that "it is a more time-consuming and demanding job." In fact, he confides that his wife "is not too crazy" about the hours he puts in as Chief of Staff. But he rationalizes that this is partially due to the newness of the role and expects to get into a more manageable routine over time.

(Continued on page 11)

CFEBA Update

Reflections of the CFEBA Illinois Commerce Commission Internship

Kristina Majchrowicz

This summer, the Charitable Foundation for the Energy Bar Association awarded Kristina Majchrowicz a grant to serve as a legal and policy intern to Commissioner Sherina Maye at the Illinois Commerce Commission (ICC).

NATURAL GAS PIPELINE SAFETY RESEARCH

The use of natural gas as an energy source has always been an interest of mine. Through my internship, I had the opportunity to dive into that interest by helping write an article on the federal and state jurisdictional interplay of regulations governing natural gas pipeline safety.

MAKING PROGRESS FOR WOMEN IN ENERGY

Working on the 2015 Women's Energy Summit (WES) was truly an inspiration to see all the work that Commissioner Maye and her team do to make strides for women in the energy industry. WES is an exclusive daylong event where women leaders discuss timely issues.

Along with assisting with the event for WES, I had the chance to research how to turn WES into a 501 (c)(6) non-profit organization by looking into how the organization's bylaws should be formed. I also performed similar research on the bylaws for the Women's Energy Network Chicago, a chapter of a national non-profit organization that Commissioner Maye and her team brought to the Midwest.

FIELD VISITS

In between working on various projects in the office, I would also attend field visits to the utilities that the ICC regulates. The utility companies occasionally bring in the Commissioners and their teams to give them a hands-on learning experience of the facilities that they regulate. I was lucky enough to be a part of some.

The first field visit that I went on was to ComEd's Electric Generation Smart Substation. Another field visit that I participated in was a tour of a Nicor Gas facility to see how natural gas pipeline stations functioned. These outings showed me the value of going out in the field to better understand the facilities and processes that are being regulated.

BENCH SESSIONS AND REGULAR OPEN MEETINGS

One of the cases that received a lot of public attention during my time there was a merger between a natural gas utility and an energy group located in another state. While observing this and other cases, I had the opportunity to see how utility companies, regulators, the City of Chicago, and various public advocacy groups each played their role to work towards a resolution.

REFLECTIONS

My time with Commissioner Maye's office served as an invaluable experience for me to get a closer look at the energy industry. I was able to obtain a direct look at how regulators, utilities and public interest groups work together to develop energy



Kristina Majchrowicz at the 2015 Women's Energy Summit (WES)

policies for the state, and how important it is to balance the interests of all of the stakeholders in order to get the best results.

ABOUT KRISTINA

Kristina Majchrowicz is in her second year of law school at Chicago-Kent. She earned a Bachelor of Science in Public Affairs with a concentration in Environmental Management from Indiana University, Bloomington. During her undergraduate career, Kristina interned with the Indiana State Senate and NiSource, Inc. After receiving her Bachelor's Degree, she worked at the lobbying firm of Bose Public Affairs Group. Prior to and during her first semester of law school, Kristina worked at Leydig, Voit & Mayer, Ltd, an intellectual property firm. At Chicago-Kent, Kristina serves as an Associate Editor for the Journal of Environmental and Energy Law. Kristina is currently working as an extern to the Administrative Law Judges at the ICC.

Take Heart Association Project (THAP)

The Charitable Foundation of the Energy Bar Association awarded a \$10,000 grant in 2015 to the *Take Heart Association Project (THAP)*, an organization that provides care to families in Kenya whose children suffer from congenital heart defects and rheumatic heart disease. THAP programs offer diagnostic medical tests, medications, information on healthier diets and nutrition, and assistance in working with doctors and hospitals so that their children suffering from congenital heart defects and rheumatic heart disease can receive life-saving surgeries.

Proceeds of the grant were used to purchase a new generator for the Family Support Center to be used during frequent power outages in Nairobi, and a refrigerator for storing

children's medications and healthy foods used in the Family Education Program, which teaches families how to prepare healthy food for children who have just had open heart surgery. A new washer/dryer was also purchased to provide clean linens and clothing to children and their families staying at the Center for diagnostic tests, meetings with doctors, and post-operative care.

The balance of the grant will provide necessary funding over the next two years to cover expenses related to utility and maintenance costs of the Center's new equipment.

For more information about CFEBA: www.cfeba.org



EBA Ambassadors

Many thanks to our Outstanding EBA Ambassadors!

Each One Reach One is the motto for EBA's massive membership campaign – and it's working! EBA members value the information and connections they have made through the association, and this year, we have challenged all members to recruit members. We are pleased to recognize our monthly top recruiting ambassadors. Check them out with their new EBA swag – the much desired Outstanding Ambassador cap. Congratulations to:

Chelsey Chilcoat, recruited 8 in July
Kat Gamache, recruited 4 in August
Jay Morrison, recruited 3 in July
Jimmy Kline, recruited 2 in June
Joel Zipp, recruited 2 in June

Find out how easy it is to become an Ambassador, visit: www.eba-net.org/EBA-Ambassadors. This site includes tips and resources to assist you in recruiting new members. We hope you join the growing list of Ambassadors – who knows, you might be the next one sporting this fine cap!



Joel Zipp



Kat Gamache, Matt Rudolphi



Jay Morrison



EBA Primer Series presents:

Environmental Law Primer for Energy Attorneys

**September 29-30, 2015
Atlanta, GA**

Hosted by
Sutherland Asbill & Brennan LLP

***For more information
or to register, go to:***
*eba-net.org/
eba-primer-environmental-law*

Committee Updates

Paul M. Breakman

The Energy Bar Association has 20 committees and three councils working endlessly to develop programming and resources for the membership. Committee participation is open to all EBA members and you may volunteer by completing the leadership sign up form available at: www.eba-net.org/sites/default/files/VolunteerLeadershipForm.pdf.

Of particular note, the Solo and Small Practitioners “Task Force” is off and running! This is EBA’s newest “Task Force” (or, “unofficial committee”), which is open to energy attorneys who have solo practices and to small law firms, or an interest in opening a solo or small firm practice in the future. The goal is to provide a place where current solo practitioner and small firm EBA members can interact and share their knowledge and experience with other solo and small firm practitioners. The Solo and Small Firm Task Force will function much like our full-fledged committees.

Also of note, the EBA Electricity Committee already has four educational/networking events on the calendar for September and October. These are shaping up to be excellent events, which include a panel event called “Jurisdictional Blurred Lines” on September 22, a reception for FERC Commissioner Colette Honorable on October 6, an “Energizer” event on locational marginal price issues on October 20, and a brown bag on October 28 called “Section 205/206 Fundamentals and Insights” Moreover, the Oil and Liquids Committee is hosting an event on October 20; and a joint event is being put on by the Young Lawyers Council, FERC Practice Committee and the Compliance & Enforcement Committee on October 13 on FERC audit and enforcement processes. Finally, the Environmental Committee is hosting an primer (mostly on the Clean Power Plan) in Atlanta in September.

Our Committees seem to be more engaged and active than ever this year, and I attribute that to the EBA Board leadership and the wonderful momentum we’ve gained over the last several years.

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

Judge's Corner

Guest Columnist, The Honorable Dawn E.B. Scholz

For the next distinguished guest contributor in our legendary "Judge's Corner" series, the FERC Practice & Administrative Law Judges Committee is honored to introduce Federal Energy Regulatory Commission Administrative Law Judge Dawn E.B. Scholz.

Judge Scholz is still in her first year in this position, having been named by Chairman LaFleur on August 26, 2014. However, she came with a wealth of highly relevant experience that allowed her to hit the ground running.

In particular, she was already an ALJ at the Social Security Administration's Office of Disability Adjudication and Review. She also served in a third Federal government post as Deputy

Associate General Counsel for General Law of the Department of Homeland Security. There, she dealt with a comprehensive array of matters, including labor, appropriations, tort, environmental, and even arcane United States Coast Guard Board of Corrections of Military Records law.

Indeed, she has an impressive 30-year military background, having been, among other things, a United States Air Force Colonel; Staff Judge Advocate for the Pacific Air Forces; Chief of the Air Force Environmental Law and Litigation Division at Headquarters Air Force; Senior Appellate Judge on the Air Force Court of Criminal Appeals; and Judge on the United States Court of Military Commission Review.

Added to this are Her Honor's ADR experience and her completion of ADR certification programs under the



auspices of such institutions as the Air Force, Massachusetts Institute of Technology, and National Judicial College. She has been widely honored and recognized through such awards and decorations as: the Legion of Merit with two Oak Leaf Clusters; the Defense Meritorious Service Medal; the 49th Fighter Wing's Lance Sijan Leadership Award; Outstanding Senior Attorney Award for the Civil Law and Litigation Directorate; the Air Force General Counsel's Award; and the Department of Justice Commendation for Outstanding Performance.

A graduate of the University of Oklahoma Law School, Judge Scholz also holds a Graduate Law Degree in Environmental Law from the George Washington University School of Law, and is admitted to practice in a number of Federal Courts as well as the Supreme Court of Oklahoma.

Accordingly, it is with great pride that we present Judge Scholz to grace these pages with her insightful commentary:

Leadership is all about Caring

C - Communicate, Collaborate, Character

- Communicate. Communicate. Communicate. You cannot do it enough.
- Collaborate to build consensus, involve the team, and gather input, data, and facts. Teamwork is so much more fun.
- Character: core values = integrity, service, excellence. Compassion says a lot about character.

A - Attitude, Anticipate, Act

- Attitude is the key to success and is contagious.
- Anticipate problems *and* solutions for the Boss.
- Act. Be decisive.

R - Responsibility, Respect, Recognize

- Responsibility: to know and understand your mission, to train your folks, to nurture their strengths and help them identify and work on their weaknesses, translates into being a good role model; Give your time and advice.
- Respect yourself and others.
- Recognize good effort/work and reward.

E - Even-tempered, Energy, Enthusiasm, Encourage Innovation

- Even-tempered: don't lose your cool.
- Energy: get/stay fit.
- Enthusiasm is also contagious.
- Expect and encourage innovation. Change – do not only embrace it – capitalize on it, manage it, look for those windows of opportunity. JOHN P. KOTTER, LEADING CHANGE (1996).

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Energy Law Journal:

Excerpts from Past Issues

Ten Years Ago

*"The adoption of markets with bid-based single clearing price auctions, location-specific prices and a centralized dispatch necessitates tariff provisions that allow for flexible, quick action to deal with any unexpected exercise of market power. The Commission, in administering markets, must balance predictability and transparency with the appropriate degree of flexibility. Although the Commission should cabin the discretion of market monitoring units, it is important that market monitoring units are allowed discretion within defined parameters to protect customers in organized bid-based markets."*¹

Twenty Years Ago

*"The behavior of both gas prices and pipeline rates provides abundant evidence of competition and little evidence of monopoly power. There is no known evidence that the degree of competition, in either gas or pipelines, rises with the number of pipelines serving an area. With wellhead prices decontrolled, it is clear that gas is priced competitively. With the development of an open-access pipeline network, there is growing reason to believe that pipeline services are being priced competitively. Rather than restricting the availability of capacity or allowing bottlenecks to grow, pipelines are expanding capacity and interconnecting more intricately with one another. If pipelines already operate in competitive markets, controlling their rates at historical cost of service (or any other amount) is more likely to inhibit the forces of competition than to temper the forces of monopoly."*²

Thirty Years Ago

*"At the present time, the Commission is considering dramatic changes in its regulatory policies, certain of which, if adopted, would result in a more competitive electricity market and would reallocate risks from utility customers to utility shareholders. While we take no position on the merits of particular proposals, the Commission's review of its existing policies should be encouraged. If significant change in present regulatory policy is adopted, however, it should not be accepted in a vacuum. The Commission must determine how its policies interact with the service requirements that it seeks to impose on public utilities under the Federal Power Act, and if necessary, revise one or the other. The antitrust courts are embarking on a similar inquiry, in considering a public interest justification defense, and the Commission should do likewise. In short, in a regulated industry, a duty to service infers a right to serve."*³

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

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Register today!

2015 Mid-Year Meeting & Conference

**Nov. 18-19, 2015
Renaissance
Hotel
Washington, DC**



To register or to view the complete conference program, please go to:

www.eba-net.org/calendar

EBA Chapter Updates

Emma Hand

EBA has seven chapters across the United States, Canada and Mexico. Involvement within an EBA Chapter offers you opportunity to enjoy valuable networking and local educational events, engage in chapter-level committees and participate in leadership activities. Engagement on the local level is complemented by regional and national activities focused on professional development. Through your local chapter, not only will you enjoy networking and educational events, but you can assist EBA to grow by identifying prospective members and effectively communicating the enduring value of membership to current and potential members. Find out what is going on in your local chapter. If you would like to get involved, just email the chapter president. Names and contacts are located at: www.eba-net.org/get-involved/eba-chapters

Houston Chapter

The Houston Chapter will hold on an EBA Energizer on September 23rd, "Recent Energy Regulatory Developments in Texas," in Houston.

Midwest Chapter

The Midwest Chapter's main event is their Spring Annual Meeting on March 7-8, 2016 in Indianapolis. The Board is holding monthly planning calls and assembling panels. They are also working on setting up more formal committees to try to attract new members and new involvement in organization. The board has gotten feedback that networking

events are highly valued and so their new member/new event committee is developing the concept of short region-wide webinars or teleconferences with social events afterwards in selected cities with large membership populations. The Chapter held a social in Chicago this summer, organized by a member, more to come.

New Orleans Chapter

The New Orleans Chapter continues to work on plans to re-invigorate/transform the chapter. The Chapter is considering a transition from a New Orleans Chapter to a Louisiana Chapter. They feel that they could do some outreach to others in the state outside of New Orleans, and also outreach to Tulane and LSU, both of which have law and/or business concentrations in energy. They are also discussing sponsoring student members or hosting a reception for students. They are also working on getting some programming ramped up, potentially some type of full day event in the spring, possibly around the French Quarter festival in New Orleans.

Northeast Chapter

The Northeast Chapter is working on a program for October 14th that will be a half day program followed by a reception at JAMS office in NYC. They are also developing a program for January, 2016.

Rocky Mountain Chapter

The Rocky Mountain Chapter is working together with the EBA Power Generating and Marketing

subcommittee to do a Webex seminar on the EPA's CPP in October or to have a national level speaker and one or two from the regional perspective. 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. In the past the event has been a half-day event, this year they are hoping to go to a full day program including both a facility tour and a half-day of programming. Their new Young Lawyers Committee chair is working on putting together social events in each state in order to drive membership.

Southern Chapter

The Southern Chapter is working on formalizing their Committee system. Their Event 1 Committee is setting up a lunch event for the fall, and their Event 2 committee is developing a spring in-person event, hopefully in Charlotte, NC. Their Membership subcommittee has sent everyone on their Board a list of Chapter members asking the Board to review and see if there is anyone not on the list they should be pursuing. They also have a Nominations Committee working on getting new folks on the Board. They are usually pretty successful at getting someone on the Board from each state, and intend to keep to that practice. The Southern Chapter is also working to support the New Orleans Chapter in its efforts to create a Louisiana Chapter.

Continued on page 12

In particular, he tells us that there is no typical day but that every day is extremely busy and goes by fast. "From the time I get into the office, it will be 3 or 4 o'clock by the time I realize what time it is." Much of

Defining the role of Chief of Staff is "personal" to whoever happens to be Chairman.

the day is consumed in meetings. That causes much of the work to get pushed off until late in the day, to the point where substantive review of written material takes place at home in the evening.

Easing the load somewhat is the fact that FERC has tremendously capable managers, he tells us. Not only does it help him; the Chairman and the Commissioners are deeply appreciative of the work of the Senior Staff and as it makes their jobs easier too.

And he states that FERC is a well-functioning organization with established work tracking "belts-and-suspenders" processes for meeting deadlines and making sure that everything runs smoothly. So, for all the workload demands, he is quite pleased to be involved with every aspect of the Staff force.

Our question as to whether the days go according to plan resulted in much laughter. "Sometimes they work out well," he diplomatically responds, "and my style is very much a collaborative one. I like to get input from a lot of people and don't for one minute think I have all the answers, because I know I don't

Larry's Lifestyle

How to Spend Spare Time: Would love to take up golfing again as when he was in school pre-marriage. Likes spending time with his children (20, 17, and 12 years old).

Walter Mitty Alternate Career Dreams, However Preposterous? Professional golfer.

What Recreational Reading is on Nightstand: There is not much room because he takes home so many FERC documents. He likes *Consumer Reports*.

Favorite Sound: The surf.

Least Favorite Sound: Cell phone ringing in church or other inappropriate location.

Favorite Movie: *Patton* ("but I would not use that as a management style.")

Favorite Books: Rereads Dickens, particularly *Oliver Twist* and *A Christmas Carol* (was an English major in college).

Favorite Word: "Vacation."

Motto: "Carpe Diem."

What He Wants to Hear When He Reaches the Pearly Gates: "It's about time!"

Advice: "Throughout your career, maintain your integrity and credibility because once they are gone, you may not be able to get them back again."

and there are a lot of very bright people around here. To not tap into those resources seems like a colossal waste to me."

KEEPING ENFORCEMENT GOING

"We did not discuss it very much before the announcement," he said, when we asked if Chairman Bay had told him of his plans to name him Chief of Staff as he was waiting for his

"You get some very talented, very enthusiastic people here because of the good reputation of FERC."

Chairmanship to commence. He pointed out that Mr. Bay scrupulously avoided taking steps towards filling

positions while Chairman LaFleur was in charge of the agency. Of Chairman LaFleur, Mr. Gasteiger expressed appreciation that she asked him "to help move the Office of Enforcement forward" when then-Director Bay moved to the Commissioner position. He had had five years in the Bay leadership team of the Office when she named him Acting Director.

There are many high-profile enforcement cases, but Mr. Gasteiger points out that there are also many cases that do not receive public attention that "still involve a lot of extremely good work by FERC Staff." From his testimony before Congress, he believes that there is a recognition there that FERC is carrying out its enforcement role per applicable statutory provisions.

And he evidently is confident as to the continuing good work of the

Continued on page 12

Office. While acknowledging that the Commission will set enforcement policy, he expects no major expansions or retrenchments there with Larry Parkinson more than

“Plenty yet to be decided” with respect to Office of Enforcement matters reaching appellate review.

capably in charge. However, he believes there will be continuing developments as FERC moves for the first time toward *de novo* review before United States District Courts.

Not that this is a drawback. When he was clerking in Pennsylvania, he was interested in coming to D.C. to work for the federal government, with a particular interest in economic regulation. This attracted him to the CFTC initially and then to FERC.

He believes (1) reliability, including the impact of the Clean Power Plan; (2) markets, particularly the need to advance the principles of competitive markets, as they become increasingly complex over time; and (3) transmission and pipeline infrastructure development (which he identified as the topic of most protests at FERC) will be top items in the foreseeable future. He also believes it is necessary not only that FERC do a good job but that FERC gets the message out to the public as to how these issues are being addressed. While he is certain that the protesters have not prevented the FERC Staff

from getting their work done, he believes that there is sometimes a lack of understanding of FERC’s mission and accomplishments.

According to Gasteiger, it is sometimes difficult for the complex work of the Commission to be conveyed to the public either by FERC itself or the trade and popular press. Ultimately, the Commissioners are trying to make the right decisions for the right reasons, he declares, and that is not always apparent to skeptics.

He also believes that FERC has a great Staff and that this is somewhat self-perpetuating in that the good work that FERC does attracts talented people, and they also stay out of pride in the work that the agency performs. “I still marvel at the people who come to work here for various reasons, sometimes where people are in the stage of their career where they want to do government service, sometimes because they are attracted by the work that FERC is doing in enforcement.” He adds, “You get some very talented, very enthusiastic people here because of the good reputation of FERC.” He expresses appreciation for former FERC Staffers who later return to “give back” to the agency.

Gasteiger has a particular fondness for the work of the Solicitor’s Office, having served in that Office as well at one time. He is highly complimentary of Bob Solomon and his team for their impressive success record in the appellate courts.

STAFFING FORECAST

While he expects no particular turn-over, either major increases or decreases, of the Commission Staff, he recommends FERC as a place to be employed, calling the Staff “phenomenal” and the Commissioners “collegial, and supportive and appreciative of the Staff.” Again, he remarks that “some Staffers have been eligible to retire for years but continue to work here and do a tremendous job”

out of their commitment to the work of the agency. In fact, he believes that energy practitioners who do not have a chance to work within FERC are missing a rewarding experience. And while he had thought earlier in his career that he would probably go into private practice eventually, he has so enjoyed the sense of fulfillment he derives from federal service that he never made that move. In fact, last winter he received his 25 year government service award in the same ceremony at which Chief Judge Curtis L. Wagner, Jr. received his award for 60 years of government service.

We will all be fortunate if he serves so long himself.

Chapter Updates continued from page 10)

Western Chapter

The Western Chapter’s main focus every year is their annual meeting, which February 25-26 in San Francisco, CA. The meeting is usually a day and a half and they are working on setting up the educational panels. The Chapter is also lining up local brown bag lunches with speakers for this fall. They are working on bringing in a CPUC commissioner for one such lunch, and someone from Google for another. In terms of membership, the Chapter got their list of lapsed members and have started contacting and encouraging them to rejoin, and also intends to do outreach to people they know personally and through other California energy organizations to join as well.

Leadership at all levels!

When asked to write an article for the EBA's Judge's Corner, I wondered what I, being so new to FERC, could offer this august audience. I contemplated, what is it that I bring to FERC, and realized, along with my judicial experience at two other federal agencies, I have had thirty-three years of challenging leadership opportunities and experience to share with my new agency and the EBA community.

During my final active duty assignment in the Air Force, I was the principal legal counsel to the four-star general in command of the Pacific Air Forces and responsible for all legal matters in the Pacific theater—which covers over half the globe. I oversaw, trained, and directed over 260 attorneys and paralegals, providing legal services in 15 legal offices in Alaska, Hawaii, Guam, Japan, Korea, and Australia. My duties included directing legal policy in military justice, ethics, fiscal, contracts, labor, administrative, operations, environmental, and international law areas; and ensuring the proficiency and readiness of these legal professionals supporting commanders and one hundred thousand airmen and their families in this immense area of operations.

While in this position, I viewed one of my most important duties as growing and mentoring individuals, from the youngest enlistee to other senior officers, to become the future leaders of the Air Force. Many before me had done the same for me. I have compiled many leadership lessons (good and bad) from all my supervisors and from

each of my fourteen moves with the Air Force. Each assignment gave me a new opportunity to learn and lead—it did not matter at which level in the organization I was or which position I held. Based on this experience, I developed a leadership model to use as a teaching tool during my annual visits to each installation in the Pacific. This model reflects my philosophy that great leadership is all about *caring*—*caring* about the mission, *caring* about the people, *caring* about leaving things better than you found them, and *caring* about yourself and your family. I aligned each key leader attribute or action in a mnemonic device, for ease of recall and delivery. I share the model with you for your consideration: see the chart on page 8.

When using this model to mentor and train, I used anecdotes to emphasize the importance of many of the traits and behaviors necessary for effective leadership. But here, instead, I would like to share with you some of the great examples of leadership I have seen since joining the FERC team.

While all my fellow judges have assisted me in quickly learning FERC's way of doing business and its culture and are role models of caring leadership, I would like to highlight an example of leadership that involved a motivated team moving the agency to a new and better place. It started when Chief Judge Wagner pushed out a new policy in December 2014¹, ahead of a change in the rules,² requiring an electronic hearing record. This new policy required waiving the provisions of Rule 508(a)(2)³, which requires the production of three hard copies of any exhibit offered for admission at hearing. The intention of the policy is to move the agency into the electronic age. Some would say it has been slow to get there, but organizational change is slow, and the resistance to it is hard to overcome. It takes someone with the courage and fortitude to care enough to continue to push the boulder up the hill, for as long

as it takes.

This is *caring* leadership. And while the new policy does allow the judges much discretion in how to implement it, Judge Cintron was ready to lead. In March of this year she organized her team, which included Martha Altamar, the Chief of Staff to the Chief Judge; Isaac Hernandez, FERC's IT Operations Division Director; and many of Isaac's IT professionals; in conducting our first paperless hearing. This was no easy feat. Judge Cintron pushed everyone outside their comfort zones, but I know you all appreciate the time, energy, and money saved in moving to electronic hearings will be enormous, not to mention the benefits to our environment. Note to counsel: expect me to continue this electronic trend in my upcoming hearings.

Another great example of leadership at all levels comes from my law clerk, Veronica Kennedy, who started at FERC, with me last August. She has already improved the organization because she cares. She saw a need for a women's affinity group, took charge in drafting and obtaining approval of the charter, and now leads Women emPOWERing Women (WEW). This group meets monthly and is providing its seventy plus members learning, networking, and leadership opportunities. Veronica cared enough to take the initiative to improve the organization; she understands everyone can lead—position or level in the organization is irrelevant.

My final example of impressive leadership is the Energy Bar itself. Chief Judge Wagner raved about the high quality and professionalism of the Energy Bar

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Upcoming EBA Events

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

Environmental Law Primer for Energy Attorneys

September 29-30, Hyatt Atlanta Midtown, Atlanta, GA

Reception for FERC Commissioner Colette Honorable

October 6, 2015, Greenberg Traurig, LLP, Washington, DC

2nd Annual EBA Canadian Program

October 9, 2015, Calgary Petroleum Club 319, Calgary, AB, Canada

The FERC Audit and Enforcement Process

October 13, 2015, DLA Piper LLP, Washington, DC

Shaping the Utility of the Future

October 14, 2015, JAMS Office, New York City, NY
Ballard Spahr, Philadelphia, PA

Locational Marginal Prices—Foundations and Frontiers

October 20, 2015, McDermott Will & Emery, Washington, DC

FERC Oil/Liquids Pipeline Policy Developments

October 22, 2015, FERC, Washington, DC

Section 205/206 Fundamentals and Insights

November 7-8, 2015, Greenberg Traurig, LLP, Washington, DC

2015 EBA Mid-Year Meeting & Conference

November 18-19, 2015, Renaissance Hotel, Washington, DC

2015 Financial Trading Primer

December 7-8, 2015, Bracewell & Giuliani, Houston, TX

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To learn more, please go to:
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call Lisa Levine at
(202) 223-5625 ext.104

Upcoming EBA Events *cont...*

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

2016 Midwest Chapter Annual Meeting

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

2016 Rocky Mountain 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.

Judge's Corner, continued from page 13

before I even joined FERC. I now have experienced the amazing quantity and quality of the activities sponsored by the Association. From the many educational meetings and conferences hosted by the Association to the Charitable Foundation's efforts to meet energy needs around the world, (e.g., providing solar heating for Native American families and solar powered refrigeration and lighting at a health center in Africa) to the many networking and educational opportunities hosted by the Young Lawyers Committee, I am inspired by the many caring leaders working in their free time to bring high quality educational, charitable, and networking opportunities to the

energy community. I have been honored to work alongside many of you in mediations involving extremely complex, high dollar cases and have witnessed your hard work, civility, and collaboration leading to just and reasonable results for your clients and the American citizenry. The EBA reflects every aspect of the leadership model outlined above.

While I believe everyone can lead, leaders must also know how and when to follow. My experience has taught me that the best leaders commit fully to each position they hold and continually work hard to be the best they can be and improve their organization from where they sit. We urgently need strong, smart, innovative leaders working hard to solve our nation's complex energy

challenges. I am honored to be working with you, the EBA community, and know that I am following your lead. Keep up the great work--thanks for your inspiration.

Federal Energy Regulatory Commission, Procedures for Handling Exhibits and Developing the Electronic Hearing Record (Dec. 12, 2014), available at <http://www.ferc.gov/legal/admin-lit.asp>.

Revised Exhibit Submission Requirements for Commission Hearings, 80 Fed. Reg. 15700 (proposed March 25, 2015) (to be codified at 18 C.F.R. pt. 385).
18 C.F.R. § 385.508(a)(2) (2014).