

PRESIDENT'S MESSAGE

40 years.

When a person reaches 40 years of age, it's a significant milestone. They have lived long enough to have made many choices and had many experiences. Through those experiences and choices, they have closed some of the doors of possibility that were open to them in youth but have delved deeply beyond the doors kept open. They are grateful for some twists of fate and regret other turns of missed opportunity. Hopefully, they are able to take stock of where they have been and use that knowledge to gain some perspective on where they are going.

The *Energy Law Journal* allows us in the energy field to do something similar. The first issue was printed in 1980. You should take a moment to find the issue on the ELJ website.¹ Like cassette tapes or 8-tracks, some topics seem old-fashioned to us today. Take, for example, the article advocating synchronization of appellate court time-stamp clocks and inclusion of seconds in the time-stamped notation, which described this scene:

On the afternoon of December 14, 1978, Stephen L. Grossman, an FERC Administrative Law Judge, stood poised, stopwatch in hand, waiting for an employee of the Commission to insert a document into a time-stamp machine located in the Commission's Office of Public Information. Nearby, a lawyer for a natural-gas producer also stood poised, one hand raised skyward. Watching the lawyer intently was another lawyer employed by his firm, positioned, arm likewise raised, in the office doorway; two other employees of the same firm completed a human chain to a colleague standing at a public telephone on the second floor of the same building.

As the document entered the time-stamp machine, the first lawyer's hand fell, and Judge Grossman clicked his stopwatch; almost simultaneously other hands along the human chain fell, and, an instant later, a Commission staff member, his ear to a telephone in the same room as the Judge, shouted, "File." Checking his stopwatch, the Judge announced to those present that .95 seconds had elapsed between the time-stamping of the document and the staff member's shout, a considerable improvement over the 2.11 and 1.16 seconds recorded for previous performances of the same exercise by the same actors.²

From our vantage today, this vision of lawyers intently lined up in a human telephone chain in order to be the first to file an appeal is about as foreign a concept as a massive book of local phone numbers in a public telephone booth. This article from the very first issue of the *Journal* was instrumental in convincing Congress to amend federal law to improve the way venue is determined when petitions for review are filed in multiple circuit courts.

1. Available at <https://www.eba-net.org/felj/energy-law-journal/energy-law-journal-volume-1-no-1-1980/>.

2. Nicholas W. Fels, *Beyond the Stopwatch: Determining Appellate Venue on Review of FERC Orders*, 1 ENERGY L.J. 35 (1980).

But like 80s fashion, other topics are back in vogue such as hydroelectric facilities licensing.³ And still other topics that consume much of our attention today, like energy markets and climate change, are entirely missing from the first issue because they hadn't even been introduced to the common lexicon yet.

The 40th anniversary issue contains fascinating work on cutting edge issues like how to harmonize climate laws with state utility regulatory frameworks, regulation of electric utilities on Native American reservations, and the role of cooperative energy in the Middle East peace process. It also brings back timeless works on energy justice and climate refugees, the "hazy" line between federal and state regulation of the electric sector, and what makes a "prudent" regulator.

I wonder: in another forty years, which of these topics will seem quaint, and which will continue to bedevil us?

Sincerely,

/s/ Jane E. Rueger

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3. See G. Douglas Essy, *Hydroelectric Facilities Licensing – A FERC Jurisdictional Primer*, 1 Energy L.J. 67 (1980).