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The Energy Bar Association is a non-profit corporation interested in the development of federal energy law. Founded in 1946 as the Federal Power Bar Association, the Association currently has over 2000 members. Included in the membership are government, corporate, and private attorneys in virtually all areas of federal energy practice. The mission of the Association is "to enhance the professional competence of those who practice and administer energy law." In addition to publishing the *Energy Law Journal*, the Association organizes and sponsors a number of activities, including a continuing legal education program in the fall of each year, as well as a program held in conjunction with the annual meeting in the spring which focuses on issues of current interest. The Association also sponsors a number of committees which monitor and report to the membership developments of interest. Complete membership and subscription information can be obtained from the Association at 2175 K Street, N.W. Suite 600, Washington D.C. 20037, or by calling (202) 223-5625.

The *Energy Law Journal* is published two times a year. Articles by members and non-members of the Association are welcomed. All manuscripts should be of substantial length, not previously published, dealing with the energy industry, and follow *A Uniform System of Citation*. A brief biographical statement should be included. All manuscripts should be sent to William A. Mogel, Editor-in-Chief, Squire, Sanders & Dempsey, P.O. Box 407, 1201 Pennsylvania Ave., N.W., Washington, D.C. 20044-0407. Only manuscripts submitted exclusively to the *Energy Law Journal* will be considered for publication. The opinions expressed in the published material are those of the writers and are not intended as expressions of views of the Energy Bar Association. Inquiries about advertising in the *Energy Law Journal* should be addressed to Mr. Stephen L. Huntoon at (202)216-1125. The *Energy Law Journal* is indexed in the INDEX TO LEGAL PERIODICALS, The CURRENT LAW INDEX, WESTLAW, and LEXIS services.

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PRESIDENT'S MESSAGE

Over the past year we have witnessed a series of unprecedented events in the energy industry. Uncertainty pervades the energy market. Major energy companies that were thought to be thriving are facing the prospect of bankruptcy. Numerous others are restructuring operations and selling major assets in order to avert financial trouble. The business operations, contracting practices, and financial reporting activities of energy companies are under scrutiny before federal, state, and local governmental agencies. Serious concerns have been cast about the regulatory framework for competitive energy markets.

The Energy Bar Association continues to provide an array of educational offerings to meet the needs of energy practitioners and professionals who are confronting the challenges of these eventful times. The finest among the Association's achievements is the sustained excellence reflected in the publication of the *Energy Law Journal*, which the Association has provided to its members for twenty-three years. I am pleased to present to you the current issue of the *Energy Law Journal* which contains timely and though provoking articles on such topics as, electricity deregulation, interconnection arrangements, energy industry finance, and performance-based rates. Our warmest thanks and appreciation are extended to our Editor-in-Chief, Bill Mogel, for his dedicated leadership in producing the *Journal*. Our appreciation is also extended to the *Journal's* Editorial Board and the University of Tulsa for their contributions to the publication of the *Journal*.

In 2002, the Association reached an important milestone: it completed its third and final year of implementation of its Strategic Plan 2000. Not only did the Association change its name from the Federal Energy Bar Association to the Energy Bar Association, but we refocused our efforts to better serve our members who represent all sectors of the energy industry. We now have five regional chapters, which have broadened significantly the geographic scope and reach of our programs and membership participation. In addition, we fulfilled one of the primary goals of the Strategic Plan, to increase membership to 2000 members by the year 2002. Currently, the Association has more than 2100 members, and, as a result of recent changes to the Association's Articles of Incorporation and Bylaws, more than eighty-five non-attorney energy professionals have become members of our Association during the last twelve months. Also in keeping with the direction of the Strategic Plan, the Association adopted a Diversity Policy Statement, which reinforces the Association's identity as an inclusive, welcoming organization. The new ideas and perspectives that will be shared as a result of these important outreach initiatives are anticipated to enhance our understanding of energy issues for years to come.

Another significant accomplishment for the Association this year is the establishment and incorporation of the Charitable Foundation of the Energy Bar Association on April 18, 2002. This new charitable foundation, which was conceived jointly by the Association and Foundation of the Energy Law Journal, is presently envisioned to engage in both energy-related and general charitable

endeavors. It will provide members with a special opportunity to strengthen their ties to the Association and to come together to do good works at a time when new emphasis has been placed on the importance of volunteerism. It will also allow the Association and the Foundation of the Energy Law Journal to demonstrate that they are “good corporate citizens” that support the community. Our appreciation goes to the 2001-2002 Officers and Members of the Board of the Association and Foundation of the Energy Law Journal, respectively, whose cooperative efforts and thoughtful input were so critical to this new initiative. Special recognition and thanks also must be given to Paul Nordstrom, our immediate Past President and Richard Morgan, the Foundation’s immediate Past President, for their outstanding leadership and genuine cooperative spirit that made the creation of the Charitable Foundation of the Energy Bar Association a reality this year. Our sincerest thanks are also extended to the law firm Sidley Austin Brown & Wood LLP for generously agreeing to serve on a pro bono basis as our legal counsel in connection with the formation of this new entity.

On behalf of the Board and officers of the Energy Bar Association, I would like to express out appreciation for your continued support of the *Journal*. I encourage you to find ways to become actively involved in our Association as we continue to expand the scope of our activities.

*Jacolyn A. Simmons, President
Energy Bar Association*

IN MEMORIAM

Judy M. Johnson, a long-time member of the Association, died in Houston, Texas, on June 9, 2002, after a brief illness. Judy was nationally recognized for her legal expertise in the energy regulatory field and was a sought-after speaker for energy industry seminars and symposia. Her highly-effective representation of her clients coupled with her intelligence, dedication, sense of humor and charisma made her one of the premier energy lawyers in the nation. Proof of Judy's legal ability was best reflected in the respect, admiration and affection for her among the multitude of clients she attracted and served – they adored her.

Judy was among the first three women admitted to the partnership of Vinson & Elkins and was a strong advocate for increased opportunities for professional women throughout her career. She was a charter member of the Women's Energy Network, a professional organization whose mission is to foster professional development and networking among women professionals in the energy industry.

Of far more importance than her legal accomplishments was Judy's life as a great and good person who did so much for so many for so long. Judy ranked at the top of any list of givers. She was constantly giving herself to her law firm, to her clients, but most of all to her friends – she loved them dearly and brightened and enlightened their lives.

All of her life Judy loved the art of ballet, and she was an ardent supporter of Houston ballet, serving as a Trustee of The Houston Ballet Foundation. Her many friends and admirers have established the Judy M. Johnson Scholarship Fund at The Houston Ballet to honor Judy.

Judy actually cared what happened to her friends. She lived through their tragedies and triumphs with them, always supportive and kind. She was so much fun to be with, despite the hard work and the incisive and superlative lawyering she produced year after year, she was never too busy to be a caring, perceptive, gracious and spiritual friend. We miss her beautiful spirit deeply.

Foundation of the Energy Law Journal

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