



2023

ENERGY BAR ASSOCIATION

ANNUAL MEETING & CONFERENCE

Are We all Playing a Net-Zero
Sum Game? Current
Perspectives on Energy
Transitions

Marriot Marquis

Washington, DC

May 11-12, 2023

CONFERENCE
PROGRAM



A low-angle photograph of two electricians working on a power line. The electrician in the foreground is wearing a white hard hat, safety glasses, a grey long-sleeved shirt, and yellow gloves. He is holding a tool and looking up. The second electrician is behind him, also wearing a white hard hat and safety glasses, and is holding a cable. They are both wearing tool belts. The background is a clear blue sky.

America's Electric Cooperatives

THE IMPORTANCE OF RELIABILITY

American families and businesses expect the lights to stay on at a cost they can afford. But that's no longer a guarantee. Nine states saw rolling blackouts last December as the demand for electricity exceeded available supply.

Electric cooperatives are working towards meaningful solutions to address the reliability challenges spreading across the nation. Policymakers should recognize that the electrification of the economy, disorderly retirement and insufficient replacement of existing generation, permitting challenges, supply chain shortages, and the availability of natural gas all impact the reliability of the electric grid.



Learn more: electric.coop

WELCOME FROM THE PRESIDENT



DELIA PATTERSON
EBA PRESIDENT
2022 - 2023

Welcome to the Energy Bar Association's 77th Annual Meeting and Conference

The Conference is the highlight of the EBA year and is packed with timely educational programming and numerous opportunities to catch up with old friends and make new connections. Whether you attend for one day or two, this event offers something for everyone with an interest in energy law and policy.

Thank you for sharing your topic ideas with EBA's Professional Education Council (PEC). They have listened to your suggestions, and based on your interests, the theme that emerged for this conference is *Are We all Playing a Net-Zero Sum Game? Current Perspectives on Energy Transitions*. Over the next two days, you will be among more than 400 attendees exploring issues within this theme, and I am looking forward to hearing the insights and unique perspectives of our panelists.

With gratitude for their tireless efforts in getting us successfully to this 77th Annual Meeting and Conference, I want to call out the PEC leaders who made this event possible: PEC Co-Chairs Emily Mallen (Akin) and John McCaffrey (American Public Power Association), and Co-Vice Chairs Holly Rachel Smith (Invenergy) and Andrew DeVore (Vinson & Elkins LLP). Please join me in showing appreciation to our PEC leadership as you see them around the conference.

On Thursday evening, I hope you will join us for the Charitable Foundation of the Energy Bar Association (CFEBA) Fundraising Gala. The gala raises money through donations and sponsorship to fund grantmaking for energy-related charitable projects. This year, we will recognize the significant contributions of EBA members and others who have given generously to fund the 2023 Cornerstone Grant of \$50,000 to Nova Ukraine. Nova Ukraine is a 501c(3) charity dedicated to helping the people of Ukraine, and the CFEBA grant funded the purchase of generators in Ukraine to power warming stations medical centers during the coldest winter months.

On Friday, in addition to more educational programming and networking sessions, we will hold the 77th Annual Meeting of the EBA membership. We will conduct association elections, present several association awards, and recognize outgoing board members who have volunteered their time serving on EBA, CFEBA, and FELJ boards.

I am so pleased that you have chosen to attend the Annual Meeting this year and that we can once again come together in person. I look forward to spending time with as many of you as I can over the next two days. Enjoy the conference!

Thank you!

A handwritten signature in black ink, appearing to read 'Delia Patterson'.

Delia Patterson
President, Energy Bar Association

GENERAL INFORMATION

CLE REQUIREMENTS

1. To receive CLE credit, be sure to sign in **each day** at the CLE table near registration. New York attorneys, you must also sign out each day.
2. In the days following the event, you will receive an email from the ABA containing a link to the Affidavit of Attendance. Complete and submit this online form to receive credit.
3. Your Certificate of Completion will be available for download when you complete the affidavit. It will also be emailed to you. Information related to reporting attendance will be included.

SESSION HANDOUTS

All Conference handouts and presentations are available in the online Conference Resource Center. Visit the URL shown below and enter the password: EBA2023

<https://www.eba-net.org/home/2023-annual-meeting-and-conference-resource-center/>

CHANCES TO CONNECT!

THURSDAY, MAY 11

Luncheon and Keynote Remarks

12:15 PM - 2:00 PM | Salons I, J, K, L, M

Lunch seating is open, so invite some new connections to sit at your table.

Charitable Foundation of the Energy Bar Association Reception (Separate Ticket)

5:00 PM - 6:00 PM | Mezzanine Level

If you have an individual or sponsor ticket, meet other attendees for the pre-Gala reception. Your ticket will be printed on the back of your conference badge.

Charitable Foundation of the Energy Bar Association Gala (Separate Ticket)

6:00 PM - 8:30 PM | Salons I, J, K, L, M

Support the Gala's mission and network with other Gala sponsors and attendees.

FRIDAY, MAY 12

In House Counsel Meet Up

8:15 AM - 9:00 AM | Congress

Network with other in-house energy attorneys and professionals.

Young Lawyers Counsel and Masters Counsel Meet Up

8:15 AM - 9:00 AM | M3: Chinatown

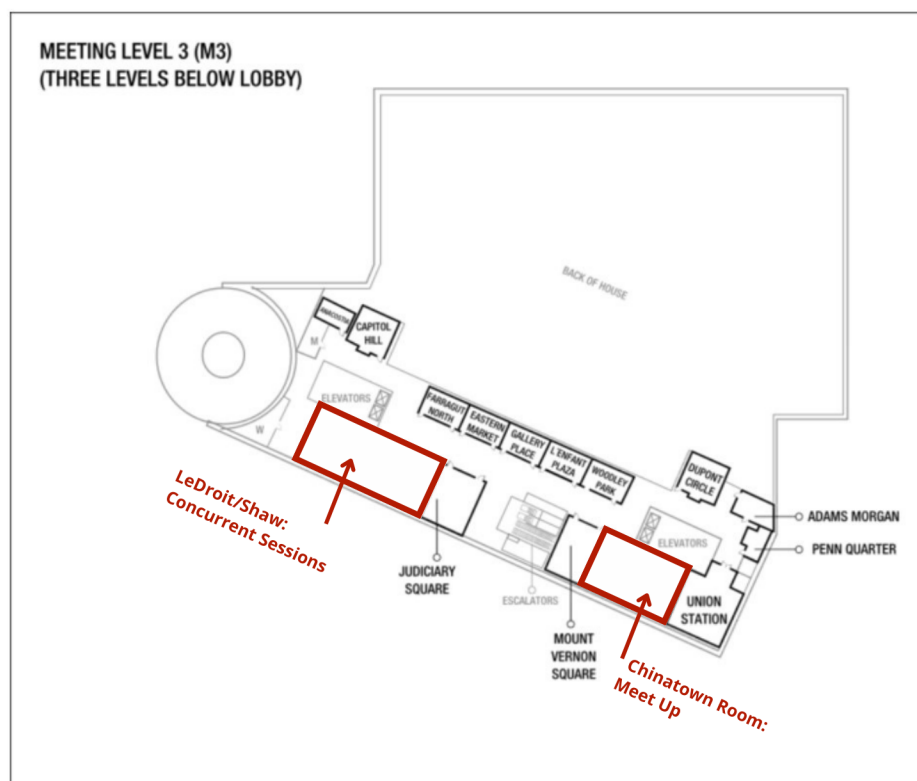
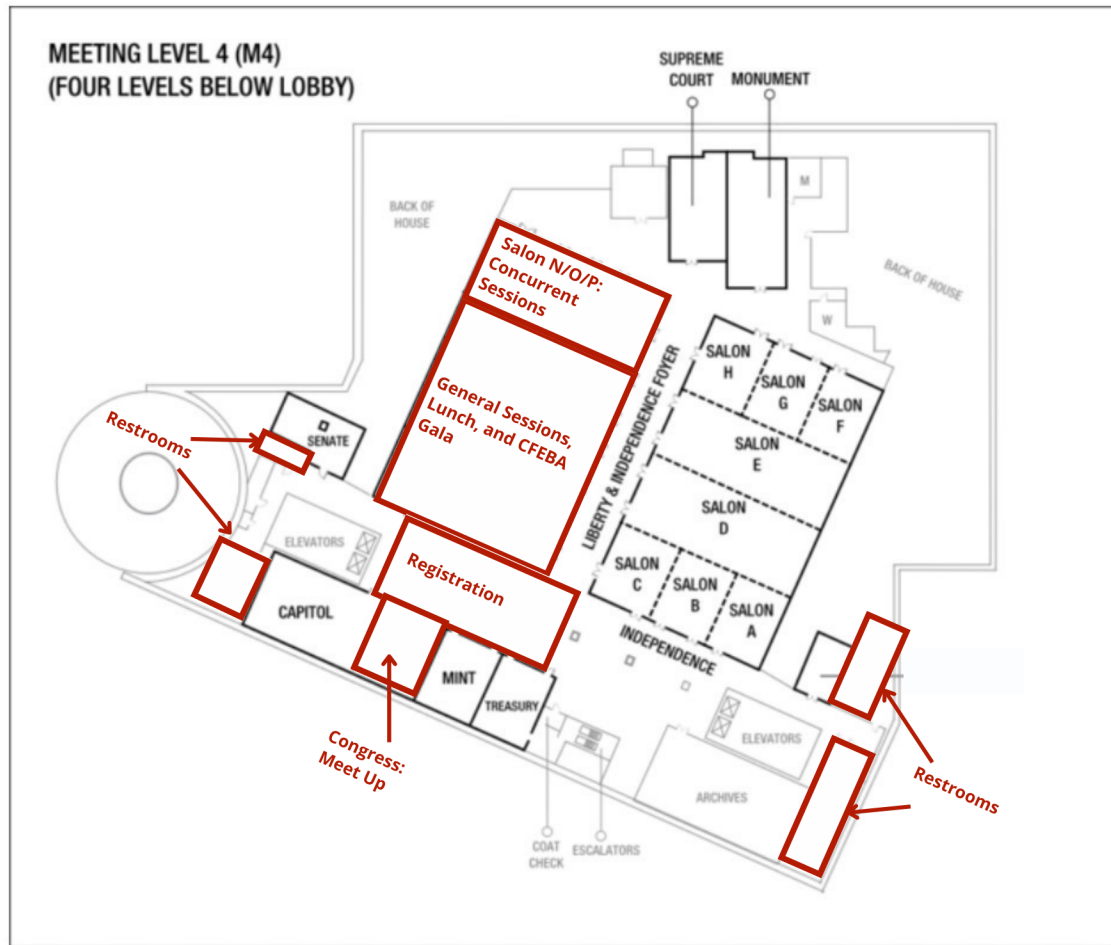
If you are new to energy law and policy, connect with other new attorneys and members of the mentoring ("Masters") council.

Committee Huddle

10:30 AM - 11:00 AM | Foyer

Learn more about EBA's committees and councils by networking with other committee and council leaders.

CONFERENCE LAYOUT



9:00 AM -10:30 AM

HONORABLE KEVIN J. MCINTYRE GENERAL SESSION

State Federal Jurisdiction Jumble and the View from State Attorneys General

State Attorneys General have sweeping powers to launch investigations and bring enforcement actions on behalf of states or consumers as part of their core missions to protect the public interest within their states. With the U.S. Supreme Court and lower federal courts exercising their authority of judicial review to cede more power to the states, what does this power shift mean for the energy industry as state and federal priorities clash or complement one another in the energy transition?

- **The Honorable Colette D. Honorable**, Partner, Reed Smith LLP
 - **Mark R. Herring**, Partner, Akin
 - **Elbert Lin**, Partner, Hunton Andrews Kurth
 - **Erika L. Maley**, Principal Deputy Solicitor General of Virginia, Commonwealth of Virginia
 - **Joshua Segal**, Special Assistant Attorney General, Maryland Office of the Attorney General
-

11:00 AM - 12:15 PM

CONCURRENT SESSIONS

Concurrent 1A: Key Considerations and Developments for Carbon Capture, Utilization, and Sequestration Projects

[Salons N/O/P]

Traditional energy companies are capitalizing on their conventional project development experience to lead the wave of carbon capture, utilization, and sequestration ("CCUS") project development. The construction of CCUS projects should significantly increase over the next few years as a result of the expansion of the 45Q tax credit, enlarged scope of qualifying CCUS facilities, and new methods to monetize 45Q credits under the Inflation Reduction Act of 2022 ("IRA"). This panel will discuss the current trends in CCUS project development, what to expect in the near-term as a result of the IRA, and key considerations for CCUS project developers.

- **Shariff N. Barakat**, Partner, Akin
- **Ian R. Curry**, Attorney Advisor, Pipeline and Hazardous Materials Safety Administration
- **Megan Davis**, General Counsel and Secretary, CapturePoint LLC
- **Grant Pribilski**, Director, Carbon Capture Storage – West Portfolio, Talos Energy

Concurrent 1B: The Changing Landscape for Nuclear Energy [and How It Can Help Get to Net Zero]

[M3: LeDroit/Shaw]

Learn about the current state of the nuclear industry as well as the changing nuclear landscape, including how nuclear power can help get us to net zero carbon. We will explore new uses for existing nuclear technology and the impact of new technologies such as small modular nuclear reactors. The panelists will also explore what changes are needed to the regulatory landscape to accomplish these goals, and seek the view of the financial community on the current state of the industry.

- **Richard M. Lorenzo**, Partner, Loeb & Loeb LLP
- **Craighton Goeppele**, Senior Vice President & General Counsel, TerraPower LLC
- **Jonathan M. Rund**, Deputy General Counsel and Assistant Secretary, Nuclear Energy Institute
- **James Schaefer**, Senior Managing Director, Guggenheim Partners
- **Jason Zorn**, Associate General Counsel for Nuclear Regulatory & Compliance, Constellation Energy Generation

12:15 PM - 2:00 PM

LUNCH WITH KEYNOTE SPEAKER

The Honorable Allison Clements**Commissioner, Federal Energy Regulatory Commission**

Commissioner Allison Clements joined the Federal Energy Regulatory Commission in December 2020 following a range of public and private sector experience in energy law and grid modernization policy. Prior to her current role, she worked at Energy Foundation, Goodgrid LLC, and Natural Resources Defense Council. She began her legal career in private practice at Troutman Sanders LLP and Chadbourne & Parke LLP. Over the course of her career, her clients have included utilities, independent power producers, developers, lenders, nonprofits, and philanthropies.



2:00 PM - 3:15 PM

CONCURRENT SESSIONS

Concurrent 2A: Current Issues in Energy Infrastructure and Investment: How the Supply Chain Affects New Growth, Reliability, and Sustainability
[Salons N/O/P]

This panel discussion will feature representatives from multiple sectors across the energy infrastructure landscape who will speak about the impact that current supply chain issues are having on new growth, reliability, and sustainability. Beyond independent presentations from each of our panelists, this expert panel will draw out how the supply chain issues across the various sectors interact with one another in order to weave a more holistic picture of the challenges our broader national energy infrastructure faces and how developers and utilities can plan to meet these challenges and mitigate the potential disruption to the reliability of our integrated systems.

- **Joseph E. Donovan**, Partner, Pierce Atwood LLP
- **Matt Card**, President & Chief Operating Officer, Suniva
- **Adrienne Lotto**, S.V.P. Grid Security, Technical & Operations Services, American Public Power Association
- **Brett White**, Vice President, Regulatory Affairs, Pine Gate Renewables

Concurrent 2B: When Passing the Hat No Longer Works: Transmission and Cost Allocation
[M3: LeDroit/Shaw]

The need for transmission – both within and between regions – is clear. Transmission kept the lights on during Winter Storm Uri, transferring energy from PJM into MISO and SPP, as well as during Winter Storm Elliott, allowing transfers between MISO and the southeastern United States. Congress recently passed legislation intended to promote new transmission, and FERC is exploring establishing a minimum interregional transfer capability that could also drive development. To move forward, there must be greater clarity on cost allocation, the interplay between state and federal jurisdiction, and the impact of these decisions on how this much-needed infrastructure actually gets built.

- **Christina M. Hayes**, Executive Director, Americans for a Clean Energy Grid
- **The Honorable Richard Glick**, Former Chair, Federal Energy Regulatory Commission
- **Kevin H. Huyler**, Managing Director, Federal Regulatory Affairs, Edison Electric Institute
- **Laura Rauch**, Senior Director of Transmission Planning, Midcontinent Independent System Operator
- **Kelly Speakes-Backman**, Executive Vice President, Public Affairs, Invenergy LLC

THURSDAY, MAY 11

3:45 PM - 5:00 PM

CONCURRENT SESSIONS

Concurrent 3A: Cross Border Energy Disputes Among Canada, the United States and Mexico – Why Can't Neighbors Get Along?

[Salons N/O/P]

The Arbitrations and Court Decisions: Arbitrations involving Keystone XL, the Quebec ban on fracking under the St. Lawrence, the Alberta termination of coal fired generation, the Ontario cancellation of cap and trade, the Michigan decision preventing Canada from replacing a pipeline under the Straights of Mackinac, the Ontario termination of both onshore and offshore wind and the New England court decisions preventing Quebec Hydro from building transmission lines to deliver hydroelectric power to New York City.

The Trade Disputes: Trade disputes involving US solar panel tariffs, electric vehicle tax credits, automotive rules of origin Mexican energy sovereignty decisions and United States - Mexico - Canada Agreement claims against Mexico.

- **Robert D. Heggie**, Chief Executive, Alberta Utilities Commission
- **Jamieson L. Greer**, Partner, King & Spalding LLP
- **Gordon E. Kaiser**, Arbitrator and Counsel, Energy Arbitration Chambers
- **Philip Kariam**, Associate, McMillan LLP
- **The Honorable Joseph T. Kelliher**, Co-Leader, Energy Practice Group, FEDARB, Senior Advisor, CARBONSINK LLC, Principal, THREE ACORNS

Concurrent 3B: 100 Percent Carbon-Free Electricity: What, How, Who?

[M3: LeDroit/Shaw]

Expanding clean electricity is critical to efforts to decarbonize the economy. Current legal and regulatory structures have driven the deployment of renewable energy but may not be fit incentivizing deployment of the dispatchable clean energy resources needed to achieve broader power sector and economy-wide decarbonization goals. This panel will review company and federal 100 percent carbon-free electricity goals, the role of matching supply and demand in meeting those goals, the technology options, and the emerging commercial and regulatory tools for meeting these ambitious goals, which contemplate roles both for competitive suppliers and vertically-integrated electric companies.

- **Neil Fisher**, Partner, The NorthBridge Group
- **W. Mason Emmett**, Senior Vice President, Public Policy, Constellation Energy Generation LLC
- **Brian George**, US Federal Lead, Global Energy Market Development and Policy, Google
- **Lon Huber**, Senior Vice President, Pricing and Customer Solutions, Duke Energy Corporation

Your Connection to the Energy Law and Policy Community



EBA Membership is your connection to the energy law and policy community. Visit Henry Lagrimini, EBA's Membership and Chapter Relations Manager, at the membership table near registration to learn more or visit eba-net.org/membership.

THANK YOU TO THE **PROFESSIONAL EDUCATION COUNCIL**

The Energy Bar Association would like to recognize and thank the Professional Education Council and its leadership for their dedication and commitment to developing the Annual Meeting & Conference Program for 2023.



Emily P. Mallen,
Co-Chair
Akin



John E. McCaffrey
Co-Chair
*American Public Power
Association*



Holly Rachel Smith
Vice Co-Chair
Invenergy



Andrew Devore,
Vice Co-Chair
Vinson & Elkins

Setting the standard.

We lead the energy evolution. Our 150+ attorneys help utilities, local distribution companies, transmission owners, operators, developers, generators, traders, independent power producers, banks, private equity funds, and large corporations in every energy market navigate challenges and evaluate new opportunities.

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Friday, MAY 12

9:00 AM - 10:30 AM
GENERAL SESSION

FERC Enforcement: What Market Participants Ought to Know

FERC's Office of Enforcement has ramped up its activity in the past few years, including through adoption of a new priority, "Threats to the nation's energy infrastructure and associated impacts on the environment and surrounding communities" and a proposed, expanded "duty of candor" rule. The panel will analyze these developments, including recent settlements and court cases, shedding light on the greatest enforcement risks and where compliance departments should focus their resources.

- **David A. Applebaum**, Partner, Jones Day
 - **William R. Barksdale**, Counsel, Skadden, Arps, Slate, Meagher & Flom LLP
 - **Janel C. Burdick**, Director, Office of Enforcement, Federal Energy Regulatory Commission
 - **Seema Jain**, Branch Chief, Division of Investigations, Office of Enforcement, Federal Energy Regulatory Commission
 - **Charles R. Mills**, Partner, Bracewell LLP
 - **Karis Anne Gong Parnham**, Assistant General Counsel, Entergy
-

11:00 AM - 12:15 PM
CONCURRENT SESSIONS

Concurrent 4A: EV/ES Jeopardy! Facts or Fiction?

[Salons N/O/P]

Representatives from state, federal, and utility perspectives will select true/false questions and deliver answers to test factual versus anecdotal knowledge of the technical, legal, and economic landscape for Electric Vehicles and Energy Storage. Contestants will give context to their answers and allow audience members to ask questions for follow up clarification, when necessary.

- **Justin R. Martin**, Technical Executive - Strategic Planning, Advisory Solutions & Applied Services, Electric Power Research Institute
- **Jamie Barber**, Director, Energy Efficiency & Renewable Energy Unit, Georgia Public Service Commission
- **Dr. Richard Ezike**, Program Communications Specialist, Joint Office of Energy and Transportation
- **Anna K. Fung**, K.C., Deputy Chair, British Columbia Utilities Commission (BCUC)
- **Haresh Kamath**, Director of Distributed Energy Resources and Energy Storage, Electric Power Research Institute
- **Kathleen D. Staples**, Director of Electrification, Dominion Energy Virginia/North Carolina

Concurrent 4B: Career Options in a Dynamic and Changing Industry Sector

[M3: LeDroit/Shaw]

Join energy practitioners reflecting a wide variety of perspectives – in house counsel, government service, nonprofit organizations, academia, and law firm practice – as they share personal stories and practical tools and tips addressing each stage of an energy lawyer's career. The panel will include practitioners who have experience from government service, law firm practice, corporations and nonprofit organizations, and they will share their personal stories of how they have navigated through various phases of their careers.

- **Regina Y. Speed-Bost**, Founder and Managing Partner, SB Law, PLLC
- **The Honorable Neil Chatterjee**, Senior Advisor, Hogan Lovells
- **Derek A. Dyson**, President and CEO, Today's Power, Inc.
- **Craig N. Johnson**, Director of Government Relations and General Counsel, Colorado Rural Electric Association
- **Megan Vetula**, Vice President, Berkshire Hathaway Energy

12:15 PM - 2:00 PM

Lunch and Seventy-Seventh EBA Annual Meeting

2:00 PM - 3:15 PM

CONCURRENT SESSIONS

Concurrent 5A: A Tale of Two DER Scenarios: Issues on Feeders Highly Saturated with DER; Risks and Regulations Impacting DERs, VPPs, and other Behind-the-Meter Solutions
[Salons N/O/P]

The first part addresses issues on feeders that are highly DER saturated, based on experience in Minnesota that has over 860 MW of Community Solar Gardens (in front of the meter generation, with no load) that are concentrated on about 160 feeders. The second part recognizes that DERs, like virtual power plants, aggregators, microgrids, and other inverter-based resources are increasingly popular and that FERC Order 2222 helped DERs penetrate the Bulk Energy System energy market. The second part discusses national DER trends and reviews current and pending state and federal regulations that will impact market entry and DERs' bottom line.

- **Ruben H. Arredondo**, Energy Counsel and Consultant, Regine, LLC
- **James R. Denniston**, Assistant General Counsel, Xcel Energy
- **Romaine Marshall**, Partner, Polsinelli

Concurrent 5B: "Duties of Candor": Ethical Obligations Governing Lawyers' Communications with Tribunals And Third Parties
[M3: LeDroit/Shaw]

FERC's recent proposed expansion of its "Duty of Candor" rule has raised the larger issue of lawyers' ethical obligations of candor in their communications with courts, government agencies, third parties, and beyond. This panel will explore those obligations, focusing on the ABA Model Rules of Professional Conduct, state codes of professional conduct, and legal ethics opinions. The panel will also explore consequences for noncompliance and will conclude with a discussion of practical tips and best practices for ethical compliance.

- **Deepika H. Ravi**, Partner, Harris, Wiltshire & Grannis LLP
 - **Holly Rachel Smith**, Deputy General Counsel - Regulatory, Invenergy LLC
 - **Lauren E. Snyder**, Partner, Harris, Wiltshire & Grannis LLP
-

3:45 PM - 5:15 PM

CLOSING GENERAL SESSION

The Hydrogen Economy: Hot Topics in Green Hydrogen

This panel discussion will cover some of the key issues around how to structure, develop and finance green hydrogen projects, including green hydrogen production facilities and pipelines. This includes potential deal structures, financing and water considerations, and negotiating renewable and hydrogen purchase and sales agreements and pipeline transport. The panel will also explore other significant legal issues including clean energy requirements both on the purchase of renewable energy and on the sale of green hydrogen, carbon intensity scores under applicable greenhouse gas methodologies and qualifying for the green hydrogen production tax credit under the Inflation Reduction Act.

- **Diana Jeschke**, Senior Counsel, Linklaters LLP
- **Rachel Crouch**, Associate General Counsel, AES Clean Energy
- **Brandon Piskin**, Senior Counsel, Plug Power
- **Amish Shah**, Partner, Holland & Knight LLP
- **Christine L. Tezak**, Managing Director, Research, ClearView Energy Partners, LLC

Dentons' US Energy team is part of an award-winning global team serving leading players in the world's energy markets.

Our clients rely on our experience navigating the industry's complex regulatory landscape, advising on multinational projects and resolving high-stakes disputes—with energy to burn.

Grow | Protect | Operate | Finance

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AWARD RECIPIENTS

FRIDAY, MAY 12 | 12:15PM - 2:00 PM

EBA President's Award

The EBA President's Award is given on occasion to individuals who have made an extraordinary contribution to the profession or to the development of energy law over a long career, to those who have advanced significant change to the energy law landscape, or to those who have unusual talent and intellectual acumen with respect to energy law and policy.

This year, EBA is pleased to present the President's Award to Senator Lisa Murkowski of Alaska. Senator Murkowski was appointed to the U.S. Senate in 2002 and elected to her first full term in 2004. Throughout her time in the Senate, including as Chairman of the Energy and Natural Resources Committee from 2015 through 2020, she has been a leader on energy issues, promoting innovation, efficiency, and domestic supply to make America's energy cleaner, more affordable, and more reliable. Among her legislative accomplishments is the Energy Act of 2020, which was the first modernization of U.S. policies in this area in more than a decade.

Senator Murkowski could not be with us in person today, but she has accepted the EBA President's award in a pre-recorded message.



SENATOR LISA MURKOWSKI
Senator, Alaska
U.S. SENATE

Jason F. Leif Chapter Service Award

In 2018, the Energy Bar Association created the Jason F. Leif Chapter Service Award in memory of Jason F. Leif, a past EBA President, a past President of the Houston Chapter of the EBA, and a motivating force in the revitalization of the Houston Chapter. This award recognizes exemplary long-term service by an EBA member to one or more of EBA's eight chapters.

This year, the EBA Board is recognizing Kelli Cole for her outstanding service and leadership of the EBA's Southern Chapter. Kelli served as President of the Southern Chapter from 2020 to 2021, and during that time, she helped keep the Southern Chapter on track despite the challenges presented by a global pandemic and the inability to meet in person. Though her term as president ended in 2021, Kelli remains an active member of the Southern Chapter Board.

Those who nominated Kelli for this award note, "*Kelli is fearless and dedicated, serious at work, and an effective communicator. But most importantly, Kelli's loyalty and ready sense of humor make her a fun chapter member and leader to be around. Kelli exemplifies everything we need and want in an exceptional chapter leader.*"



KELLI COLE
Staff Attorney
VIRGINIA STATE
CORPORATION COMMISSION

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ENERGY BAR ASSOCIATION

UPCOMING EVENTS

JUNE 6

Hosted by: Norton
Rose Fulbright

2PM - 5PM

Electricity Steering Committee Half-Day Event

EBA's Electricity Steering Committee is hosting a half-day event! This program will kick off with keynote remarks from the Honorable Richard Glick, followed by two informational panels and a reception.

JUNE 14

Hosted by: Gibson, Dunn &
Crutcher LLP

ALL DAY

2023 Northeast Chapter Annual Meeting

This event, hosted in NYC, will include 3 panels that will focus on financing the clean energy transition, updates on the NAESB process, and the future of natural gas in New England.

JUNE 22

Hosted by: Tri-State
Generation and Transmission
Association

ALL DAY

Energy Law Academy Course 106: Electric Industry Technology for Lawyers

The purpose of this EBA Energy Law Academy course is to provide attorneys who are new to the practice of energy law in the electric industry a foundational understanding of the basic technology in the industry.

OCTOBER 10-11

Washington, DC

Mid-Year Energy Forum

Mark your calendar for the EBA Mid-Year Energy Forum and the Foundation of the Energy Law Journal's Administrative Law Judges Reception.



MORE INFORMATION

See eba-net.org
or contact Olivia Dwelley
odwelley@eba-net.org

ABOUT US

Energy Bar Association (EBA) is an international, non-profit association of attorneys, energy professionals, and students active in all areas of energy law.



Energy Bar Association
2000 M Street, NW, Suite 715
Washington, D.C. 20036

www.eba-net.org
(202) 223-5625
admin@eba-net.org

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