REGULATING A MODERN RESOURCE MIX



MID-YEAR ENERGY FORUM



OCTOBER 10-11, 2023 WASHINGTON, DC

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EBA's President



DAVID MARTIN CONNELLY EBA PRESIDENT, 2023 - 2024 As president of the Energy Bar Association, I am looking forward to seeing you at the Mid-Year Energy Forum. This year's theme is Regulating a Modern Resource Mix and a lot of thought has gone into planning the Forum sessions that take place over the next two days.

I want to thank Holly Rachel Smith (Invenergy) and Andrew DeVore (Vinson & Elkins) for their leadership of the Professional Education Council, and to Joe Fagan (Day Pitney) and Tory Lauterbach (Foley Hoag) for their support. These four EBA members, along with all the session coordinators, moderators, and speakers are responsible for the impressive line-up of programs this year. It takes a tremendous amount of work to pull these events together, and we are better informed as a community because of their volunteerism and dedication. I am particularly looking forward to the Women in Energy Lunch on Tuesday where we will hear from Carrie Allen, Senior Vice President and Deputy General Counsel from Constellation. I am also pleased that Matthew Christiansen, General Counsel at FERC will serve as our keynote speaker at Wednesday's lunch.

One of the most compelling aspects of EBA membership is the opportunity to make connections and build relationships with other energy attorneys, regulators, and thought leaders from across the country. As a new attorney, a partner urged me to become a member of the EBA. It was some of the best advice I received as I was starting my career, and it remains true today. EBA has moved full speed ahead returning to in-person meetings here in Washington and throughout the U.S. and Canada. All of our chapters held in-person networking or educational events in the last year and this renewed energy has translated into an almost 10% increase in membership in the last year.

In addition to in-person gatherings and membership growth, we have been focused on ramping up our educational and training programs. We recently launched the new EBA On-Demand online platform to modernize our program delivery, and we have also added three Energy Law Academy programs with a fourth on the way. We will continue to deliver the "nuts and bolts" programming that makes the EBA so indispensable for both senior practitioners and those who are just starting their energy law career.

I hope you enjoy the next two days of programs. If you need anything, or have an idea that you want to share, please find me, any EBA board member, an EBA staff person, or simply drop by the membership table in the foyer. The strength of EBA lies in the contributions of its members, and we are always interested in your feedback.

Enjoy the Forum!

David Martin Connelly



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General Information

CLE REQUIREMENTS

- 1. To receive CLE credit, **each attorney MUST 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 after 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. Scan the QR code or visit the URL below, click Conference Resource Center, and enter the password: MYEF2023

https://www.eba-net.org/home/2023-myef-agenda/



The FERC team at Troutman Pepper is proud to sponsor the **2023 EBA Mid-Year Energy Forum**. We look forward to seeing our colleagues.

Chris Jones | Amie Colby | Bill Derasmo | Daniel Archuleta | Fred Wilson Mindy McGrath | Chuck Sensiba | Adrienne Thompson | Stuart Caplan Bob Edwards | Steve Boughton | Quintessa Davis | Antonia Douglas Miles Kiger | Russell Kooistra | Elizabeth McCormick | Katherine O'Konski Jennifer Panahi | Mary-Kate Rigney | Sahara Shrestha | Daryl Bascus



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Ask an Attendee!



Jay Morrison, Chief Legal and External Affairs Officer ElectriCities of NC EBA Member since 1996, with 40+ conferences attended

Are there any MYEF special events you're excited about?

I am excited about the Administrative Law Judges (ALJ) Reception. The event honors a tremendous group of public servants, is an excellent opportunity to network with fellow bar members, and supports the essential scholarship offered through the Energy Law Journal. I hope to see everyone there.



Anna Fung, Deputy Chair British Columbia Utilities Commission EBA Member since 2019, with 13 conferences attended

What are you most looking forward to hearing about at MYEF? The discussion on the Value Proposition for Energy Imbalance and Energy Exchange Markets and being a nerdy business lawyer, the Ethics session and discussing how to manage the pitfalls of business and legal conflicts.



CeCe Coffey, Law Student University of Pennsylvania EBA Member since 2019, with 14 conferences attended

What speaker(s) caught your eye in the program agenda?

Manisha Patel, the Deputy Executive Director of the Federal Permitting Improvement Steering Council. I first met Manisha nine years ago, as an undergraduate intern at CEQ shadowing what was then called the Interagency Infrastructure Permitting Improvement Team. Watching smart attorneys and economists debate how to expedite infrastructure permitting led me to think about all of the energy infrastructure that would need to be built over the course of my lifetime. That experience inspired me to begin a career working in energy!



Floyd Self, Partner, Berger Singerman EBA Member since 2011, with 45+ conferences attended

What is your favorite thing about being an EBA member?

For someone like me with a state practice focus who lives and works far from DC, EBA is a great way to connect the dots and see how federal policy is impacting the states, and vice versa. The best part of being an EBA member is the ability to meet new people and reconnect with friends. The breaks and sessions certainly allow for some catch up time, but the Farewell Reception is a great opportunity to see those you have missed up to that point.

Conference Layout



*Please visit the EBA staff at the registration desk if you need a Mothers' Room



TUESDAY, OCTOBER 10

11:30 AM - 12:45 PM: WOMEN IN ENERGY LUNCH

All are welcome to this celebratory lunch! If you did not include an RSVP in your registration, please see an EBA staff member. The Women in Energy Lunch is generously sponsored by:

McGuireWoods



FEATURED SPEAKER

Carrie Allen SVP and Deputy General Counsel, Regulatory and Compliance Constellation Energy

1:00 PM - 2:30 PM: WELCOME AND GENERAL SESSION

Interconnection Queue Reform – How FERC's New Pro Forma Interconnection Procedures Could Advance New Generation

On July 27, 2023, FERC issued a final rule, Order No. 2023, requiring all public utilities to adopt revised pro forma generator interconnection procedures and agreements. With compliance filings due shortly after the Mid-Year Energy Forum, this panel will discuss (1) the interconnection queue backlog that led to FERC issuing its final rule; (2) the measures certain transmission providers have already taken and what we could expect to see from other transmission providers in their compliance filings; and (3) what impact the new interconnection procedures and agreements may have on the resource mix in various regions and the resulting implications for reliability, resiliency, and affordability.

- Elizabeth Trinkle, Shareholder, Wright & Talisman PC
- Jignasa Gadani, Director, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission
- Monica Gonzalez, Assistant General Counsel Operations and Planning, ISO New England, Inc.
- Omar Martino, Executive Vice President, Markets and Regulatory, Invenergy LLC
- William Sauer, Managing Director, Duke Energy Corporation

2:45 PM - 4:00 PM: CONCURRENT SESSIONS

1A: Inching Toward Organized Markets: Value Proposition for Energy Imbalance and Energy Exchange Markets

The Western Interconnection now has two energy imbalance markets: SPP's Western Energy Imbalance Service (WEIS) market and CAISO's Western Energy Imbalance Market (WEIM). Some utilities in the Western Interconnection are also considering whether to join SPP – expanding its RTO into the Western Interconnection – while others consider the possible creation of a new RTO in the

into the Western Interconnection – while others consider the possible creation of a new RTO in the Pacific Northwest. Meanwhile, in the Southeast, multiple utilities have formed the Southeast Energy Exchange Market (SEEM) which won approval through a divided FERC, an approval that was recently remanded to FERC by the DC Circuit. Panelists will explore these developments, including what is driving creation of imbalance and exchange markets today, how these markets advance or inhibit achievement of the clean energy transition, and whether these markets are positive developments for energy consumers compared to an RTO or ISO.

- Sean Atkins, Partner, Davis Wright Tremaine LLP
- Noel Black, Senior Vice President, Federal Regulatory Affairs, Southern Company
- Giuseppe Fina, Assistant General Counsel, Public Utility District No. 1 of Snohomish County
- Jamey Goldin, Partner, Nelson Mullins Riley & Scarborough LLP

SALON 3

TUESDAY, OCTOBER 10

2:45 PM - 4:00 PM: CONCURRENT SESSIONS (CONT.)

1B: Managing the Promises and Complexities of Renewable Natural Gas

Today, there are 300 operational Renewable Natural Gas ("RNG") facilities in North America with even more under construction or in the planning stages. This renewable resource can be fully interchangeable with conventional natural gas, presenting plentiful opportunities in the energy transition. However, the influx of RNG into the natural gas pipeline system is not without debate. This has led to lengthy proceedings at the Federal Energy Regulatory Commission regarding natural gas quality specifications in pipeline tariffs. This session will provide an overview of RNG production and its potential use in the energy transition, as well as touch on challenges facing the natural gas industry and stakeholders posed by the recent and growing influx of RNG into the market.

- Joseph Fagan, Partner, Day Pitney LLP
- Andrea Chambers, Of Counsel, DLA Piper US
- Suzanne Clevenger, Partner, Vinson & Elkins LLP
- Geoffrey Dietz, Director of Federal Government Affairs, The Coalition for Renewable Natural Gas

4:15 PM - 5:30 PM: CONCURRENT SESSIONS

2A: Fully Charged: Recent Progress in Distributed and Grid-Scale Battery Storage

This panel will discuss the benefits and challenges of co-locating batteries with generation assets versus building them as stand-alone storage assets, common elements of state programs and tariffs for battery-specific services, and other innovative ways batteries are being deployed, including as transmission assets, microgrid components, backup power, and even vehicle-to-grid (V-to-G) technology. Topics of discussion will also include what the Inflation Reduction Act may mean for the battery industry, unique interconnection challenges for utility-scale batteries, and siting and permitting issues unique to battery projects. Panelists will also share stories of recent successful deployments of grid-scale battery projects and lessons learned.

- Devlyn Tedesco, Counsel, Foley Hoag LLP
- Florence Davis, Associate General Counsel, Constellation Energy
- Timothy Dumbleton, Chief Operating Officer, Microgrid Networks LLC
- Gabriel Wapner, Vice President of Business Development, Hecate Grid

2B: EPA 111(b) and (d) Rulemaking Revisited

The EPA is in the process of proposing new greenhouse gas (GHG) standards for new and existing fossil fuel-fired power plants that will be implemented under sections 111(b) and (d) of the Clean Air Act (CAA). By setting carbon dioxide (CO2) limits on fossil fuel-fired power plants, the presumptive rules will impact new and existing coal, oil and gas-fired steam generating units, and gas-fired combustion turbines. What will be the impact of these new rules? While they are intended to reduce GHG emissions, will they also hasten the retirement of incumbent generation units before newer and cleaner alternatives can take their place? What are the consequences for electricity costs and grid reliability?

- Thomas Lorenzen, Partner, Crowell & Moring LLP
- Jay Duffy, Litigation Director, Clean Air Task Force
- Meghan Greenfield, Senior Counsel, U.S. Dept. of Justice, Environmental Defense Section
- Makram Jaber, Partner, McGuireWoods

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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.

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Honorable Chief Judge Curtis L. Wagner **Administrative Law Judges Reception** Tuesday, October 11 | 5:30 - 7:30 PM

This year, the Administrative Law Judges Reception is being hosted by Baker Botts at their DC office. The reception is a separately ticketed event and you must be registered to attend. If you aren't sure if you registered, please see an EBA staff person at the registration desk.

Special Thanks to Baker Botts for hosting the 2023 ALJ Reception:



THANK YOU TO THE PROFESSIONAL **EDUCATION COUNCIL**



Andrew Devore Co-Chair Vinson & Elkins



Joseph Fagan Vice Co-Chair Day Pitney



Holly Rachel Smith Co-Chair, Invenergy

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 Mid-Year Energy Forum program.



9:00 AM - 10:30 AM: GENERAL SESSION

Climate Goals, Electrification and Utility Regulation

Many cities, states, and provinces have adopted ambitious goals to reduce GHG emissions. These new laws and requirements have implications for the future of both electric and gas distribution companies and their state utility regulators. This panel will explore how state and provincial regulators may grapple with implementing these goals within the context of existing regulatory regimes and identify where climate goals and utility regulations can be in tension. Topics include least cost planning requirements that can impede the deployment of newer technologies, concerns about universal service obligations and maintaining programs that support low- and middle-income customers, and cost recovery for investments in infrastructure that might stranded in the long term.

- Nikki Hall White, Partner, Wilkinson Barker Knauer LLP
- David Lapp, People's Counsel, Maryland Office of People's Counsel
- Hon. Ann Rendahl, Commissioner, Washington Utilities and Transportation Commission
- Chairman Emile Thompson, Chairman, Public Service Commission, District of Columbia

11:00 AM - 12:15 PM: CONCURRENT SESSIONS

3A: Gas-Electric Coordination – A Tough Nut to Crack

Gas-Electric coordination has become a critical topic because of the increased interdependence of the natural gas and electric sectors, both of which provide essential services to customers and businesses. The gas and electric system have been put under stress by extreme weather events and increased demand. The panel will discuss and provide updates on the gas-electric coordination efforts that have been underway over

the past several years, including the efforts of the Gas-Electric Harmonization Forum at the North American Energy Standards Board at the request of FERC and NERC, as well as efforts at the RTOs/ISOs, states, and FERC.

- Matthew Agen, Chief Regulatory Counsel, Energy, American Gas Association
- Nancy Bagot, Senior Vice President, Electric Power Supply Association
- Joan Dreskin, Senior Vice President, Secretary & General Counsel, Interstate Natural Gas Association of America
- Brian Fitzpatrick, Principal Fuel Supply Strategist, PJM Interconnection
- Robert Gee, President & Founder, Gee Strategies Group
- Patricia Jagtiani, Executive Vice President, Natural Gas Supply Association

3B: The Supreme Court's Energy Docket: Where It Has Been, and Where It Is Going

As the Supreme Court's 2023 Term begins, panelists will discuss the cases from this Term that are poised to affect energy law and regulation—including the case that could overrule Chevron once and for all. Panelists will also provide an update into how past Supreme Court cases are affecting energy litigation in the lower courts, and what energy issues might make their way up to the high court next.

- Jennifer Fischell, Associate, MoloLamken LLP
- Jared Fish, Attorney, Solicitor's Office, Federal Energy Regulatory Commission
- Emily Hammond, Glen Earl Weston Research Professor of Law, The George Washington University
- Robert Loeb, Partner, Orrick Herrington & Sutcliffe LLP
- The Honorable Bernard McNamee, Partner, McGuireWoods

11:00 AM - 12:15 PM: LUNCH WITH PRESENTATION OF AWARDS AND KEYNOTE REMARKS

Matt Christiansen

General Counsel, Federal Energy Regulatory Commission



SALON 3

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WEDNESDAY, OCTOBER 11

2:15 PM - 3:30 PM: CONCURRENT SESSIONS

4A: Electricity Market Incentives that Ensure Reliability - The Carrot and the Stick

The implicit - and often explicit - goal of complex electricity markets is to ensure resources are online when and where they are needed. Key questions include how to adequately compensate resources for being available when called and what market rules apply when market participating generators fail to perform. With the boom of renewables after the passage of the IRA, some grid operators are fine-tuning how to correctly value intermittent resources, which is one type of incentive for generators to produce power when needed. This panel will discuss how to improve reliability incentives for generators in electricity markets.

- John Lee Shepherd, Jr., Partner, Hunton Andrews Kurth
- Denise Foster Cronin, Vice President of Federal and RTO Regulatory Affairs, East Kentucky Power Cooperative
- Jacqulynn Broughton Hugee, Managing General Counsel Federal Energy Regulatory, Dominion Energy Services, Inc.
- Jane Rueger, Partner, Perkins Coie LLP

4B: Whose Side Are You On: Managing Conflicts of Interest in Serving Today's Energy Client (Ethics)

While the Model Rule on Conflicts of Interest stays the same, today's energy client has evolved to have many facets. This means that energy attorneys today, whether they are engaged in private practice or inhouse, are increasingly called upon to advise clients with diverse energy resources and/or plans. This panel will explore what qualifies as a conflict, business conflicts vs. ethical conflicts, what can be handled through advance waivers vs. through other means and practical ways to deal with these issues. We will focus on defining an attorney's professional and ethical obligations and addressing potential solutions and avoidance of pitfalls, concluding with our conflict experts responding to hypothetical common ethical challenges.

- Thomas O'Neil, Partner, Jenner & Block
- Emma Hand, Partner, Dentons
- Saul Singer, Senior Ethics Counsel, District of Columbia Bar
- William Borders, Executive Vice President, Chief Compliance Officer, Invenergy

3:45 PM - 5:15 PM CLOSING GENERAL SESSION

The Hope and Promise of Permitting Reform

Since the passage of the Bipartisan Infrastructure Act and Inflation Reduction Act, there has been increasing interest in addressing the challenge of building the infrastructure needed to power the energy transition. This panel will discuss challenges of powering the energy transition, including siting transmission lines needed to carry electricity generated from renewable energy sources, and constructing new and expanded pipelines required for transporting natural gas, carbon dioxide, and hydrogen. Congress has passed the National Environmental Policy Act (NEPA) and permitting reforms as part of the debt ceiling agreement, and several bills have been introduced on both sides of the aisle seeking further permitting reforms. The Biden Administration is also re-writing multiple regulations, including regulations under the NEPA, that were previously re-written during the Trump Administration. This panel will explore how these developments have affected and will affect the building of electric transmission and interstate pipelines going forward, as well as what additional permitting reforms could expedite the growth of the nation's energy infrastructure.

- Alexander Herrgott, President, The Permitting Institute
- Jomar Maldonado, Director for National Environmental Policy Act, White House Counsel on Environmental Quality
- Manisha Patel, Deputy Executive Director, Federal Permitting Improvement Steering Council
- Kim Smaczniak, Special Counsel, Federal Energy Regulatory Commission

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Tips for First Time Attendees

Welcome to the 2023 EBA Mid-Year Energy Forum.

We're thrilled you can join us!

If this is your first time at the EBA Mid-Year Energy Forum, welcome! With over a dozen sessions and events, hundreds of attendees, and countless networking opportunities, we want to ensure you make the most of your time here. Below are some tips to maximize this special event:

Head to the Membership Café.

The Membership Café is a great place to get started. You can ask for directions, sign up for volunteer and writing opportunities, try our new EBA On-Demand education platform, renew your membership, and so much more!

Plan your networking opportunities.

All of our attendees are here to learn and to grow their networks. Talk to someone you haven't met before between sessions, at one of our receptions, and during meals. The atmosphere is friendly, so jump right in.

Ask staff for help or directions.

EBA staff is on-site to do one thing - assist you! EBA staff will be wearing special badges and can usually be found at the registration desk, the Membership Café, and out answering questions.

Scan the agenda and find sessions of interest!

Planning out the sessions you'd like to see ahead of time will save you last-minute stress. Note the session's location, using the map in your program. If there's a session that's more important to you, get there early to snag the best seat. Don't forget to write down any questions you might have, most sessions include a Q&A at the end.

Not new to the Forum?

If you have attended the conference in past, use use your experience to make this a better conference for everyone. If you see anyone who might be new, introduce yourself. You never know the relationships you might make.

Get Published!

Stand out from the crowd and share your expertise by writing for the EBA. Opportunities include: Energy Law Journal, EBA Brief, EBA Blog, Energy Sector Reports and more **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

JOIN US AT THE MEMBERSHIP CAFÉ!

Here are just a few of the ways you can take advantage of the Café:

- Join or Renew your EBA membership.
- Sign up to write in one of our publications
- Demo the new EBA On-Demand educational platform
- Hone your leadership skills by joining a Committee, Council or Chapter Board
- Use the Café as a meeting place
- Sponsor an event
- Register for an upcoming event
- Update your EBA profile

You belong in the EBA

Whether you are a Student, a new Associate, Managing Partner, Consultant, Chief Counsel, Thought Leader or Regulator, you belong in the EBA.

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- New content added regularly

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Award Recipients



RICK SMEAD Natural Gas Expert RBN ENERGY

Paul E. Nordstrom Award

This award, created in memory of EBA Past President Paul E. Nordstrom, recognizes exemplary service by a current or past member to the community through participation in the EBA, CFEBA, or FELJ.

Rick Smead has been an active member of the EBA for more than 20 years. He has served as Treasurer on EBA and CFEBA boards, and was a member of FELJ's board. In addition to being generous with his time, Rick has been an active supporter of the CFEBA and FELJ foundations, a driving force on the Texas Chapter Board for over a decade, and has volunteered his leadership and expertise to the Energy Professionals Council, the Solo and Small Firm Council, the Gas Oils & Liquids Steering Committee, Natural Gas Committee, and the Professional Education Council.



CLIONA MARY ROBB Partner THOMPSON MCMULLAN



SERENA A. RWEJUNA Partner WHITE & CASE

State/Provincial Regulatory Practitioner Award

This award recognizes individuals who have made substantial contributions to the advancement of energy law in the state(s) or province(s) in which the nominee practices.

Cliona Mary Robb is regarded as one of Virginia's leading experts and staunch defenders of the interests of renewable and competitive service providers, as well as municipal, industrial, and commercial customers of electric, natural gas, and water utilities. She has done a significant amount of work related to transmission line and facilities siting, advocating for customers that would be negatively impacted by utility projects. She also regularly works on renewable energy transactions involving solar power, wind power, and landfill gas, and advises energy lobbyists working in the Virginia General Assembly.

Rising Star in Energy Award

An Inaugural 2023 award, the Rising Star in Energy Award is given to a member in recognition of outstanding contributions to the EBA, CFEBA, and/or FELJ early in their careers.

Serena A. Rwejuna is a partner in the Energy, Infrastructure, Project and Asset Finance Group (EIPAF) of White & Case, and a leader within the Energy Markets & Regulatory practice. Over the years, she has held numerous leadership roles within EBA committees and councils, and has planned, coordinated, and presented at several sessions for EBA meetings and conferences.

Serena is an Officer for the EBA Electricity Steering Committee and serves on the Board of Directors for the Northeast Chapter of the EBA. As Immediate Past Chair for the EBA Young Lawyers Council, she served the YLC as both Vice Chair and Chair, leading in-person programming initiatives like the Annual Summer Intern Reception and joint Networking Receptions co-hosted with FERC employee resource groups. Serena has also led several successful law student and young attorney networking events in conjunction with the Masters Council.

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Upcoming EBA Events

Mark your calendars for these upcoming EBA events.			
OCT.	26	PRACTICES STEERING COMMITTEE HALF DAY EVENT VIRTUAL	
OCT.	27	THE ANNUAL LAW AND ECONOMICS FORU THE RANCHMEN'S CLUB, CALGARY, AB	IM
NOV.	02	2023 TEXAS CHAPTER ANNUAL SYMPOSIUM WHITE & CASE LLP, HOUSTON, TX	И
NOV.	06	2023 MIDWEST CHAPTER ANNUAL MEETIN AMEREN CORPORATION, ST. LOUIS, MO	G
NOV.	09	MOCK DAS SURVEILLANCE CALL VIRTUAL	
NOV.	13 14	ENERGY LAW ACADEMY COURSE 202: AN INTRODUCTION TO PURPA EVERSHEDS SUTHERLAND (US) LLP, WASHINGTON, D	o.C.
APR.	25 26	2024 EBA ANNUAL MEETING & CONFERENCE MARRIOTT MARQUIS, WASHINGTON, D.C.	
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