

A Conversation with Past President Carmen Gentile

Darrell Blakeway

This is the third in our series of interviews of former EBA Presidents. Carmen Gentile has practiced law in the energy field for more than 31 years. He was a founding partner of Bruder, Gentile & Marcoux, L.L.P. in 1976, and before that was at Debevoise & Liberman from 1971 through 1974 as an associate and in 1975 as a partner. Before moving to Washington, he worked as an Assistant General Counsel to the Governor of Massachusetts. He is a graduate of Boston Latin School, Harvard College, and the University of Pennsylvania Law School. Before attending law school, Mr. Gentile was a Foreign Service Officer and for two years served as a Vice Consul at the American Consulate General in Palermo, Italy. Gentile's law firm practices extensively before the FERC and the federal appeals courts in a variety of energy-related matters. The firm also assists clients in the strategic and transactional aspects of their energy businesses. Most of Gentile's professional work has been on electric utility matters, although his firm also does extensive natural gas work.

We met in the conference room of his office on Pennsylvania Avenue, with a view of the Old Executive Office Building, and a corner of the White House. The photo unfortunately fails to depict Carmen with his suspenders, which most of you will recognize as his "trademark."

Q: When did you first become a member of EBA (or FEBA), and what were your early impressions of its role? How has the role of EBA changed over the years?

A: I became a member of the Federal Power Bar Association, which was the original name, later Federal Energy Bar Association, and now the Energy Bar Association. I was hired as an attorney at Debevoise & Liberman, and Tom Debevoise was active in the Association,

and served as its President in 1973. He encouraged all of us in the firm to participate. I probably attended my first Spring meeting in 1971, and then volunteered to work on some of the Association's committees, which I think is where the heart of the Association's work is. It was rewarding to me in two ways. First, it served to enhance my professional abilities, because of the value of planning and participating in various educational programs, and writ-



ing committee reports on topical issues. Secondly, I enjoyed the opportunity to develop professional relationships with other energy lawyers.

Q: How did you get involved in the leadership of EBA? What prompted you to accept the presidency in 1995? Did you have an agenda or "platform" going into the presidency? What were the EBA's main initiatives during that period? What do you think were the major accomplishments of EBA that you were advocating or initiating as president?

A: I worked my way up through the ranks. Eventually I became chairman of EBA committees on competition, and regulation. In the mid-1980's, I was elected to the Board of Directors, which is really like another committee, but one focused on an overview of all of the Association's

activities. It was fairly time consuming, but I appreciated the opportunity to contribute to the enhancement of the energy bar. I wanted to improve the reputation of the energy bar, and instill pride among those who practice energy law. This activity gave me a great deal of personal satisfaction, and, I believe, was of material benefit to all the members of the Association. Needless to say, I also had the pleasure of making many new friendships during my tenure on the Board.

As you know, serving as President of EBA is a four-year commitment. First you are Vice-President for a year, then President-Elect, then President, and finally, President Emeritus. So while I was President for part of 1994 and 1995 (the terms are not for a calendar year), I was involved for four years in the mid-1990's. The Foundation of the Energy Law Journal had already been formed, and initially it was funded largely by appropriations from the Association budget. During my second tenure on the Board, I was involved in trying to develop the Foundation's ability to raise funds so it could pursue a path of financial independence of the EBA budget. And we succeeded in doing that to a substantial extent. We also built up the Foundation's trust fund and paid attention to how it was invested, to further assure a stable, independent stream of revenue for the works of the Foundation.

As President-Elect, I started working on the two-year planning process for observance of the 50th anniversary of the Association, which was founded in 1946. We consulted with some of our older members, and I recall talking to George Meiburger about the early history of the Association. There is an excellent article on that history in the *Energy Law Journal*, in 1996. You know it was started by lawyers returning home from World War

continued on page 7



A Conversation with Carmen Gentile *continued*

II, who became instrumental in the construction of the national interstate natural gas pipeline system. Natural gas was always the most prominent utility activity at the Federal Power Commission, from the earliest days until early 1970's, when electricity prices started going up. During the 1950's and 1960's, there were very few electric rate increases, because the unit costs of producing electricity were going down, due to the efficiency and economies of scale of the power plants being built. Interest in regulation of electricity increased with the run-up of oil prices, and other fuel prices, in the early 1970's, which sent the price of electricity soaring. Also, in the '70's, it became clear that the costs of nuclear power were going to be much higher than anticipated, and a lot of nuclear projects were abandoned or became the subject of prudence reviews because of their high costs. It was also at this time (the 70s and 80s) that issues of competition became a major regulatory concern and an important practice area for many EBA members.

For the 50th anniversary, we wanted to have a line-up of especially prominent speakers for our Annual Spring Meeting in 1996, and we got some. I recall trying, unsuccessfully, to get Vice President Gore to speak at that meeting. We had a really nice event. I personally spent more time and effort arranging it than any other event I have worked on, with the exception of a daughter's wedding held at our small farm in Maine. EBA's 50th anniversary coincided with the FERC moving into its new building, and we participated in a big reception at the FERC and made a significant contribution to the FERC Child Care Center.

As President, I was responsible for maintaining good relations between the Association and the FERC Commissioners, and especially the Chairman of FERC, who was Elizabeth (Betsy) Moler when I was President. I remember meeting with her on a quite regular basis to discuss matters of mutual concern to the Commission and Association. Another duty of the President is to oversee the committees and make sure they are functioning as they are supposed to. I remember organizing a big party for the Association committee chairmen and vice-chairmen. I don't know if it was the first such party, but I think it was continued and may still be a regular event.

As President, I recall spending a lot of time on outreach to the members around the country and trying to get local chapters of the Association activated, or reactivated. We gave a lot of encouragement to the members in Houston to start conducting active programs for that area, and gave them some money to get things rolling. There are now chapters in various regions, and most of them are fairly active, carrying on efforts begun the mid-1990's.

Q: What were the most significant legal issues facing the ener-

gy bar during the years of your leadership?

A: In the mid and late-1990's we were in the last stages of the electric industry before restructuring started. We were on the verge of developing competitive markets in electric generation. We used to have a lot of discussion about how competition might work under restructuring. There were still a lot of significant prudence issues pending over nuclear power plants and other construction projects.

Q: As you know, the price of oil and other energy fuels have prompted an unprecedented interest in energy efficiency, demand side management, and renewable energy, and the growing concern about global warming has heightened concern about expanding reliance on coal and other fossil fuels. How has this affected the energy bar and how do you foresee it affecting the energy bar in the future?

A: We are on the verge of some massive changes in the energy industries. As a result of environmental concerns, global warming, the economic consequences of trade deficits from importing so much foreign oil, and the national security vulnerabilities from importing oil from countries that are not friendly to our interests, we have to become more creative about energy issues. We can't rely on natural gas as our main energy fuel. We thought we could for a while, but now we realize it is not as plentiful, or as inexpensive as we thought for a while it might be. Renewable energy will play a role. Conservation will play a role. There are limits on how much coal we can use unless we develop economic ways of capturing the carbon dioxide from it and storing it somehow. So I see nuclear energy as a major part of the future solution to our energy needs.

The biggest problem is how to replace foreign-source oil as a surface transportation fuel. Perhaps if the plug-in electric cars become practical, we can run nuclear plants to meet the needs of factories, businesses and consumers during the peaks of the daylight hours, and use the nuclear generated electricity to charge vehicle batteries at night. This is speculation. I don't know what will work, but I am certain that we must facilitate and implement technological change, start thinking of energy needs as a single issue, and stop viewing conservation, oil, natural gas, LNG, synthetics, renewables, other energy forms, and electricity as discrete and separate from each other. We need to view these energy forms as constituting a single infrastructure, and figure out how to make it function with minimum reliance on oil. And the energy infrastructure is not just extraction, manufacturing, and generation. We need to consider how fuel and/or energy are transported and how to make that transportation safe and efficient. For example, we need to be able to import and use LNG safely and minimize the energy loss associated with electric transmission. Above all, and

continued on page 22



Upcoming Events

Happy Hour co-hosted by the Young Lawyers Committee & the Women's Council on Energy & the Environment

**October 31, 2007
The Mayflower Hotel
Washington, D.C.**

Mid-Year Meeting

**November 29, 2007
Reagan Building & ITC
Washington, D.C.**

Charitable Foundation Fifth Annual Fundraising Gala

**November 29, 2007
Reagan Building & ITC
Washington, D.C.**

Primer on Climate Change & Renewable Energy Resources

**November 30, 2007
Reagan Building & ITC
Washington, D.C.**

Primer Meeting

**April 30, 2008
Reagan Building & ITC
Washington, D.C.**

Sixty-Second Annual Meeting

**May 1, 2008
Reagan Building & ITC
Washington, D.C.**

For more information on any of these events, please contact Michele Duehring at 202.223.5625 or michele@eba-net.org.

Interview with Carmen Gentile

Continued

first and foremost, we should think of meeting our energy needs as a single integrated activity that takes account of the national prosperity, environmental needs, and international security and economic concerns. I don't know the solutions, but there are some major opportunities for energy lawyers to contribute to the solutions. I keep practicing law, even though I have been at it for a while, because I am very excited about the opportunities and challenges just ahead of us. Perhaps none of us will still be practicing when the solutions are all worked out, but I am more excited to be involved now than at any earlier stage of my career. That is one of the rewards of being involved in the energy law and in the EBA.

Charitable Foundation Update Continued

FERC ensures that every day there are novel legal issues to tackle. During my ten weeks at FERC, no two days were alike."

The CFEBA was delighted to have the opportunity to support Mr. Petersen this past summer and looks forward to sponsoring another intern at FERC during the summer of 2008. Information about the 2008 FERC internship opportunity is available on the EBA web site. In addition, the CFEBA is currently working through the Washington Center to evaluate and place another energy-related intern during the Spring 2008.

ABOUT 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 approximately 2,500 members, six formal chapters in Houston, New Orleans, Midwest, Southern, Western and Northeast regions of the U.S. and an increasing number of members across the United States and Canada.

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.

Energy Bar Association, 1020 19th Street, N.W., Suite 525, Washington, D.C. 20036
Tel: 202/223-5625, Fax: 202/833-5596, E-mail: Michele@eba-net.org,
website: www.eba-net.org © 2007 Energy Bar Association

