

The Energy Bar Association
Announces its
Mid-Year
Meeting



ENERGY
BAR ASSOCIATION®

November 29, 2007
Ronald Reagan Building and
International Conference Center
1300 Pennsylvania Ave., N.W.
Washington, D.C.

Energy in the 21st Century -- Climate Change Impacts, Private Capital, State Regulation, and Other Issues Shaping the Future

The Energy industry is facing a variety of challenges: potentially aggressive climate change policies, the most dramatic infrastructure investment since the 1970s, new players investing in the industry, and new technologies. Almost half the agenda at the Mid-Year Meeting will be devoted to aspects of the current national debates about climate change-related issues, such as carbon regulation, national renewal portfolio standards, and technological changes for hydroelectric power and coal. Other panels will explore the increase in private capital investment, the impact of uncertainty about state electric competition policies, and current issues in gas pipeline regulation. Importantly, a session on the ethical pitfalls of technology will be offered.

PROGRAM SCHEDULE

THURSDAY, NOVEMBER 29, 2007

8:00 a.m. **REGISTRATION**

8:45 a.m. **WELCOME AND INTRODUCTION**

[insert name]
Co-Chair, EBA Programs and Meetings
Committee
[insert firm]

Michael J. Manning
President, Energy Bar Association
Fulbright & Jaworski L.L.P.

9:00 - **CONCURRENT SESSIONS**
10:30 a.m.

Session A: Legislation: Prospects for Carbon Regulation

The landmark Supreme Court decision in Massachusetts v. EPA and growing industry interest in climate change developments has dramatically altered the climate debate. This panel of legislative experts will address the impact of the shift from scientific foundation for climate change to the likelihood, cost and timing of carbon regulation. The panel will also discuss the potential impact of international developments, such as the post Kyoto negotiations and the Bush Administration's October initiative. In addition, the panel will consider the impact of domestic actions, including the expanding industry support, multiple climate bills, and potential action by the Environmental Protection Agency – not to mention the upcoming Presidential elections in 2008.

Moderator: Jeanette Pablo
Director of Federal Affairs
PNM Resources

Speakers: Jonathan Black *
Senate Energy and Natural Resources
Committee

David McIntosh *
Counsel
Office of Senator Joe Lieberman

Sue Sheridan *
Senior Counsel
House Energy and Commerce Committee

[TBD]

[TBD]

**Session B: State Practice: Managing Change...
Ongoing uncertainty regarding state
policies affecting electric regulation
and competition**

As some states continue the difficult transition towards competitive wholesale and retail markets, politicians and regulators in other states have indicated that they may be revisiting competitive policies. How do stakeholders deal with the uncertainty of shifting regulatory policies? How do market participants make investment and marketing decisions when the ultimate regulatory environment remains uncertain? How do regulators maintain confidence in their policies during times of shifting priorities? This panel will examine the decisions some states are facing and how those decisions will affect markets in these states and elsewhere.

Moderator: Maureen O. Helmer
Green & Seifter
former Chair, New York Public Service
Commission

Speakers: Nora Brownell
former FERC Commissioner

Marilyn Showalter
Executive Director
Power in the Public Interest
former Chair WA Public Service
Commission

Paul Cavicchi
Executive Vice President for Business
Development
SUEZ Energy North America, Inc.

Joe Dominquez
Senior Vice President and Deputy General
Counsel
Exelon

Robert (Bert) Garvin *
Senior Attorney
Florida Power & Light
former Commissioner, WI Public Service
Commission

10:30 -
10:45 a.m.

BREAK

10:45 a.m. -
12:15 p.m.

CONCURRENT SESSIONS

**Session A: The Pros and Cons of a National
Renewable Portfolio Standard in
the United States**

More than twenty states and the District of Columbia have adopted renewable portfolio standards for the procurement of electricity. The U. S. Congress is now considering legislation that would establish a national renewable portfolio standard, requiring electric utilities to procure a certain percentage of their electricity from renewable resources or purchase renewable energy credits from other sources to meet the standard. The questions remains: Is adoption of a national standard in the public interest?

The panel will begin with an overview of the legal and political issues related to establishing a national renewable portfolio standard, including an explanation of current state standards and proposed federal legislation. A panel of experts will then provide a balanced, and likely lively, discussion of the advantages and disadvantages of adopting a national renewable portfolio standard. The panel will discuss the potential impact on consumers, utilities, and the environment, as well as the economic and political implications of enacting a mandatory federal program.

Moderator: Professor Josh Fershee
University of North Dakota School of Law

Speakers: David Owens
Executive Vice President
Edison Electric Institute, or EEI designee

Randy Swisher *
Executive Director, and/or Rob Gramlich
Policy Director, of the American Wind
Energy Association

Patricia Stanton *
Director of Renewable Energy Markets
Conservation Services Group (formerly
Deputy Commissioner, Division of Energy
Resources in Massachusetts)

**Session B: The Regulation of Natural Gas
Pipeline Capacity Markets**

In the fourteen years since Order No. 636 created universal, consistent capacity-release programs for gas pipelines, a very robust market in capacity has evolved. This mechanism has also been used widely to support marketers' asset-management services for their customers. This panel will examine the issues currently before the FERC, from the request for comments in Docket No. RM06-21, et al. regarding the lifting of price caps, to the petition filed by Coral Energy Resources and others, to validate the structure of asset-management programs. The panel will examine these issues from multiple perspectives, update conference participants as to the current status of each proceeding, and offer its thoughts as to the future role and character of capacity release.

Speakers: [Mike Novak
National Fuel]

[Amy Gold
Coral] or
[Pete Frost
ConocoPhillips]

[David D'Alessandro or Kelly Daly]
Stinson Morrison Hecker LLP

[Richard Kruse
Spectra] or
[Ed Gallick
Brown Williams]

12:30 -
2:00 p.m.

LUNCHEON AND KEYNOTE SPEAKER

Introduction: [insert name]

Speaker: Stephen Elbert *
Vice-Chairman
BP America, Inc.

2:15 -
3:45 p.m.

CONCURRENT SESSIONS

**Session A: Catch the Wave, Ride the Tide: Emerging
Regulatory and Legislative Issues for
Ocean and Tidal Resources**

Potential developers of new hydroelectric technology projects, including wave, current, and instream technologies, have inundated FERC with preliminary permit applications causing FERC to revise[, at least on an interim basis,] its preliminary permit policies for new hydro technologies. In the meantime, acting on an Energy Policy Act of 2005 mandate, the Department of Interior has asserted authority to authorize off-shore new technology hydroelectric projects. As compared to conventional hydroelectric dams, relatively little information exists regarding the potential impacts of these projects, raising concerns which are compounded by the uncertainty surrounding the

jurisdictional divide. Panelists will discuss not only the implications of shared or split authority between FERC and Interior and whether regulating these new technologies call for changes in the development of license conditions, but emerging issues flowing from proposed legislation.

Moderator: Holly E. Cafer
Law Offices of GKRSE

Speakers: Ann Miles
Director
Office of Hydropower Licensing
Federal Energy Regulatory Commission

Gil Sperling
General Counsel
Verdant Power

Walter Cruikshank *
Deputy Director
Minerals Management Services
Department of Interior

[TBD]
Pacific Gas & Electric Co.

Session B: The Public Info About Private Equity and Private Finance

In 2006 and 2007, numerous private equity acquisitions of traditional utilities and independent generators have been proposed. Many have sailed through the business and regulatory processes. Others -- especially those involving private equity acquisitions of traditional, franchised utilities -- have encountered difficulty. Transparency, the effectiveness of regulatory jurisdiction, and competition have all been raised as issues by critics of going-private and taking-private transactions. At the same time, the pace of electricity and gas sector financings is brisk, with many funds, advisors and managers becoming both debt and equity players. The panel will examine the issues, the identities of the deal participants, some controversial examples, and the pro-and-con arguments as to "going private" and private equity deals from multiple perspectives.

Moderator: Mark C. Williams
Bingham McCutchen LLP

Speakers: John E. Buehler
Founder and Managing Partner
Energy Investors Funds Group LLC

Lynn Hargis
Public Citizen

3:45 -
5:15 p.m.

CONCURRENT SESSIONS

Session A:

Coal as a Fuel for Electric Generation: Current Issues

This panel will consider some of the major issues associated with an increased role for coal as a source of electric supply in the United States. Carbon dioxide sequestration is an important part of the discussion about building new coal generation, but there are related technological and economic issues. This panel will begin with a discussion of the technology of sequestration, followed by a discussion of the legal and regulatory issues associated with carbon dioxide capture and sequestration. Panelists will also discuss the economics of developing generation using clean coal technologies, including nature and role of federal incentives for carbon capture and sequestration.

Moderator: Freddi L. Greenberg
Law Office of Freddi L. Greenberg

Speakers: James R. Y. Rawson, Ph.D.
Chemist
GE Global Research

Christopher B. Power
Dinsmore & Shohl LLP

Lynn L. Schloesser
Legislative Council
Eastman Chemical Company

Joe Regnery
Director of Project Development
Rentech, Inc.

Session B:

The Ethical Pitfalls of Technology: The Lawyer's Obligation to Use Technology with Competence, Confidentiality and Care

Bar rules and court opinions require that lawyers use technology with competence, confidentiality and care. Cell phones, Blackberries, metadata, hotel business centers, document destruction agreements, and home computers all raise ethical issues that can trip the uneducated lawyer.

Speaker: David Bloom
Mayer Brown

* Invited