

First Annual Institute on Energy and Environmental Law with the University of Houston Law Center

Bracewell & Giuliani, Houston, February 3-4, 2011

- Latest trends and regulatory developments in energy and environmental law
- Key legal initiatives in climate change, oil and gas, renewable energy, and nuclear power development
- New legislation and regulations for offshore energy drilling, production and spill response
- Emerging issues in electric power, including nuclear and coal-fired power development

Special Luncheon Keynote Addresses:

Energy Policy Issues 2011: Barry K. Worthington,
Executive Director, United States Energy Association (Day One)

Affordable Energy for the Future: John D. Hofmeister,
Founder and CEO, Citizens for Affordable Energy (Day Two)

Do You Know There Are 5 Ways To Attend PLI's Programs? *See inside for details...*

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Why You Should Attend

Legal issues in the energy industry played a pivotal role in U.S. economic and security policy during the first year of the Obama administration, and new federal environmental mandates affecting the energy arena have risen to similar prominence. Energy and environmental law deeply overlap and influence each other, and a critical understanding of one field requires a thorough grasp of key concepts in the other. Few energy practitioners can counsel their clients without understanding the latest important developments in environmental law, and most environmental practitioners will need to grasp the key changes in energy policy that affect greenhouse gas emissions, overall air quality, siting and land use, and renewable energy and demand response mandates.

This program provides a survey of the most important recent developments and actions in both the energy and environmental legal arenas. It also offers insights on pending initiatives that might affect each field. The **Institute** will draw on a mix of senior government officials, experienced outside counsel and upper-level in-house counsel to provide a broad overview and practical advice on how developing trends in both energy and environmental law will affect important legal issues and projects facing practitioners today.

What You Will Learn

- A broad picture of the most important trends and regulatory developments in both energy and environmental law
- An overview of the key legal initiatives in climate change, oil and gas, renewable energy, and nuclear power development
- Review new legislation and regulations for offshore energy drilling, production and spill response after the Deepwater Horizon events and in light of development of natural gas from nontraditional areas, particularly shale deposits
- Examine pending EPA and state enforcement initiatives that might affect the development of oil and gas from traditional, nontraditional and offshore resources
- Identify emerging issues in electric power, including nuclear and coal-fired power development

Who Should Attend

Energy and environmental practitioners in outside law firms, in-house counsel with responsibility for energy or environmental legal portfolios, government counsel with oversight for energy and environmental policy concerns, and anyone who needs a systematic overview of the key issues that affect both energy and environmental law.

Reserve your place today, call (800) 260-4PLI.

FACULTY

Co-Chairs:



Tracy D. Hester

Assistant Professor of Law
Director, Environment,
Energy & Natural Resources Center
University of Houston Law Center
Houston



Sheila Slocum Hollis

Duane Morris LLP
Washington, D.C.

Linda K. Breathitt

Federal Representative
Southern States Energy Board
Lexington, Kentucky

Martina E. Cartwright

Board Member
Texas Environmental Justice Advocacy Services
Houston

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Ellen C. Ginsberg

Vice President, General Counsel & Secretary
Nuclear Energy Institute
Washington, D.C.

John Hanger

Secretary
Pennsylvania Department of Environmental Protection
Harrisburg, Pennsylvania

John D. Hofmeister

Founder and CEO
Citizens for Affordable Energy
Houston

Jeffrey R. Holmstead

Bracewell & Giuliani, LLP
Washington, D.C.

R. Skip Horvath

President & CEO
Natural Gas Supply Association
Washington, D.C.

Thomas D. Hutchins, PE

EH&S Director
El Paso Corporation
Houston

Stephen G. Kozey

Vice President, General Counsel & Secretary
Midwest ISO
Carmel, Indiana

Matthew L. Kuryla

Baker Botts L.L.P.
Houston

Adam M. Kushner

Director
Office of Civil Enforcement
United States Environmental Protection Agency
Washington, D.C.

Pamela A. Lacey

Senior Managing Counsel, Environmental
American Gas Association
Washington, D.C.

Daniella Landers

Sutherland Asbill & Brennan LLP
Houston

Jim Marston

Director, National Energy Program
Environmental Defense Fund
Austin, Texas

Rae McQuade

President
North American Energy Standards Board
Houston

Suzanne Murray

Regional Counsel, EPA, Region 6
Environmental Protection Agency
Dallas

John R. Norris *(Invited)*

Commissioner
Federal Energy Regulatory Commission
Washington, D.C.

Eva Fromm O'Brien

Fulbright & Jaworski L.L.P.
Houston

David R. Percy

Borden Ladner Gervais Professor of Energy Law and Policy
Faculty of Law
University of Alberta
Edmonton

Karl R. Rábago

Vice President, Distributed Energy Services
Austin Energy
Austin, Texas

Tyson Theron Slocum

Director
Public Citizen's Energy Program
Washington, D.C.

Marc Spitzer

Commissioner
Federal Energy Regulatory Commission
Washington, D.C.

Ronald Tenpas

Morgan, Lewis & Bockius LLP
Washington, D.C.

Charles W. Whitney

Senior Vice President & General Counsel
Oglethorpe Power Corp.
Atlanta

Anna Marie Wood

Acting Director, Air Quality Policy Division
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
Research Triangle Park, North Carolina

Barry K. Worthington

Executive Director
United States Energy Association
Washington, D.C.

P R O G R A M

*Please plan to arrive with enough time to register before the conference begins.
A networking breakfast will be available upon your arrival.*

Day One: 8:45 a.m. – 5:00 p.m.

Morning Session: 8:45 a.m. – 12:30 p.m.

8:45

Opening Remarks and Introduction

Speakers: Tracy D. Hester, Sheila Slocum Hollis

9:00

Clash and Confluence of Energy and Environment

An overview and integration of the key themes of the conference, including climate change, responses to the Deepwater Horizon spill, renewable energy developments and other important developments. Are we at the tipping point?

Speakers: Tracy D. Hester, Sheila Slocum Hollis, Commissioner Marc Spitzer

10:00

Climate Change – Building a New World Without New Law

- Climate change legislation prospects and results – is there a path forward?
- Additional activity driven by choice, not regulation
- EPA regulatory initiatives and air permitting program framework (PSD/NSR permitting, endangerment finding, Title V permit enforcement, reporting requirements)
- Climate change public nuisance tort lawsuits and potential U.S. Supreme Court review
- Carbon pricing and trading
- State law on carbon capture and storage

Speakers: Jeffrey R. Holmstead, Anna Marie Wood

11:00 *Networking Break*

11:15

Oil and Gas: Lifeblood with a Price

- New oil spill legislation and regulations (including splitting of MMS into three new agencies)
- Status of the drilling moratorium and new guidelines for exploration on public lands
- Deepwater Horizon escrow fund and disbursements
- Roulette wheel of development
- Tort and damages lawsuits, including multidistrict litigation concerns
- Administrative claims procedure and effect on liability claims
- Endangered Species Act issues

Speakers: Carol E. Dinkins, Eva Fromm O'Brien

12:30

Luncheon Presentation

Energy Policy Issues 2011

Speaker: Barry K. Worthington

Afternoon Session: 1:45 p.m. – 5:00 p.m.

1:45

Exploration and Production of Nontraditional Oil and Gas Resources: The New Frontier

- Regulatory status of hydraulic fracturing and tight gas sources
- EPA initiatives and information sessions
- Effectiveness of state and local government attempts to regulate
- Tar sands and development of pipelines into U.S.
- Conflict with water use demands and sustainable management

Speakers: Seth v.d.H. Cooley, John Hanger, R. Skip Horvath, Professor David R. Percy



SCHEDULE

Day Two: 9:00 a.m. – 5:00 p.m.

2:45

In the Trenches: Permitting, Authorizations and Oversight of Hydrocarbon Refining and Associated Activities

- EPA initiatives to tighten emission permitting for refineries (especially in Texas)
- NSR/PSD enforcement initiatives
- Environmental justice requirements for refineries and other major sources
- Other new environmental standards, including revised ozone standard, tighter total maximum daily load limits for water discharges, and enhanced whole effluent toxicity testing requirements

Speakers: Martina E. Cartwright, Matthew L. Kuryla, Suzanne Murray

3:45 Networking Break

4:00

Enforcement Issues in the Energy Industry: A New Focus

- EPA civil and criminal enforcement initiative against gas production, particularly in Barnett Shale and Marcellus Shale
- Large FERC penalties, CFTC enforcement initiatives
- EPA civil and criminal enforcement initiatives against refineries using state air permits that EPA has not approved
- Increased citizen suit enforcement
- State criminal initiatives against oil and gas operations
- Internal investigations

Speakers: Adam M. Kushner, Ronald Tenpas

5:00 Adjourn

Morning Session: 9:00 a.m. – 12:30 p.m.

9:00

Emerging Issues for Electric Power: A Roundtable Discussion

- Smart grid implementation and future legal issues
- Reliability, markets, transmission development
- Restrictions on use of eminent domain under federal law
- NSR/PSD enforcement initiatives against power facilities
- New air toxics requirements for industrial boilers and power plants
- Security challenges (e.g., computer intrusion)
- Integration of multiple intermittent sources of renewable energy

Speakers: Vincent P. Duane, Commissioner John R. Norris (Invited), Karl R. Rábago, Tyson Theron Slocum

11:00 Networking Break

11:15

The Coal Dilemma – No Coal or Clean Coal?

- Recent revocation of approval for certain mountaintop mining operations
- Likely impact of greenhouse gas emissions on use and distribution of coal
- Hazardous air pollutant limits on coal-fired power plants
- Clean coal technology
- New legal standards and developing practices with geologic sequestration
- State law restrictions on carbon sale and transfer

Speakers: Linda K. Breathitt, Jim Marston

12:30

Luncheon Presentation Affordable Energy for the Future Speaker: John D. Hofmeister



a.m. – 5:00 p.m.

Afternoon Session: 1:45 p.m. – 5:00 p.m.

1:45

Nuclear Power

- Prospects of nuclear power under proposed climate change frameworks and domestic U.S. legislation
- Update on federal initiatives to promote and develop new nuclear power projects
- Nuclear waste storage, including litigation over state compacts

Speakers: Ellen C. Ginsberg, Charles W. Whitney

2:45

State of Play in Natural Gas Regulation

- Pipelines – new projects, new developments, storage, delivery of shale and other nontraditional gas supplies; rate issues; enforcement and compliance
- LNG – dead or alive?
- Canadian gas – still a key supply and changes in dynamics
- Role of gas in GHG debate – short-term solution or long-term godsend?
- FERC/CFTC regulation – Dodd-Frank Act impact and other challenges
- Producers, marketers, distribution companies – who is making legal waves?

Speakers: Thomas D. Hutchins, Pamela A. Lacey, Rae McQuade

3:45 *Networking Break*

4:00

Emerging Energy Technologies: Renewable Energy, Wind Energy and Solar

- Is constructing transmission facilities a right, an obligation, or an opportunity?
- Issues associated with cross-border transmission projects
- Issues associated with off-shore siting
- What is transmission planning trying to accomplish? What is the goal of planning?
- How far is FERC's reach in planning?

Speakers: Stephen G. Kozey, Daniella Landers

5:00 *Adjourn*

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MAIL: Practising Law Institute
810 Seventh Avenue, New York, NY 10019
Fax or mail completed Registration/Order Form on back cover

Houston, Texas Seminar Location: Bracewell & Giuliani,
711 Louisiana St., Suite 2300, Houston, Texas 77002.

Houston Hotel Accommodations: Houston Magnolia Hotel,
1100 Texas Avenue, Houston, Texas 77002. (888) 915-1110.
Please contact the hotel directly and mention Bracewell & Giuliani.

Payment Policy: Registration fees are due in advance. Attendees may pay by check, Visa, MasterCard, American Express or Diners Club.

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YES, please register me for the following session:

*First Annual Institute on Energy and Environmental Law
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