

## ENERGY LAW AND POLICY, UNIVERSITY OF HOUSTON LAW CTR. SPRING 2023

Professor [Hannah Wiseman](#), Penn State Law

**Course logistics:** Tuesdays and Thursdays, 1:00 to 2:30 PM, **remote synchronous class**

**Instructor contact information:** [hwiseman@psu.edu](mailto:hwiseman@psu.edu)

**Office hours:** Mondays and Wednesdays 12:30-1:45 (in my Zoom Room) and by appointment in my Zoom Room, <https://psu.zoom.us/j/4832517059>

**Course learning objectives, goals, and outcomes:** This course will address how energy is harnessed and delivered to people and how laws affect this process. The laws that influence the “energy mix”—the types of energy that humans use—include international agreements, U.S. statutes and regulations, and U.S. court decisions. Students will learn how to navigate these agreements, statutes, and regulations (with a primary focus on U.S. law), and how to apply court decisions that interpret the meaning of energy statutes and regulations. Students will also learn how to analyze complex policy trade-offs in the energy sphere. Upon successful completion of the course, students will be able to:

1. Identify and define different types of energy and their social and environmental impacts;
2. Identify the many levels of government that make energy decisions, including local, state, regional, national, and international entities, some of which are public-private entities;
3. Navigate the decisionmaking processes relating to energy generation, transportation, and distribution; and
4. Apply the legal principles that energy developers and associations, individual citizens, and citizens’ groups use to challenge or support energy decisions.

Student achievement in these areas will be measured by the completion of a final exam.

**Attendance policy:** Regular class attendance is required. There is a possibility that students who fail to attend more than five virtual classes will not receive credit for the course.

**Assessment of performance:** I will determine your grade on the basis of an open-book, take-home final examination (**100 percent of your final grade**). You will have the full examination period during which to complete the take-home exam, but I recommend that you not spend more than four hours total working on the exam. You will be able to download the exam at the start of exam period, and you must submit the exam by Thursday, May 11, at 5:00 PM.

I will provide a practice, ungraded mid-term examination that I will ask you to complete and that we will review in class.

**Reading assignments and subject matter covered:**

*Text:* There is no assigned textbook for this class. I will post all assigned readings on CANVAS under “Modules.”

*Subject matter:*

Follow the readings posted on CANVAS to see the reading assignments for each class day. The approximate order of topics for the course is the following (subject to change):

1. January 17: An introduction to the energy system
2. January 19: Drilling and hydraulic fracturing for oil and natural gas (“gas”)
3. January 24: Constructing and siting oil and gas pipelines: an introduction to Federal Energy Regulatory Commission (FERC) authority and the Office of Public Participation
4. January 26: Constructing and siting gas pipelines: environmental justice issues
5. January 31: Siting gas pipelines: eminent domain issues
6. February 2: Constructing gas pipelines: environmental review
7. February 7: Constructing and operating gas pipelines: environmental regulation
8. February 9: Constructing gas pipelines: an introduction to the concept of the “natural monopoly”
9. February 14: Regulating the use of gas pipelines: open access and controlled rates (prices) that pipeline companies may charge for the use of the pipeline
10. February 16: Exporting natural gas
11. February 21: An introduction to the electricity system and its legal issues
12. February 23: An introduction to regulatory issues that arise for electricity generators
13. February 28: An introduction to low-carbon electricity generation
14. March 2: Offshore wind
15. March 7 **Asynchronous recorded class:** Nuclear power
16. March 9: **Asynchronous recorded class:** Electric transmission lines: regional transmission organizations (RTOs) and independent system operators (ISOs)
17. March 21: Setting rates for electric transmission lines
18. March 23: Siting electric transmission lines
19. March 28: **Review of practice midterm**
20. April 4: Regulating grid reliability: Winter Storm Uri and the case of Texas
21. April 6: State regulation of retail electric utilities and their generation: wholly regulated states
22. April 11: State regulation of retail electric utilities: ratemaking
23. April 13: State regulation of retail electric utilities: restructuring (Texas example)
24. April 18: Demand response
25. April 20: Distributed energy
26. April 25: Hydrogen
27. April 27: Carbon capture, utilization, and storage

## Diversity, Inclusion, and Wellness

UHLC is committed to ensuring inclusive online and classroom learning spaces, where you will be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed.

In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status and other diverse identities that we each bring to class. Our class is richer for this diversity.

Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your colleagues. I encourage you to speak up and to share your views, but also understand that you are doing so in a learning environment in which we are all expected to engage respectfully and with regard to the dignity of all others.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource: 713-743-2182. Finally, I encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion committee. The D&I committee's charge includes "[building] on the Law Center's strengths as a diverse and inclusive environment." You can contact the committee directly at UHLCD&I@uh.edu.

Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of this course for you personally, or for other students or student groups.

## Honor Code

The UHLC Honor Code applies to all aspects of my class. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please ask me if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to my course. During the take-home final exam, you may not at any time work with other students or discuss the problems on the exams with other students in the class or anyone else.

## Counseling and Psychological Services

[Counseling and Psychological Services](#) ("CAPS") can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the ["Let's Talk" program](#), a drop-in consultation service at convenient locations and hours around campus.

The Texas Lawyers' Assistance Program ("TLAP") also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP's website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

### **Anti-Discrimination and Sexual Misconduct Policies**

UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System's [Anti-Discrimination Policy SAM 01.D.07](#) and [Sexual Misconduct Policy SAM 01.D.08](#).

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.