

ADMINISTRATIVE LAW SECTION

James P. Guy, II, Chair

The Administrative Law Section endeavored to present high-quality educational programs to its members and interested parties this year. The section held its first luncheon program in recent memory in Richmond on April 12. The program was entitled "Federal Electric Restructuring—Progress Report" and our speakers were Shaheda Sultan from the Federal Energy Regulatory Commission, office of the general counsel, and Charles Foster from Edison Electric Institute. Ms. Sultan provided some insightful comments on the Federal Energy Regulatory Commission's approval of Regional Transmission Organizations (RTO), the flaws in California's model for restructuring its electric industry, and the differences between California and Virginia's restructuring models.

Mr. Foster discussed some of the proposed legislation affecting the electric industry being considered in Congress. He discussed, among other things, the details of the Comprehensive and Balanced Energy Policy Act of 2001 proposed by Sen. Bingaman, the National Energy Security Act of 2001, proposed by Sen. Murkowski, and the Home Energy Generation Act proposed by Rep. Inslee.

The program was a great success. It was well attended (including one telephone participant from Roanoke), and included a lively discussion of what the future holds for Virginia electric utilities and consumers. With the success of the program, there has been great interest in future luncheon programs on topical subjects. Already, a program to address effective advocacy in administrative hearings is being considered for next year.

As usual, the high point of the year was the National Regulatory Conference. Traditionally, the section jointly sponsors this conference with the Virginia State Corporation Commission and the Marshall Wythe Law School at The College of William and Mary. This year's program (the nineteenth overall) was held on May 7 and 8 in Portsmouth, Virginia. This year's program, entitled "The Tempest: Weathering the Restructuring Storm," addressed the significant changes occurring in the regulation of electric and telecommunications utilities. Private and public sector presenters at the conference discussed some of the issues related to the restructuring of the energy industry, including developments in the California electricity market over the last couple of years, and developments in the competitive telecommunications industry. They also addressed the environmental and local zoning issues related to the siting of new electric generation plants in Virginia. The conference was a big success.

More recently, at the June VSB annual meeting, the section continued its tradition of presenting a workshop on a significant administrative law issue. This year's workshop focused on judicial review of agency decision making and was very well attended. Importantly, after the workshop, the section held a general membership meeting, at which new board members and officers were elected. The section's new officers are: James P. Guy, II, chair; Alexander F. Skirpan, Jr., vice-chair; and Brian L. Buniva, secretary. The following section members were also elected to the section's board: Patrick T. Horne, Robert Omberg, JoAnne Lewis Nolte and John M. Holloway, III. Edward L. Petrini, immediate past-chair, stepped down after several years of distinguished service on the board. The board will miss his sage counseling and many other contributions to the section's activities.

