THE STATE CORPORATION COMMISSION OF THE COMMONWEALTH OF VIRGINIA,
THE MARSHALL-WYTHE SCHOOL OF LAW AT THE COLLEGE OF WILLIAM & MARY, AND
THE VIRGINIA STATE BAR ADMINISTRATIVE LAW SECTION

present

THE NINETEENTH NATIONAL REGULATORY CONFERENCE

THE TEMPEST
WEATHERING THE
RESTRUCTURING
STORM

May 7 – 8, 2001
Renaissance Portsmouth Hotel
Portsmouth, Virginia
THE NINETEENTH NATIONAL REGULATORY CONFERENCE

THE TEMPEST

WEATHERING THE RESTRUCTURING STORM

Presented by

THE STATE CORPORATION COMMISSION OF THE COMMONWEALTH OF VIRGINIA,
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Monday, May 7, 2001

8:00 a.m. REGISTRATION AND CONTINENTAL BREAKFAST

8:45 a.m. WELCOME: Kodwo Gharney-Tagoe, Chair
Administrative Law Section
Virginia State Bar

W. Taylor Reveley, Dean
Marshall-Wythe School of Law
The College of William & Mary

Clinton Miller, Chairman
Virginia State Corporation Commission

9:00 a.m. KEYNOTE ADDRESS: Dr. Peter Navarro
Associate Professor of Economics and Public Policy
Graduate School of Management
University of California, Irvine

10:00 a.m. BREAK
DISTRIBUTED GENERATION: Alternative or Supplement to Central Station Service?

Distributed generation can provide a multitude of services to utilities and consumers, including standby generators, peak shaving capability, baseload generation, or cogeneration, but interconnection logistics and policy remain major issues for distributed generation in general and Virginia in particular. The Virginia Electric Utility Restructuring Act in Section 56-578.D. requires the State Corporation Commission to consider developing standardized permitting processes and interconnection agreements for power systems less than 500 kW which have demonstrated approval from a nationally recognized testing laboratory acceptable to the SCC. Federal and state issues related to onsite power generation include interconnection with transmissions and distribution systems, the rules that should govern this interface, and the ability of entrepreneurs to take full advantage of the technologies now at hand.

**Moderator:**  
Cliona Mary Robb, Esquire  
*Christian & Barton, L.L.P.*

**Panelists:**  
Sarah McKinley, Consulting Associate  
*Ecubed Company, LLC*

Jay Morrison, Regulatory Counsel  
*National Rural Electric Cooperative Association*

Jerry Burkett, Director and Secretary/Treasurer  
Fredrick Larsson, Application Engineering Specialist  
*Turbec Americas*

Tommy Oliver, Assistant Director  
*Division of Economics and Finance  
Virginia State Corporation Commission*

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**LUNCHEON**

2:00 p.m.  
**LIFE AFTER BELL ENTRY INTO LONG DISTANCE: What Can Companies, Regulators, and Consumers Expect When Verizon Enters the Long Distance Market in Virginia?**

An examination of regional Bell operating company ("RBOC") entry into the long distance markets in New York, Texas and other states and whether the promise of irrevocably open local markets has been fulfilled in those states. What will be the impact for Virginia telecommunications companies, the SCC and consumers?

**Moderator:**  
Vishwa B. Link, Esquire  
*WorldCom, Inc.*

**Panelists:**  
Carl Giese, Director, Mid Atlantic Region  
*WorldCom, Inc.*

Tom Tauke, Senior Vice-President, Public Policy and External Affairs  
*Verizon Communications*
KEEPING THE LIGHTS ON: Energy Infrastructure Siting and Permitting Issues in a Period of Transition.

Power plants, electric transmission lines and natural gas pipelines—recent events in California and elsewhere suggest as society’s demand for energy continues to grow, the development of the infrastructure needed to support that growth may not be keeping pace. What have we learned from this experience, and what are the alternatives to rolling blackouts, high energy bills, and a degraded environment? Among the 2001 amendments to the Virginia Electric Utility Restructuring Act is a directive to the Legislative Transition Task Force to study existing electric generation facility construction procedures and recommend amendments to streamline the process. Government officials, energy company executives, landowners, and environmentalists each play a role in the siting process. This panel will explore the environmental, land use, regulatory, and related issues associated with the siting and permitting of energy infrastructure.

Moderator: Thomas B. Nicholson, Esquire  
*Williams, Mullen, Clark & Dobbins*

Panelists:  
Greg Kunkel, Ph.D.  
*Tenaska, Inc.*a

John M. Daniel, Jr., Director, Air Division  
*Department of Environmental Quality*

Mark C. Looney, Esquire  
*Cooley Godward LLP*

Rick E. Smith, Project Director  
*Duke Energy Gas Transmission*

COMMISSIONERS' RECEPTION  
*Holley Ballroom*

Everyone attending the National Regulatory Conference is cordially invited to this reception. Come and meet the Commissioners as well as the panelists and speakers on the conference program.
Tuesday, May 8, 2001

8:00 a.m. CONTINENTAL BREAKFAST

9:00 a.m. RSTRUCTURING THE REGULATORS: The Role of Regulatory Agencies in “Deregulated” Markets
Restructuring (once known as “deregulation”) has been implemented in several previously regulated industries in a number of jurisdictions, both federal and state. As competition has been introduced in the telecommunications industry and in the energy industry, participants have had to adapt to new, competitive market structures, rules, and procedures, with mixed results. The relative ease or difficulty of the transition to competition is often in the hands of the regulatory agency involved. This panel will consider the changes that restructuring has wrought and discuss how restructuring may affect the regulators themselves. Is the role of the regulator changing? Should it change? Are the regulatory agencies evolving and adapting to restructuring? What part should regulation play in a restructured, competitive market?

Moderator: John A. Pirko, Esquire
LeClair Ryan, A Professional Corporation

Panelists:
Professor John W. Mayo, Senior Associate Dean and Professor of Economics, Business and Public Policy
McDonough School of Business
Georgetown University

Shelton M. Cannon, Deputy Director, Office of Markets, Tariffs and Rates
Federal Energy Regulatory Commission

James R. Bacha, Senior Counsel - Regulatory Services
American Electric Power Service Corporation

Roger E. Smith, Senior Regulatory Counsel
California Independent System Operator Corporation

10:15 a.m. BREAK
10:30 a.m. **ADMINISTRATIVE LAW ETHICS – Ethics for the regulatory practitioner and regulator**

The program will conclude with a discussion of legal ethics with an emphasis on ethical dilemmas that may be encountered when practicing before an agency such as the Virginia State Corporation Commission. Topics will include conflicts created by industry convergence and lawyer mobility, and the interaction between legal and judicial codes of conduct and the Commission's Rules of Practice and Procedure. While the subject matter is designed specifically for lawyers, all conferees are welcome to attend.

*Moderator:* Professor James Moliterno  
*Marshall-Wythe School of Law at the College of William & Mary*

Philip R. de Haas, Counsel to the Commission  
*Virginia State Corporation Commission*

12:30 a.m. **PROGRAM CONCLUDES**

The program will be submitted for 7.5 hours of Virginia Continuing Legal Education (CLE) credit and 2.0 hours of Ethics credit. This conference is not-for-profit so that the cost to registrants can be kept at a reasonable level.
PROGRAM

Committee Members:

Kodwo Ghartey-Tagoe, Esquire
McGuireWoods LLP
Chair, Administrative Law Section
Virginia State Bar

The Honorable Alexander F. Skirpan, Jr.
State Corporation Commission
Secretary, Administrative Law Section
Virginia State Bar

Vishwa B. Link, Esquire
WorldCom, Inc.

John A. Pirko, Esquire
LeClair Ryan, A Professional Corporation

James Patrick Guy II, Esquire
LeClair Ryan, A Professional Corporation
Chair, 19th National Regulatory Conference
Vice Chair, Administrative Law Section
Virginia State Bar

John M. Holloway III, Esquire
Hunton & Williams

Thomas B. Nicholson, Esquire
Williams, Mullen, Clark & Dobbins

Cliona M. B. Robb, Esquire
Christian & Barton, L.L.P.