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

present

The Thirty-Third National Regulatory Conference

“Obstacles and Opportunities: Charting a Course through the Evolving Regulatory Landscape.”

May 20-21, 2015
Marshall-Wythe School of Law
The College of William & Mary
613 S. Henry Street
Williamsburg, Virginia 23185
8:00 a.m.  
**REGISTRATION and BREAKFAST**  
*Marshall-Wythe School of Law*

8:30 a.m.  
**WELCOME:**  
The Honorable Mark C. Christie, Chairman  
Virginia State Corporation Commission  

Davison M. Douglas, Dean and Arthur B. Hanson Professor of Law  
The Marshall-Wythe School of Law, The College of William & Mary  

Kristian M. Dahl, Chair  
Administrative Law Section, Virginia State Bar

8:45 a.m.  
**Renewable Energy: An Open Question**  
As states and utilities continue to wrestle with renewable energy goals and mandates, and as the federal government moves forward with its Clean Power Plan, our speakers will address important questions involving the economics of renewables. Somewhere along a scale lies the sweet spot of an energy mix with the right combination of traditional fuel and renewables. Or does it? Our speakers, one a prominent “renewable skeptic” and the other a prominent supporter of renewables, will debate whether and if such a sweet spot exists, and, if so, how to get there.

**Moderator:**  
Kristian M. Dahl, Senior Counsel  
McGuireWoods, LLP

**Panelists:**  
Chris Horner, Attorney & Senior Fellow  
Competitive Enterprise Institute  

Karl Rábago, Executive Director  
Pace Law School, Energy and Climate Center

9:45 a.m.  
**BREAK**

10:00 a.m.  
**The Role of Natural Gas in Electric Generation**  
New shale plays, advancing technology and lower prices have led to natural gas playing an increasingly important role in the generation of electricity. This interdependence merits careful attention. The trend appears likely to accelerate as coal-powered generation is retired, renewable energy resources require more backup by natural gas plants, and low natural gas prices encourage more use of gas. With the increased reliance on natural gas to fuel generation, what is the future of gas as baseline fuel, and what slice of the fuel supply mix will it be going forward? What changes are being undertaken to assure that supply and the delivery of natural gas and the generation of electricity are sufficiently coordinated to provide reliable service? This panel will examine the host of issues and this transformation presents to consumers, regulators, generators, utilities and others in the natural gas and electric industries.

**Moderator:**  
John C. Richardson, Director, Marketing  
Columbia Pipeline Group

**Panelists:**  
The Honorable Edward S. Finley, Jr., Chairman  
North Carolina Utilities Commission
Exploring the Legality of the Clean Power Plan

Using Section 111(d) of the Clean Air Act, EPA has proposed to call upon individual states to adopt plans that will reduce carbon emissions from its existing electric generation sources to state-specific target levels. By mid-summer 2015, EPA intends to finalize regulations. Implementation of the Clean Power Plan raises complex legal questions. What are the likely avenues of challenge and potential vulnerabilities of the proposed rule? What are the defenses to these potential vulnerabilities? For example, is it legal for EPA to impose state-specific emission rate targets that differ substantially from state to state? May EPA base emission target levels on building blocks that consider emission reduction outside the fence? Can the Clean Power Plan survive challenges that question the standards set for existing sources that are more stringent than those established for new sources? This panel will include analysis and debate of these important questions.

Moderator: Thomas A. Lorenzen, Partner
Dorsey & Whitney

Panelists: Jeffrey Holmstead, Partner & Head of Environmental Strategies Group
Bracewell & Giuliani

David Doniger, Director, Climate and Clean Air Program
Natural Resources Defense Council

ETHICS – The Virtuous Lawyer’s Grand Tour

This interactive legal ethics seminar will explore developing ethics issues, developments and dilemma arising out of cases, legal ethics opinions, and controversies in various state jurisdictions, including Virginia, D.C., New York, Massachusetts, California, Illinois, Pennsylvania, Texas, Florida, and others. Though ethics rules and policies in one state may directly affect lawyers practicing in another, they frequently have a transformative effect on the ethics culture of legal practice, and attorneys interested in keeping their ethics alarms in working order ignore them at great peril. Among the current issues to be covered in the seminar’s challenging hypotheticals are the confusion regarding new technology and social media, and what the ethical standards should be; positional conflicts between clients; personal views, statements or activities that may conflict with client interests; advising clients regarding potential legal violations; and more.

Moderator: Jack Marshall, President
ProEthics, Ltd.

Program adjourns for the day – Administrative Law Section will hold their annual meeting to elect officers

COMMISSIONERS RECEPTION
Brinkley Commons Room
Mason School of Business
THE THIRTY-THIRD NATIONAL REGULATORY CONFERENCE
Thursday, May 21, 2015
Marshall-Wythe School of Law

8:00 a.m.  BREAKFAST

9:00 a.m.  EPA’s Clean Power Plan and Potential Impacts on Electric Grid Reliability

The focus of EPA’s Clean Power Plan (Rule 111(d)) is decreasing carbon intensity starting as early as 2020. This panel will discuss whether the Rule is structured to provide sufficient time and resources to address reliability criteria violations. In addition, the panel will address whether, as proposed, Rule 111(d) could lead to simultaneous generation retirements on a broad scale without the necessary lead time to construct or implement adequate system protections, or whether the four building blocks in coordination limit the system exposure. The panel will also discuss the potential need for infrastructure both in terms of new transmission and natural gas pipelines to accommodate the likely change in fuel mix. Participants will include perspectives from the regional transmission operator; investor-owned utility, state commission and environmental/public policy.

Moderator:  Dr. Paul Sotkiewicz, Chief Economist
PJM Interconnection, LLC

Panelists:  Cody Walker, Deputy Director – Division of Energy Regulation
Virginia State Corporation Commission

John McManus, Vice-President, Environmental Services
American Electric Power

Frank Rambo, Senior Attorney
Southern Environmental Law Center

10:30 a.m.  BREAK

10:45 a.m.  The Future of Demand Response

With FERC Order 745 currently being challenged, the future of FERC regulation over demand response (DR) is in flux. This panel will explore the fall-out from the decision and how DR should be managed going forward from various stakeholder perspectives, including the wholesale market operator, the demand response provider, the competitive power generator, and the local utility. After reviewing where things stand with respect to the appeal of the initial court decision, panelists will provide their views on the fate of DR, including how it might be incorporated into wholesale and retail markets going forward, and who the likely winners and losers would be in various regulatory environments.

Moderator:  Stu Bresler, Vice-President, Market Operations
PJM Interconnection, LLC

Panelists:  Frank Lacey, Senior Vice President, Regulatory and Market Strategy
Comverge/CPower

Nancy Bagot, Senior Vice President
Electric Power Supply Association

Richard B. Miller, Director, Energy Markets Policy Group
Consolidated Edison Company of New York, Inc.

12:15 p.m.  ADJOURNED

The program will be submitted for at least 9.0 hours of Virginia Continuing Legal Education (CLE) credit, including 2.0 hours of ethics credits.
PROGRAM COMMITTEE

Ashley Beuttel Macko, Esq.
Virginia State Corporation Commission
Vice-Chair, VSB Administrative Law Section
Program Committee Chairman

Kristian M. Dahl, Esq.
McGuireWoods, LLP
Chair, VSB Administrative Law Section

Charlotte P. McAfee, Esq.
Dominion Resources Services
Secretary, VSB Administrative Law Section

Meera Ahamed, Esq.
Washington Gas Light Company

Timothy E. Biller, Esq.
Hunton & Williams, LLP

Joyce Bodoh
Rappahannock Electric Cooperative

Samuel L. Brumberg, Esq.
VA MD & DE Association of Electric Cooperatives

Charles M. Burton, Jr., Esq.
Office of the Attorney General of Virginia

K. Beth Clowers, Esq.
Virginia State Corporation Commission

Troutman Sanders, LLP

Raymond L. Doggett, Jr., Esq.
Virginia State Corporation Commission

Allison L. Held, Esq.
Virginia State Corporation Commission

Alisson P. Klaiber, Esq.
Virginia State Corporation Commission

Matthew G. LaRocque
PJM Interconnection, LLC

Susan D. Larsen
Columbia Gas of Virginia, Inc.

Anne Louise Mason, Esq.
Capital One

Frederick D. Ochsenhirt, Esq.
Virginia State Corporation Commission

William T. Reisinger, Esq.
Office of the Attorney General of Virginia

James G. Ritter, Esq.
Christian & Barton, LLP

Cliona M. Robb, Esq.
Christian & Barton, LLP

Elaine S. Ryan, Esq.
McGuireWoods, LLP

Howard M. Spinner
Northern Virginia Electric Cooperative

Eric J. Wallace, Esq.
GreeneHurlocker, PLC

Durant A. Walton, Jr.
Virginia Telecommunications Industry Association

Mark O. Webb, Esq.
Dominion Resources Services, Inc.

Rachelle Whitacre
Virginia Natural Gas