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

present

The Thirty-Fourth National Regulatory Conference

“Out with the Old, In with the New: Preparing for Our Energy Future.”

May 19-20, 2016
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 James C. Dimitri, 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

Ashley B. Macko, Chair
Administrative Law Section, Virginia State Bar

8:45 a.m.  **Aging Natural Gas Transmission Infrastructure and Modernization Programs**

Along with much of the utility infrastructure in the country, many natural gas transmission pipelines are approaching, or have exceeded, their useful service lives. At the same time, the growth of natural gas production from shale in the northeast and the rising demand for low price gas have altered the locations of supply and demand from when these pipelines were originally built. Owners are increasingly faced with growing maintenance and repair costs and must eventually confront the larger question of how to bring these pipeline systems into the modern age. Should pipeline owners abandon these aging pipelines or rebuild them? Who should bear the cost? Who should bear the burden when it is no longer economically efficient to supply gas to certain areas that these pipelines have served in the past? This panel will explore the ways in which pipeline owners have confronted these questions and how the industry is preparing for the future.

10:00 a.m.  **BREAK**

10:15 a.m.  **New Interstate Pipelines: How FERC Approval Gets Gas to You**

Shale plays in the northeast have produced an abundance of natural gas yet existing pipelines are constrained to deliver the natural gas to consumers. Numerous interstate pipeline proposals have been filed at the Federal Energy Regulatory Commission (FERC) to deliver this affordable fuel to customers in the Mid-Atlantic Region. This panel will explore the FERC filing and approval process to build a pipeline and hear a variety of perspectives on the FERC process.

Speakers confirmed for this panel include, Nikki Rovner (The Nature Conservancy), Lisanne Crowley (Troutman Sanders LLP) and Steven Wright (City of Chesapeake)
11:45 a.m.  LUNCH  
Trinkle Hall, College of William & Mary  
(transportation provided)

1:30 p.m.  Emerging Technologies – Electric Vehicles and Battery Storage

This panel will focus on new technologies in early practice. The panelists will provide overview and debate on the role that emerging technologies will play in our existing regulatory structures. Panelists will debate whether these early stage technologies will serve as disrupters to existing models and will try to predict the direction and regulatory issues pertaining to electric cars, energy storage, and others that are expected to deploy in the near future.

Speakers confirmed for this panel include: Alleyn Harned (Virginia Clean Cities), and Damien Buie (EDF Renewable Energy).

2:45 p.m.  BREAK

3:00 p.m.  ETHICS

Thomas E. Spahn, a Partner at the McGuireWoods law firm, and nationally known expert on ethics, will lead an informative and interactive session using challenging hypotheticals to address current ethical issues of interest to all attorneys.

5:00 p.m.  Program adjourns for the day
*Administrative Law Section will hold their annual meeting to elect officers*

5:45–7:45 p.m.  RECEPTION  
Brinkley Commons Room  
Mason School of Business
While the Distribution System Operator (DSO) concept has been around since the early days of retail competition in the 1990s, some states are now considering going further and implementing a DSO model in addition to more traditional notions of retail competition. The DSO concept envisions a reduced role for incumbent utilities and a distribution system combined with new markets by which third-party energy providers could sell various products and services directly to the consumer, and the consumer could provide services to the utilities and other consumers. Versions of the DSO concept include the incumbent utility (i) maintaining its traditional role as the DSO and “air traffic controller” for the distribution system or (ii) being reduced to a “wires company” with an independent entity, similar to an ISO, responsible for day-to-day operation of the distribution system. Governor Cuomo and the New York Public Service Commission have taken the idea live, with New York’s “Reforming the Energy Vision,” or “REV” Initiative – a DSO model to be implemented through changes in regulatory, tariff, market design and incentive structures.

The primary goal of the DSO model is to increase penetration of distributed energy resources like solar, energy efficiency, and demand response, with heavy use of Internet-enabled technologies as a feature. As an extension of retail competition, purported benefits include: increasing access to clean energy technologies, reducing carbon emissions, saving consumers’ money by “selling” services to the grid, and increasing grid resilience. Concerns, especially among utilities, include: failure to harness efficiencies of scale/scope inherent in the traditional model, inability to conduct traditional planning, optimize resources/portfolios, increased costs (especially over the long term), undermined investments/stranded assets, and lack of consumer protections.

This four-member panel will discuss the New York REV initiative, skepticism of it, federal and consumer perspectives, and utility perspectives. Former FERC Commissioner Suedeen Kelly is a confirmed panelist, as are lawyer-journalist Steve Huntoon, lawyer Kevin Jones, and New York Power Authority’s Jill Anderson.
10:45 a.m. **State Implementation of EPA’s Clean Power Plan**

On February 9, 2016, the U.S. Supreme Court issued a stay on enforcement of EPA’s Final Rule under Section 111(d) of the Federal Clean Air Act for the regulation of carbon dioxide emissions from existing fossil-fueled power plants – the Clean Power Plan (CPP) – pending resolution of the judicial appeals process. Despite the stay on enforcement of the CPP, Virginia and many other states have pledged to continue moving forward with their plans for compliance with the CPP. Several power companies, including Dominion Virginia Power, have also indicated their intent to move forward to comply with the CPP. This panel will focus on issues related to the state implementation of the CPP from a variety of perspectives including the regulated utility, the environmental interest group, the state environmental agency, the ratepayer advocate and regional transmission entity. The panel will address implementation issues including rate-based v. mass-based compliance plans; carbon trading between states; and issues arising where a utility has fossil generation sited in one state dedicated to serving load in another state.

Confirmed speakers for this panel include: Dr. Paul M. Sotkiewicz (PJM Interconnection, LLC); William C. Cleveland (Southern Environmental Law Center); Scott Norwood (Norwood Energy Consulting), John McManus (AEP) and Mike Dowd (DEQ).

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

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Dominion Resources Services
Vice-Chair, VSB Administrative Law Section
Program Committee Chairman

Ashley Beuttel Macko, Esq.
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