Innovation and Regulation: Shaping the Energy of Tomorrow

May 17-18, 2018
Thursday, May 17

8:00 a.m.  Registration and Breakfast  

Lobby of the Law School

8:30 a.m.  Welcome:

The Honorable Mark C. Christie, Chairman
State Corporation Commission

Patricia E. Roberts, Vice Dean, Clinical Professor of Law, Director of Clinical Programs, and Co-Director of the Lewis B. Puller, Jr. Veterans Benefits Clinic
William & Mary Law School

Elaine S. Ryan, Chair, Program Committee
Vice-Chair, Virginia State Bar Administrative Law Section

8:45 a.m.  The Past, Present, and Future of Renewable Energy: What Role Will PURPA, Mandates, and Collaboration Play as Renewables Become a Larger Part of Our Energy Mix?

This panel will explore the current regulatory and legislative complexities related to renewable energy across the U.S. What is the role prominent renewable states like North Carolina will play in the future? How should utilities and renewable generators collaborate on projects or should states be responsible for pushing for tighter mandates and bidding for projects for greater renewable implementation? How may the change of traditional PURPA rules about mandatory purchases of excess energy influence the renewable space? The Honorable Edward S. Finley, Jr., Chairman, North Carolina Utilities Commission, will moderate the discussion as other panel members from a large commercial customer perspective, renewable generator perspective, and pro environmentalist perspective debate what the framework and mandates of renewables should be and the role each player has in renewables.

Moderator:  The Honorable Edward S. Finley, Jr., Chairman
North Carolina Utilities Commission

Panelists:  Steve W. Chriss, Director, Energy and Strategy Analysis
Wal-Mart Stores, Inc.

Samuel Lines, General Manager, Large Project Development
Cypress Creek Renewables

Lawrence B. “Bo” Somers, Deputy General Counsel
Duke Energy Corporation

Peter Stein, Staff Attorney
Southern Environmental Law Center

10:00 a.m.  Break
10:15 a.m. **Natural Gas: State of the Industry**

This panel will present views on the current state of affairs from different perspectives throughout the natural gas industry landscape. These perspectives will include discussion on regional supply restrictions, financial markets, localized infrastructure, and production.

Moderator: **Brent Archer**, President and COO  
Columbia Gas of Virginia

Panelists: **Jennifer Fordham**, Senior Vice President, Government Affairs  
Natural Gas Supply Association  

**Bernadette Johnson**, Vice President, Market Intelligence  
Drilling Info, Inc.

**Christopher B. McGill**, Vice President, Energy Analysis and Standards  
American Gas Association  

**Kenneth W. Yagelski**, Managing Director of Gas Supply  
Southern Company Gas

11:30 a.m. **Lunch**  
*Trinkle Hall, College of William & Mary  
Transportation provided*

1:15 p.m. **Accounting for the Cost of Carbon in an Uncertain Time**

Market results produced considering only private costs and benefits of carbon pricing may not address all public policy concerns. When it comes to carbon pollution, market forces alone do not provide market participants with signals helping to determine how electric power is properly produced and consumed. Carbon pollution is often referred to as “the mother of all externalities,” and proper policy development associated with emissions from electric power production is a defining challenge of our time. When considering “emission taxes” or other policy tools, policymakers must strive to reduce pollution in a way that is both effective and equitable. Because carbon pollution is a global problem, its regulation presents unique challenges. Our panel delves into these complex issues, providing varied points of view ranging from the theorist to the practitioner. Power supplier, RTO, ratemaking, and state government perspectives will all be a part of this broad discussion on a timely topic.

Panelists: **M. Gary Helm**, Lead Market Strategist  
PJM Interconnection  

**Chris Hoagland**, Economist, Climate Change Division  
Maryland Department of the Environment  

**Angela L. Navarro**, Deputy Secretary of Commerce and Trade  
Office of the Governor  

**Burcin Unel**, Ph.D., Energy Policy Director  
Institute for Policy Integrity, New York University School of Law
2:45 p.m.    Break

3:00 p.m.    Ethics
Confidentiality: Strength and Scope of the Duty

This interactive program uses hypotheticals to explore one of our profession's core duties -- maintaining client confidences. Among other things, the program will address: the strength of the duty; the source, timing and content of information lawyers must keep confidential (for instance, does the duty cover information in the public record, or the disclosure of which would not harm the client?); comparison with the attorney-client privilege; when the confidentiality duty begins (in the context of unsolicited emails and interviews with prospective clients); when the duty ends; what steps lawyers must take to protect client confidences, especially in the context of electronic communications.

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    Conference Reception
Chesapeake Room, Sadler Center
Transportation provided from the Hilton Garden Inn 5:30-7:45
Parking is available at the Sadler Center
Friday, May 18

7:30 a.m.  Breakfast  

8:30 a.m.  Keynote Address  
The Honorable Robert F. Powelson  
Federal Energy Regulatory Commission

9:30 a.m.  Break

9:45 a.m.  In Search of Grid Resilience: What Does It Mean and How Is It Priced?

The U.S. Secretary of Energy Rick Perry submitted late last year to the Federal Energy Regulatory Commission (“FERC”) a Proposed Rule on Grid Reliability and Resilience Pricing. The stated purpose of Secretary Perry’s Proposed Rule was to protect the American people from energy outages that DOE expected to result from the loss of certain fuel-secure generation resources. Secretary Perry directed the FERC to issue a final rule requiring regional transmission organizations to develop and implement market rules to provide cost-of-service rate tariffs for eligible generation resources deemed necessary to maintain the reliability and resilience of the bulk power system. In early 2018, the FERC terminated the docket considering the Proposed Rule finding, among other things, that it could not satisfy the Federal Power Act’s threshold requirement that there be a showing that existing tariffs are unjust, unreasonable, unduly discriminatory or preferential. Nonetheless, the FERC put emphasis on examining grid resilience in a new docket with the purpose of exploring three issues: (1) what resilience of the bulk power system means and requires; (2) how each RTO and ISO assesses resilience in its geographic footprint; and (3) whether additional Commission action regarding resilience is appropriate at this time. This panel will have unique perspectives on these issues of bulk grid resilience, offer insight into current developments, and discuss potential implications for electric utility stakeholders going forward.

Moderator:  Kevin W. Jones, Partner  
Hunton Andrews Kurth LLP

Panelists:  Denise R. Foster, Vice President, State and Member Services  
PJM Interconnection

The Honorable Mark W. Menezes, Under Secretary of Energy  
U.S. Department of Energy

Gregory J. Poulos, Executive Director  
The Consumer Advocates of the PJM States, Inc. (CAPS)

Christopher A. Wilson, Director, Federal Regulatory Affairs  
Exelon Corporation

11:30 a.m.  Adjourned
Elaine S. Ryan, Esq.
McGuireWoods LLP
Vice Chair, VSB Administrative Law Section
Chair, Program Committee

Philip R. de Haas, Esq.
Allianz Global Assistance
Chair, VSB Administrative Law Section

K. Beth Clowers, Esq.
State Corporation Commission
Secretary, VSB Administrative Law Section

Charlotte P. McAfee
Dominion Energy, Inc.
Immediate Past Chair, VSB Administrative Law Section

Timothy E. Biller, Esq.
Hunton Andrews Kurth LLP

Joyce B. Bodoh
Rappahannock Electric Cooperative

Samuel R. Brumberg, Esq.
The Virginia, Maryland & Delaware Association of Electric Cooperatives

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

William C. Cleveland, Esq.
Southern Environmental Law Center

David J. DePippo, Esq.
Dominion Energy Services, Inc.

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

K. Rebecca T. Glidden
Columbia Gas of Virginia

Cale A. Jaffe, Esq.
University of Virginia School of Law

Alisson P. Klaiber, Esq.
State Corporation Commission

Tyler W. Lake
Virginia Natural Gas, Inc.

Matthew G. LaRocque
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Ashley B. Macko
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Angela L. Navarro, Esq.
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Frederick D. Ochsenhirt, Esq.
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William T. Reisinger, Esq.
GreeneHurlocker, PLC

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

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

Howard M. Spinner
Northern Virginia Electric Cooperative

Eric J. Wallace, Esq.
GreeneHurlocker, PLC

Duront A. Walton, Jr.
Virginia Telecommunications Industry Association