

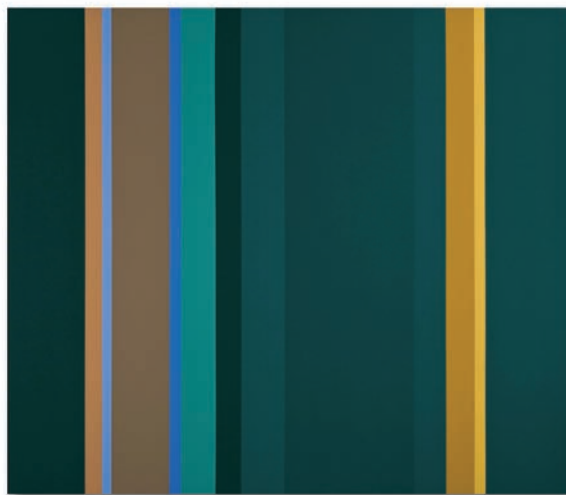
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2009

# CARBON AND CLIMATE CHANGE

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2009

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## MONDAY AFTERNOON, FEB. 2, 2009

### 5:00 p.m. Monday Opening Networking Reception

Join speakers, registrants and sponsors of the RPSEA CO2 EOR Forum and the UT Carbon and Climate Change Conference, along with regulatory and legislative members and staff at our opening joint reception. Great courtyard and campus views, great conversation and contacts—don't miss it.

### 6:30 p.m. Adjourn

## TUESDAY MORNING, FEB. 3, 2009

**Presiding Officer:**  
Melinda Taylor, The University of Texas  
School of Law, Austin, TX

### 8:00 a.m. Registration Opens

Includes continental breakfast.

### 9:00 a.m. .50 hr

#### The Carbon Cycle—Where the "Carbon Revolution" Begins

A discussion of the carbon cycle, human activities affecting it, and legal issues raised by those activities.

Jeff Civins, Haynes and Boone, LLP, Austin, TX

Co-Author: Mary S. Mendoza,  
Haynes and Boone, LLP, Austin, TX

### 9:30 a.m. .75 hr

#### Making the Transition to a Carbon-Constrained World: The EPRI Prism Analysis

This session examines competing views and strategies to reduce carbon.

Moderator: Scott Nyquist,  
McKinsey & Company, Houston, TX

Bryan Hannegan, EPRI, Palo Alto, CA

Mark MacLeod, Environmental Defense Fund,  
Washington, DC

### 10:15 a.m. Break

### 10:30 a.m. .50 hr

#### Measuring and Benchmarking Carbon Footprints and Reductions

Most large companies are already taking first steps to measure carbon footprints. This

session opens with a short commentary on the various competitive and the anticipated regulatory reasons why such measures and baselines are important, and continues with a non-technical discussion of the leading methodologies in measuring carbon footprints, and the complexity of calculating lifecycle emissions of particular products and services.

Von B. Gusa, PricewaterhouseCoopers LLP,  
Houston, TX

### 11:00 a.m. .50 hr

#### Case Study: The Corporate Experience in Reducing Carbon Emissions

Learn how a major carbon emitter in Central Texas is preparing for the brave new world of carbon regulation and is aggressively preparing to reduce its carbon emissions.

Robert (Bob) Kidnew, President,  
Texas Lehigh Cement, Buda, TX

Terry Moore, Carbon Shrinks LLC, Austin, TX

Brigid Shea, Carbon Shrinks LLC, Austin, TX

### 11:30 a.m. .75 hr

#### Air Quality and Climate Change Strategies: The View from Houston

Bill White, Mayor, City of Houston, Houston, TX

## TUESDAY AFTERNOON

**Presiding Officer:**  
Steve Melzer, Melzer Consulting, Midland, TX

### LUNCHEON PRESENTATION SPONSORED BY ALSTOM



### 12:15 p.m. Pick up Box Lunch

Included in conference registration fee.

### 12:30 p.m. .75 hr

#### Carbon Control Regimes: What's Ahead in Washington

Manik (Nikki) Roy, The Pew Center on Global  
Climate Change, Arlington, VA

### 1:15 p.m. Break

### 1:30 p.m. .67 hr

#### The Legal Basis for Regulating CO2 Emissions

Getting point sources and plants permitted, case law, legislation at fed and state level, CO2 regulation under the Clean Air Act.

William M. Bumpers, Baker Botts L.L.P.,  
Washington, DC

Vickie Patton, Environmental Defense Fund,  
Boulder, CO

### Developments in Carbon Sequestration: One Year Later

### 2:10 p.m. .67 hr

#### Property Rights in the Pore Space: Practical Answers to the Tough Questions of Ownership, Amalgamation, and Acquisition

A discussion and analysis of "best practices" in acquiring ownership in pore space—with particular attention to how existing legal principles can be extended to handle problematic issues, such as how to best obtain storage rights from the potentially large number of property owners affected by geological sequestration, and liability issues with adjoining landowners.

William H. Holmes, Stoel Rives LLP, Portland, OR

Author: Jerry R. Fish, Stoel Rives LLP, Portland, OR

Commentators: Scott Anderson,  
Environmental Defense Fund, Austin, TX

Ian J. Duncan, The University of Texas  
Jackson School of Geosciences, Austin, TX

### 2:50 p.m. .50 hr

#### Understanding the Geotechnical and Environmental Risks of Sequestration

Policy, regulatory, and legal frameworks guard against risky geotechnical activities by requiring preventative measures. They also define response mechanisms for remediation and liability should the preventative measures fail. Speculation about risks from geologic sequestration of carbon dioxide (CO2) has been dominated by unreasonable concerns such as instantaneous death of populations or long term toxicity of drinking water. This talk examines information from current CO2 injection experiment sites and natural analogs to provide realistic boundaries on what could happen as a result of failure of a geologic sequestration site to contain injected CO2.

Susan Hovorka, The University of Texas  
Jackson School of Geosciences, Austin, TX

3:20 p.m. Break

3:35 p.m. .67 hr

### Storing Carbon: Options for Liability Risk Management, Financial Responsibility

This session will explore financial and public policy options for liability risk management and financial responsibility related to the near- and long-term storage of CO<sub>2</sub>. Specifically, this session will include discussion of oversight of site selection and financial responsibility provisions, and a proposed process for ensuring long-term site management that addresses the need for efficient, safe and environmentally balanced deployment of CCS projects.

Lindene Patton, Zurich Financial Services Group, New York, NY

Chiara Trabucchi, Industrial Economics, Inc., Cambridge, MA

4:15 p.m. 1.25 hrs

### Sequestration EOR Case Study Session

This study and discussion examines the economics and legal issues confronting real-world sequestration with EOR projects. Where do existing law and incentives work? Where are changes and clarifications needed?

Moderators:

Steve Melzer, Melzer Consulting, Midland, TX

Michael J. Nasi, Jackson Walker L.L.P., Austin, TX

Speakers:

Tracy Evans, Denbury Resources, Plano, TX

Michael J. Hirl, Kinder Morgan CO<sub>2</sub> Company, L.P., Houston, TX

John Tombari, Schlumberger, Houston, TX (invited)

Thomas M. Weber, McElroy Sullivan & Miller L.L.P., Austin, TX

5:30 p.m. Adjourn to Reception

## WEDNESDAY MORNING, FEB. 4, 2009

**Presiding Officer: Scott D. Deatherage, Thompson & Knight LLP, Dallas, TX**

8:30 a.m. .50 hr

### Carbon Capture for Coal Based Power—Current Status and Technology Roadmap

Today, the total cost of electricity (COE) from a commercial scale coal power plant with CCS would be excessively high for both gasification and combustion generating technologies. However, innovative CO<sub>2</sub> capture technologies in development/demonstration offer the potential to minimize the impact on COE. These capture technologies can be applied to new power plants as well as retrofitted to operating units. This presentation will compare the range of CO<sub>2</sub> capture technologies and discuss the critical factors and timeline for technologies to achieve economies of scale and improved cost and performance.

Nancy Mohn, ALSTOM Engineering, Windsor, CT

9:00 a.m. .50 hr

### Providing Incentives for Carbon Capture and Storage: Texas and Nationally

This session provides an overview and update on national CCS incentives in place and pending in Congress, as well as an up-to-the minute analysis of CCS incentive proposals pending before the 81st Texas Legislature. The interaction between state and federal programs will also be addressed.

Michael J. Nasi, Jackson Walker L.L.P., Austin, TX

9:30 a.m. .50 hr

### Pre-Compliance Markets for Carbon Offsets: A Commercial Evolution from Voluntary Markets

An introduction to carbon markets in the US, including an overview of how they work and highlights of typical deals, including capture and storage offsets. The session will also discuss how Kyoto requirements already drive some domestic offset activity as companies with international operations identify and purchase offsets generated in the US.

William Townsend, CEO, Blue Source, Holladay, UT

10:00 a.m. Break

10:15 a.m. .50 hr

### Environmental Regulation of Carbon Injection

A practical discussion of how carbon injection works in Texas and how EPA's proposed new rules would interact with state regulation, including pitfalls, emerging issues, and potential points of clarification under existing and proposed rules.

Janet Lynn McQuaid, El Paso Corporation, Houston, TX

10:45 a.m. .50 hr

### Water Resources, Power Production and CSS

A discussion and analysis of the role of water availability for power generation in Texas, including additional demands on water resources for CSS and competition for water from population growth. Beyond general discussion, this session will also highlight and map areas in Texas where limits or competing demands on water resources limit power generation options.

Ian J. Duncan, The University of Texas Jackson School of Geosciences, Austin, TX

11:15 a.m. 1.00 hr

### Power Generators Panel: What's Ahead for Texas Utilities in a Lower-Carbon Future

Join top-level executives from leading power companies for a discussion of the key issues, choices and opportunities confronting power generators in a world where CO<sub>2</sub> emissions become more costly. How will the mix of power generation change and what role will conservation efforts play in a lower carbon future? What happens to the price of power under likely legislative actions? How will consumers and investors respond? What if the future of coal? What regulatory regimes and state and federal incentives make sense to facilitate this transition? Where are opportunities for generators; who will be the winners and losers?

Moderator: John Moore, Navigant Consulting, Inc., Austin, TX

David Campbell, Chief Executive Officer, Luminant, Dallas, TX

Paul Chodak, III, President and COO, Southwestern Electric Power Company, Shreveport, LA

Steve Corneli, Vice President of Market and Climate Policy, NRG Energy, Princeton, NJ

Thomas G. Mason, CEO and General Manager, Lower Colorado River Authority, Austin, TX

## WEDNESDAY AFTERNOON

**Presiding Officer:**

**Patricia Finn Braddock, Fulbright & Jaworski LLP, Austin, TX**

12:15 p.m. Pick up Box Lunch  
Included in conference registration fee.

12:30 p.m. .75 hr

### Policy Maker's Luncheon

Overview and update of the Texas Advisory Panel on federal climate change regulations.

Rep. Warren Chisum, Texas House of Representatives, Pampa, TX (invited)

Rep. Rick Hardcastle, Texas House of Representatives, Vernon, TX (invited)

Brian W. Shaw, Texas Commission on Environmental Quality, Austin, TX (invited)

1:15 p.m. Break

1:30 p.m. .75 hr

### Energy Savings, Distributed Storage, and Clean Air: Electric Cars and the Utilities Sector

The automobile industry is on a fast-track to develop and deliver plug-in electric vehicles. The deployment of electric vehicles offers many opportunities, including distributed

storage of off-peak generation in car batteries; substantial energy savings and improvement in air quality. These benefits may be particularly attractive in Texas, where off-peak wind generation could power plug-in cars used in urban areas, improving air quality and relieving the threat of EPA limitations on growth due to nonattainment. This session outlines the type and magnitude of benefits, and addresses some of the implantation challenges the utility, auto, legislative and regulatory communities will need to address in managing the grid and maximizing energy savings.

- Phil Wilson, Luminant, Dallas, TX
- Austan Librach, Austin Energy, Austin, TX

2:15 p.m. .75 hr

State Perspectives on Developing a Regulatory Framework for Geologic Sequestration

- Moderator: Darrick Wayne Eugene, Vinson & Elkins, Austin, TX
- Speakers:
- John V. Corra, Wyoming Department of Environmental Quality, Cheyenne,WY (invited)
  - Daniel F. Fredlund, Kansas Corporation Commission, Wichita, KS (invited)
  - Lynn D. Helms, North Dakota Industrial Commission, Bismarck, ND (invited)

3:00 p.m. .50 hr

Regulation of CO2 Pipelines and Sequestration

- Pipelines transporting CO2 for enhanced oil recovery and other purposes are subject to unique jurisdictional issues. This presentation will discuss those issues and new matters raised by permanent CO2 sequestration projects.
- William S. Garner, Spectra Energy Corp., Houston, TX

3:30 p.m. Adjourn

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STEVEN L. BRYANT The University of Texas at Austin Cockrell School of Engineering Austin, TX			THOMAS M. WEBER McElroy Sullivan & Miller L.L.P. Austin, TX

## Select Speakers

**Manik Roy** is the Vice President of Federal Government Outreach for the Pew Center on Global Climate Change. Dr. Roy has twenty-five years of experience in environmental policy; he previously worked for Senator Frank R. Lautenberg, Representative Henry A. Waxman, and the U.S. Environmental Protection Agency. Dr. Roy holds a Ph.D. in public policy from Harvard University and M.S. and B.S. degrees in engineering from Stanford University.



**David Campbell** is CEO of Luminant, a competitive power generation subsidiary of Energy Future Holdings Corp (formerly TXU Corp). Campbell graduated with a bachelor's degree from Yale University and a J.D. from Harvard Law School. He also holds a master's degree from Oxford University, where he studied as a Rhodes Scholar.



**Paul Chodak III** is president and chief operating officer of Southwestern Electric Power Company (SWEPCO), serving approximately 439,000 customers in Louisiana, Arkansas and northeast Texas. Prior to joining AEP, he was a staff scientist at Los Alamos National Laboratory. He received a doctorate degree in nuclear engineering from Massachusetts Institute of Technology.



**Steve Corneli** is NRG Energy's Vice President of Market and Climate Policy. He is responsible for developing and promoting NRG's positions regarding climate change policy and wholesale energy market design. Steve has a master's degree in public affairs from the Humphrey Institute, a B.A. degree from St. John's College, and has studied applied economics at the Ph.D. level at the University of Minnesota.



**Thomas G. Mason** is general manager of the Lower Colorado River Authority, a public agency that provides energy, water and community services in Central Texas. Mason previously was LCRA's general counsel, the agency's chief legal and policy adviser.



**Bill Townsend** has over 30 years of experience in the development of businesses in the energy and environmental sectors, most recently as the CEO and co-founder of the Blue Source Companies.

## REGISTRATION FOR CH09

**Mail this registration form to:**

The University of Texas School of Law, attn. CH09

P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**

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Invoices, confirmations and receipts are emailed to these addresses.

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*Registration includes Course Binder, Box Lunch Presentations, and Mon./Tues. Receptions*

☐ Early Registration Fee due by Monday, January 26, 2009 ..... \$495.00

☐ Registration Fee after Monday, January 26, 2009 ..... \$545.00

### CONFERENCE PUBLICATIONS AND MEDIA

*Allow 2-4 weeks from the conference date for delivery.*

☐ Course Binder Without Conference Registration ..... \$225.00

*Note: Conference registration includes Course Binder.*

☐ Audio CD Set ..... \$175.00

☐ eBinder on CD (PDF format) ..... \$225.00/\$50.00

*(\$225 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)*

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*Allow 2-4 weeks from the conference date for delivery.*

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### EXHIBITOR

*Exhibitor fee includes booth or table for two days. Please contact UTCLE at 512-475-6700 for set-up questions and information.*

☐ Exhibitor fee (booth/table for two days) ..... \$1500.00

**TOTAL ENCLOSED** ..... \$ \_\_\_\_\_

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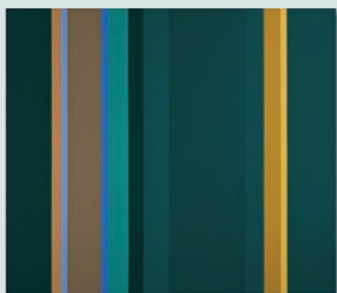
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# 2009 CARBON AND CLIMATE CHANGE

*Few challenges facing America – and the world – are more urgent than combating climate change.*

*My presidency will mark a new chapter in America's leadership on climate change that will strengthen our security and create millions of new jobs in the process.*

*That will start with a federal cap and trade system.*

**—President-Elect Barack Obama**

*December 3, 2008 address to Governors Climate Summit*

A new regime for regulating carbon is coming; offering unique opportunities and challenges to Texas utilities, energy companies, investors and entrepreneurs.

Texas is the leading producer of carbon emissions in the country, yet also the leading producer of wind energy, and EOR/Sequestration expertise.

Join industry experts, business executives, state legislative and regulatory officials, including leaders from the utility industry and the emerging CCS/EOR industry in discussion of the key economic, technology, legal, and regulatory drivers that will determine the winners and losers in a world where carbon emissions are taxed or regulated.

## FROM 2008 CARBON AND CLIMATE CHANGE

*"Great mix of technology and legal topics!"*

*"Excellent overview covering a lot of topics with a great variety of speakers and viewpoints"*

*"Overall excellent conference—I learned a lot."*

*"Well thought-out program designed to present several points of view."*



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Blue Source is North America's leading portfolio of greenhouse gas emission reductions. Blue Source and its management team are leaders in the development of carbon capture and storage projects, having developed, owned or operated all five such systems built in North America in the last 20 years. Blue Source partnerships have created a pool of investment capital up to \$1 billion for developing greenhouse gas emission reduction projects. [www.ghgworks.com](http://www.ghgworks.com)

The **CO2 Flooding Conference** held each December brings together leaders in the emerging carbon capture and storage industry with oil industry players who are actively conducting CO2 processing, compression, injection and reservoir surveillance. The portion of the week in Midland (home to 2/3rd of the world's active CO2 floods) is designed to identify and make more broadly available the experience and best practices of CO2 enhanced oil recovery industry. [www.hartenergyconferences.com](http://www.hartenergyconferences.com)



**Texas Carbon Capture & Storage Association ("TxCCSA")** is a non-profit industry association advocating for policies that support the development of a commercial CCS industry in Texas and promoting energy security through increasing environmentally responsible fuel production in Texas. We seek the growth and commercialization of the CCS industry through market-based policies and incentives that support private sector investment. [www.txccsa.org](http://www.txccsa.org)

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As the world's leading energy law firm, **Vinson & Elkins** has been at the forefront of climate change law-structuring carbon offset projects, forming "green" investment funds, assisting with renewable energy transactions and handling related tax, permitting, and regulatory issues. [www.vinson-elkins.com](http://www.vinson-elkins.com)

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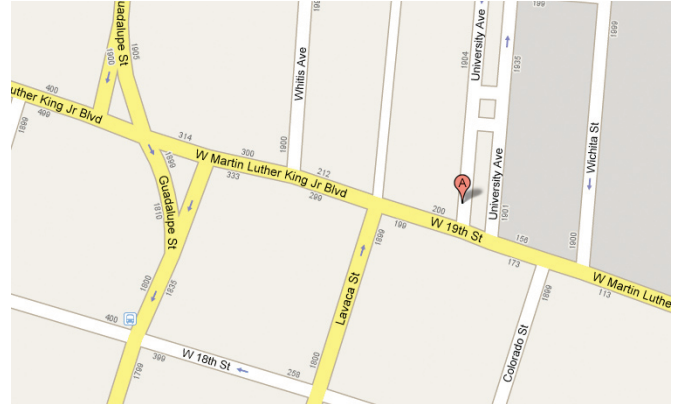
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Contact Mimi McNamee  
[mmcnamee@law.utexas.edu](mailto:mmcnamee@law.utexas.edu)  
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## KEY DATES

### Registration & Cancellation

January 26, 2009—5 p.m.  
*last day for early registration*  
add \$50 for registrations  
received after this time

January 28, 2009—5 p.m.  
*last day for full refund*

January 30, 2009 —5 p.m.  
*last day for partial refunds*  
\$50 processing fee applied

February 3, 2009—9 a.m.  
*conference begins*

## MCLE and Credit Information

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.75 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

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