

3rd Annual

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Specialization requested for: Oil, Gas & Mineral Law; Administrative Law



November 11-12, 2004
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Presiding Officers:

Michael P. Pearson, Houston
Jay G. Martin, Houston

THURSDAY MORNING, NOV. 11, 2004**8:00 a.m. Registration Opens**

Includes continental breakfast.

8:30 a.m. Welcoming Remarks

Michael Esposito
The University of Texas School of Law, Austin

Hugh Ray
Andrews Kurth LLP, Houston

Michael P. Pearson
Jackson Walker L.L.P., Houston

8:45 a.m. .50 hour**Electric Power, Part I: A Primer on the Federal Regulation of Electric Power—Generation and the Wholesale Market**

A discussion of historical federal regulation of electric generation; Federal Power Act; PUHCA; PURPA; Energy Policy Act of 1992; evolution of wholesale electric power markets.

Jeffrey D. "Dan" Watkiss, Washington, D.C.

9:15 a.m. .50 hour**Electric Power, Part II: A Primer on the Federal Regulation of Electric Power—Transmission and Distribution**

This session will discuss historical federal regulation of electric transmission and distribution; current scope of FERC jurisdiction; status of FERC SMD and RTO initiatives.

Fredrick G. Yanney, Los Angeles, CA

9:45 a.m. .50 hour**Electric Power, Part III: Recent Developments in the Wholesale and Retail Electric Markets in Texas—Legislative, Regulatory, Judicial**

Stranded cost true-up cases; wholesale market design; enforcement; market mitigation; competition in non-ERCOT areas; Sunset Commission recommendations for the 2005 Legislative Session.

Marianne Carroll, Austin

10:15 a.m. Break**10:30 a.m. .75 hour****Electric Power, Part IV: Anatomy of a Retail Electricity Sales Contract—Provider and Customer Perspectives**

Discussion of primary contract issues with suggestions for how the customer, the REP and their attorneys should prepare for contract negotiation.

Carolyn E. Shellman, Austin
Michael J. Tomsu, Austin

11:15 a.m. .50 hour**Acquisitions and Divestitures: Prospects for Midstream Activity**

Discussion of increased acquisition and divestiture activity in the midstream gas sector and the reasons therefore; the changing faces of the players; changes in perceptions of asset value; the role of private equity; the relationship to trading and marketing; strategic considerations.

Ben Schlesinger, Bethesda, MD

11:45 a.m. Luncheon Presentation

Please select on registration form. .50 hour

Suede G. Kelly, Commissioner
Federal Energy Regulatory Commission,
Washington, D.C.

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THURSDAY AFTERNOON**1:15 p.m. .75 hour ethics****Ethics, Part I: "Is It OK to Throw Away These Papers?"—Legal and Ethical Considerations Regarding Record Retention Programs**

Discussion of the principles and mechanics of record retention programs; special issues relating to emails and recorded telephone conversations; application of Sarbanes-Oxley Act to record retention; Committee of Chief Risk Officers' "Best Practices"; additional legal and ethical considerations.

Robert L. Levy, Houston

2:00 p.m. .75 hour ethics**Ethics, Part II: Ethical Considerations and Malpractice Prevention in an Energy Practice**

Discussion of three ethical issues that arise most frequently in energy-related litigation—lying, conflicts of interest, and confidentiality.

Eugene M. Nettles, Houston

2:45 p.m. Break**3:00 p.m. .75 hour****Natural Gas; Focus on LNG, Part I: Selected Current Regulatory Issues**

A discussion of Hackberry's approval of proprietary access to LNG terminals; its effect on development of merchant LNG market; characteristics of terminal use arrangements; issues relating to access to interstate pipeline capacity; gas/quality interchangeability; current FERC initiatives.

Blaine Yamagata, Houston
Joel A. Youngblood, Houston

3:45 p.m. Break**4:00 p.m. .75 hour****Natural Gas; Focus on LNG, Part II: Separating Fact from Fiction—Environmental and Safety Issues Associated with LNG Projects**

A discussion of required environmental permits, studies; public safety/health risks; consequences studies; onshore/offshore distinctions; public disclosure and homeland security concerns.

Richard R. Myers, Houston

4:45 p.m. .50 hour**Natural Gas, Part III: Homeland Security and Domestic Energy Infrastructure**

An overview of FERC, DOT, MMS regulations on pipeline transportation, safety; homeland security issues, initiatives.

Shemin V. Proctor, Washington, D.C.

5:15 - 6:30 p.m. Adjourn to Reception

FRIDAY MORNING, NOVEMBER 12, 2004

8:00 a.m. Conference Room Opens

Continental breakfast provided.

8:30 a.m. .75 hour

Deregulated Energy Markets, Part I: The Changing Face of Energy Trading

An overview of factors contributing to the decline of the energy trading industry; factors impacting industry recovery; new market participants.

Dawn Richter, Houston
Loretta Cross, Houston
Richard Stein, Houston

9:15 a.m. .75 hour

Deregulated Energy Markets, Part II: Marking Up the Forms—Common Modifications of Standard Trading Contracts

Common modifications to the EEI, NAESB, ISDA and Master Netting Agreement, as well as the ISDA Power and Gas Annexes and the EEI Gas Annex.

Lisa J. Mellencamp, Houston
Dede Russo, Houston

10:00 a.m. Break

10:15 a.m. .75 hour ethics

Ethics, Part III: When the Government Comes Calling—Advising Officers and Directors on Civil and Criminal Investigations in the Post-Enron Era

Discussion of recent developments (e.g., SOX, Thompson Memo, up-the-ladder reporting, noisy withdrawal) which challenge major assumptions about dealing with government inquiries.

Rusty Hardin, Houston
Edward J. (Jack) Hardin, Atlanta, GA

11:00 a.m. .50 hour

Deregulated Energy Markets, Part III: The Present and Future of Tolling Transactions

Discussion of current environment for gas-to-power tolling; mechanics of and contractual considerations in tolling agreements; cleaning up existing long-term transactions; future of tolling transactions.

Robert J. Bohme, Houston

11:30 a.m. .75 hour

Current Trends in Litigation Affecting the Gas and Power Industries

Discussion of often-litigated issues in energy industry contracts; strategies for dealing with these issues during contract negotiations.

Adam P. Schiffer, Houston

12:15 p.m. Adjourn

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REGISTRATION

Includes Course Binder

- ☐ Early Registration Fee due by Wed., November 3, 2004 \$350.00
- ☐ Registration Fee after Wed., November 3, 2004 \$400.00
- ☐ Sponsored Thurs. Luncheon with Sudeen G. Kelly,
Commissioner, FERC n/c

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Hilton Americas - Houston
1600 Lamar
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\$129 single or double special
group rate (subject to availability)
good through **Oct. 11, 2004**

Parking: \$12

KEY DATES

Registration and Cancellation

November 3, 2004, 5 p.m.

• **last day for early registration**
add \$50 for registrations
received after this time

November 5, 2004, 5 p.m.

• **last day for full refund**

November 8, 2004, 5 p.m.

(Monday before conference)
• **last day for partial refunds**
\$50 processing fee applied

November 11, 2004, 8:45 a.m.

• **conference begins**

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