

2013

# RENEWABLE ENERGY INSTITUTE



January 28\*, 29-30, 2013

\*Pre-Conference Concurrent Tracks: International and Nuts and Bolts

AT&T Conference Center ▪ Austin, Texas

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# 2013 RENEWABLE ENERGY INSTITUTE

January 28\*, 29–30, 2013 • AT&T Conference Center • Austin, Texas

Earn up to 19.25 Hours of Credit Including 1.00 Hour of Ethics Credit

Specialization Credit Approved for Oil, Gas and Mineral Law, Administrative Law and Real Estate Law

**MONDAY AFTERNOON, JAN. 28, 2013**

## \*PRE-CONFERENCE RENEWABLE ENERGY INSTITUTE

4.00 Hours of Credit

**12:15 p.m. Registration Opens**

### Concurrent Sessions

#### TRACK A: INTERNATIONAL RENEWABLE ENERGY

##### Presiding Officer:

**Zeina El-Azzi, Velocity Power Partners,  
Austin, TX**

**1:00 p.m. 1.50 hrs**

##### International Renewable Project Development Challenges and Opportunities

With economic challenges for the development of renewable energy in the U.S., developers are looking to other countries. An exploration of the major issues facing global renewable energy development, including Poland-EU, Brazil and cross-border legal and financing issues.

###### Moderator:

Craig S. O'Connor, Export-Import Bank of the United States, Washington, DC

###### Panelists:

Dino T. Barajas, Akin Gump Strauss Hauer & Feld LLP, Los Angeles, CA  
Stan Popow, Finacorp, Warszawa, Poland  
Marcello Storrer, Eólica Brasil Ltda, São Paulo, Brazil  
Soll Sussman, U.S.-Mexico Border Energy Forum, Austin, TX

**2:30 p.m. .75 hr**

##### Financing International Projects

Development of renewable energy projects in international markets is expanding rapidly. The success of this expansion will be determined in large part by the availability of financing. A case study review of successful renewable energy projects in various countries and how they were financed, including considerations of financing structures, requirements and alternative sources.

Lance T. Brasher, Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates, Washington, DC  
Stan Popow, Finacorp, Warszawa, Poland

**3:15 p.m. Break**

**3:30 p.m. .50 hr**

##### Brazil—A Case Study on Achieving Energy Independence

Following the oil shock of the 1970s, Brazil passed a long-term energy policy with an objective of achieving energy independence. Brazil achieved its goal and became a net exporter of energy within 30 years. An examination of the laws, incentives and energy mix which combined to make Brazil energy independent, with a look at how Brazil's experience may inform the United States as it seeks to develop its own long-term energy policy.

Brent Stahl, Stahl, Bernal & Davies, LLP, Austin, TX

**4:00 p.m. .50 hr**

##### Offshore Wind Project Case Study—Brazil

An in-depth review of development and legal issues involved in the Asa Branca Offshore Wind Farm in Brazil.

Marcello Storrer, Eólica Brasil Ltda, São Paulo, Brazil

**4:30 p.m. .75 hr**

##### The Emerging Turkish Market for Renewables

An overview of the Turkish renewable energy market from a regulatory perspective and related foreign investment issues.

Ceren Su, Pekin & Pekin, Istanbul, Turkey

**5:15 p.m. Track A Adjourn**

#### TRACK B: NUTS AND BOLTS OF RENEWABLE ENERGY

##### Presiding Officer:

**Roderick E. Wetsel, Wetsel &  
Carmichael, LLP, Sweetwater, TX**

**1:00 p.m. .75 hr**

##### Coexistence—It's Not Just for Bumper Stickers Anymore: Renewable and Conventional Energy Development Surface Use Issues

A look at the interaction between solar development and mineral exploration, the factual and legal bases necessary to analyze the parties' respective rights and possible resolutions to surface usage conflicts—from non-interference agreements to qualified subdivisions. After an initial focus on Texas, the panel discusses other state policies and activities, including the practical aspects of developing a renewable energy project on federal fee or split-estate lands.

##### Moderator:

Gregory S. Friend, Stahl, Bernal & Davies, L.L.P., Austin, TX

##### Panelists:

Ray Brady, U.S. Department of the Interior, Bureau of Land Management, Washington, DC  
Mark K. Leaverton, Rash Chapman Schreiber Leaverton & Morrison LLP, Austin, TX  
Randy Sowell, Attorney at Law, McCamey, TX

**1:45 p.m. .50 hr**

##### Overview of Texas Renewable Energy Tax Risks, Structures, and Incentives

Analysis of state tax considerations and incentives for renewable energy projects, focusing on Texas and its local taxing jurisdictions.

Renn G. Neilson, Baker Botts, Houston, TX

**2:15 p.m. .75 hr**

##### Power Purchase Agreements

A discussion of the market for utility and non-utility PPAs, the current term of PPAs and how the term impacts financing and project economics, the effect of natural gas on the market and policy considerations.

Ann A. Hawkins, Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates, Houston, TX

**3:00 p.m. .50 hr**

##### The New ALTA Energy Project Title Insurance Endorsements

A review of the recently adopted American Land Title Association endorsements that are specifically tailored for renewable energy projects and the coverages they provide in the context of wind and solar developments.

G. Timothy Hardin, Fidelity National Title Insurance Company, Dallas, TX

**3:30 p.m. Break**

**3:45 p.m. .75 hr**

##### New Revisions to FTC Green Guides

On October 1, 2012, the Federal Trade Commission issued new revisions to its Green Guides that are designed to help marketers ensure that their environmental marketing claims are truthful and nondeceptive. An overview of these updates, including new sections on the use of carbon offsets, "green" certifications and seals and renewable energy and renewable materials claims, with an explanation of how the guides reflect consumer and industry input.

Karl R. Rábago, Rábago Energy LLC, Austin, TX

4:30 p.m. .75 hr

### Severance of Wind Rights and Current Leasing Issues

A review of severance of wind rights in Texas and other states and perspectives on current issues regarding wind leases.

**Moderator:**

Roderick E. Wetsel, Wetsel & Carmichael, LLP, Sweetwater, TX

**Panelists:**

Steven K. DeWolf, Wind Tex Energy, Dallas, TX  
Becky H. Duffen, Vinson & Elkins LLP, Austin, TX

5:15 p.m. Track B Adjourn

## TUESDAY MORNING, JAN. 29, 2013

### RENEWABLE ENERGY INSTITUTE

15.25 Hours of Credit including 1.00 Hour of Ethics

7:30 a.m. Registration Opens

Includes continental breakfast.

**Presiding Officer:**

Lisa Chavarria, Stahl, Bernal & Davies, LLP, Austin, TX

#### KEYNOTE BREAKFAST PRESENTATION

8.20 a.m.

#### Welcoming Remarks and Introduction of Commissioner Maria Baier

Lisa Chavarria, Stahl, Bernal & Davies, LLP, Austin, TX

8:30 a.m. .75 hr

#### Solar Development on Arizona State Trust Land

Commissioner Baier discusses the leasing provisions developed by the Arizona State Land Department to attract solar projects to Arizona's 9.3 million acres of State Trust land and explains how the Department has developed a mapping system to help identify and prioritize suitable property for solar development. An incentive for some solar developers is knowing that money earned by the Trust helps to fund Arizona's public schools and universities. In addition to three utility scale solar projects already sited on State Trust land, two dozen applications for additional projects are pending.

Maria Baier, Commissioner, Arizona State Land Department, Phoenix, AZ

9:15 a.m. 1.00 hr

#### Natural Gas—Friend or Foe of Renewable Generation?

The price of natural gas drives many of the decisions affecting future investment in the renewable energy sector, particularly for ERCOT. Public attention has recently focused on the rise of shale gas and other unconventional gas development in the United States. Is this new source of supply the solution to long-term energy needs? Would a long-term glut of natural gas suppress the price of both gas and electricity? The supply side of this issue is addressed, examining how much of these new reserves can be added and at what cost. Also, how are the independent power producers thinking about unconventional gas in terms of future investment in combined cycle plants?

**Moderator:**

M. Bradford Moody, Watt Beckworth Thompson Henneman & Sullivan LLP, Houston, TX

**Panelists:**

Arthur E. Berman, Labyrinth Consulting Services, Inc., Sugar Land, TX  
Deborah Rogers, Energy Policy Forum, Fort Worth, TX  
Richard J. Snyder, CenterPoint Energy, Inc., Houston, TX  
Frank A. Wolak, Stanford University, Stanford, CA

10:15 a.m. Break

10:30 a.m. 1.50 hrs

#### The Cost of Energy

A comprehensive look at the wholesale cost of energy, taking into account both direct and indirect costs for different generation resources. Fuel price volatility, water use, pollution costs, siting requirements and national security implications, as well as comparative benefits like tax incentives and energy density, are examined.

**Moderator:**

Vanessa C. Kellogg, EDP Renewables North America LLC, Houston, TX

**Panelists:**

Bill Barnes, Goldman Sachs, New York, NY  
Steve Corneli, NRG Energy, Princeton, NJ  
Matt Langley, Infinity Wind Power, Santa Barbara, CA  
Varun Rai, The LBJ School of Public Affairs, The University of Texas at Austin, Austin, TX

12:00 p.m. Pick Up Lunch

Included in conference registration.

## TUESDAY AFTERNOON

**Presiding Officer:**

Karen E. Jones, SunPower Corporation, Portland, OR

#### KEYNOTE LUNCHEON PRESENTATION

12:15 p.m. .75 hr

#### Building a Clean Energy Economy in America

Under Governor Ritter's leadership, Colorado became a national and international leader in clean energy by creating a New Energy Economy and tripling the state's renewable energy portfolio, balancing energy production with protection of air, land, water, wildlife and communities.

Gov. Bill Ritter, Former Governor of Colorado, Director, Center for the New Energy Economy, Colorado State University, Fort Collins, CO

1:00 p.m. Break

1:15 p.m. .50 hr

#### 2013 Policy Outlook for Wind and Solar in Texas

Solar and wind are in different stages of market development in Texas. A look at the new opportunities spawning solar investment and the policy challenges the solar industry faces, as well as the next steps for the more "mature" wind market in Texas.

Carrie Cullen Hitt, Solar Energy Industries Association, Washington, DC  
Susan Williams Sloan, American Wind Energy Association, Austin, TX

1:45 p.m. .75 hr

#### Legislative and Regulatory Update

A look at the impact of past and upcoming state and federal legislation, as well as developments at FERC, the Texas PUC, ERCOT and other relevant regulatory agencies.

**Moderator:**

Diana M. Liebmman, Haynes and Boone, LLP, San Antonio, TX

**Panelists:**

Michael A. Andrews, Attorney at Law, Washington, DC  
Adam Wenner, Orrick, Herrington & Sutcliffe LLP, Washington, DC



2:30 p.m. 1.00 hr

**How Green is your Cloud?  
Voluntary Markets**

A look at the voluntary use of renewable energy from the customer and seller perspectives and the future of the voluntary market in a post-PTC environment. Companies like Baronyx, Google, Apple, Dell, Lego, Facebook and Ikea purchase wind and solar energy to run data centers and manufacturing facilities or generate their own renewable-source electricity as nontraditional power plant owners. Companies like Green Mountain are providing products to the deregulated Texas retail consumer market. Learn about the new opportunities as well as legal and regulatory issues that suppliers and customers must address.

**Moderator:**  
Karl R. Rábago, Rábago Energy LLC, Austin, TX

**Panelists:**  
Sarah Gibson, Dell Inc., Round Rock, TX  
Meigs Jones, Green Mountain Energy,  
Austin, TX

3:30 p.m. Break

3:45 p.m. .75 hr

**The Role of the U.S. Army in the Future  
of Renewables**

Historically the military has played an important role in funding technology innovations that support the military's purpose. The Department of Defense has an internal goal of generating 25 percent of all energy from renewable sources by 2025, and currently is a large player in this market. Given the number of military bases in Texas, this is important for the continued growth of renewables in Texas. A look at how the U.S. Army is using and innovating renewable energy and the importance of these efforts for national security.

John Lushetsky, Office of the Assistant Secretary of the Army, United States Army, Washington, DC

4:30 p.m. .75 hr

**The Resource Adequacy Puzzle:  
How Do Renewables and Storage Fit?**

The Texas PUC and ERCOT are designing and implementing major market design changes intended to provide long-term resource adequacy. How will energy storage and renewable generation technologies fit into the new market design? Will some technologies fare better than others? Will the resulting market impacts of the rule changes help or hurt further development of renewable generation facilities in Texas?

Mark Bruce, Stratus Energy Group, LLC, Austin, TX

5:15 p.m. Adjourn to Reception

**Thank You to Our Sponsors**

**WEDNESDAY MORNING, JAN. 30, 2013**

**Presiding Officer:**  
Richard Gruber, Lincoln Renewable  
Energy, Austin, TX

7:45 a.m. Conference Room Opens

Includes continental breakfast.

**KEYNOTE BREAKFAST PRESENTATION**

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8:20 a.m.

**Introduction of FERC Chairman  
Jon Wellinghoff**

Rolando Pablos, Commissioner, Public Utility  
Commission of Texas, Austin, TX

8:30 a.m. .75 hr

**A Day in the Life of the Grid**

Jon Wellinghoff, Chairman, Federal Energy  
Regulatory Commission, Washington, DC

9:15 a.m. .75 hr

**Storage Policy in Texas:  
Comparison with California**

A review of renewable energy storage policies and regulations in Texas, whether storage could serve as a designated transmission resource within the Texas market, and what lessons may be learned from California's experience.

**Moderator:**  
William H. Holmes, Stoel Rives LLP, Portland, OR

**Panelists:**  
Timothy Hennessy, Prudent Energy VRB® Systems,  
Portland, OR  
Suzi Ray McClellan, Good Company Associates,  
Austin, TX

10:00 a.m. Break

10:15 a.m. .75 hr

**A Tale of Three Storage Facilities**

A look at PowerSouth's McIntosh Power Plant—the first commercial compressed air energy storage (CAES) plant in the United States, an isothermal CAES demonstration plant in west Texas developed by General Compression and ConocoPhillips, and the Duke Energy Notrees Windpower Project—the first wind and battery project in Texas.

**Moderator:**  
Alissa Oppenheimer, Chamisa Energy, LLC,  
Santa Fe, NM

**Panelists:**  
Lee Davis, PowerSouth Energy Cooperative,  
McIntosh, AL  
Jeffery S. Gates, Duke Energy, Charlotte, NC  
David R. Marcus, General Compression, Newton, MA

11:00 a.m. .75 hr

**Utility Roundtable**

The energy buyer's perspective on the current market for renewables, how utilities are planning for future supply and demand and what is needed to ensure a reliable and affordable energy supply.

**Moderator:**  
John Moore, Stratus Energy Group, LLC, Austin, TX

**Panelists:**  
Cheryl L. Mele, Austin Energy, Austin, TX  
Rocky Miracle, El Paso Electric, El Paso, TX  
Rebecca S. Motal, Lower Colorado River Authority,  
Austin, TX  
Mark W. Schwartz, Golden Spread Electric  
Cooperative, Amarillo, TX

11:45 a.m. Pick Up Lunch

Included in conference registration.

**WEDNESDAY AFTERNOON**

**Presiding Officer:**  
Andrew Dickson, Duke Energy  
Renewables, Austin, TX

**KEYNOTE LUNCHEON PRESENTATION**

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12:05 p.m. .75 hr

**What Can Texas Teach the Country (and the  
World) About Successful Energy Policy?**

Declan Flanagan, Lincoln Renewable Energy,  
Chicago, IL

12:50 p.m. Break

1:00 p.m. .50 hr

**Selected Case Law Developments**

A review of recent court decisions of interest in Texas and elsewhere involving renewable energy.

Steven Baron, Consulting and Legal Services,  
Austin, TX

1:30 p.m. .75 hr

**New Ways to Finance Renewables  
and Infrastructure**

A look at industry plans, recent regulatory decisions and possible federal legislative changes to tax law to make Master Limited Partnership (MLP) and/or Real Estate Investment Trust (REIT) financing that is commonly used for oil and gas, transmission and commercial real estate industries more available to wind, solar and transmission assets.

**Moderator:**  
Timothy Kemper, CohnReznick LLP, Atlanta, GA

**Panelists:**  
J. Jolly Hayden, InfraREIT Capital Partners, LLC,  
Houston, TX  
E. Ramey Layne, Vinson & Elkins LLP, Houston, TX

2:15 p.m. .50 hr

### Update on ERCOT Interconnection Rules

With the possible expiration of the PTC in 2012 and the rush of renewable projects with in-service dates by the end of the year, recent ERCOT protocol changes were put to the test. ERCOT's very thorough Resource Asset Registration has highlighted the importance of understanding and meeting the more rigorous grid and design requirements to comply with all reactive, voltage, primary frequency response as well as other existing requirements. A pragmatic look at the main grid protocols and design criteria that every developer must be aware of, as well as examples of real project design flaws and how those were mitigated.

Hala N. Ballouz, Electric Power Engineers, Inc.,  
Waco, TX

2:45 p.m. Break

3:00 p.m. .50 hr

### Electric Regulatory Developments Involving Distributed Renewable Generation in Texas

With its abundant wind and solar resources, Texas is well-suited to development of distributed renewable generation (DRG). The electric regulatory structures, requirements and programs that influence DRG development are unique to the state, differ from one part of the state to another, and have been evolving as the Texas Legislature, the Texas PUC and ERCOT, among others, address DRG issues. A discussion of Texas electric regulation applicable to DRG in ERCOT and non-ERCOT regions in Texas, including current law and policy, recent developments and matters remaining to be resolved.

Elizabeth Drews, Brown McCarroll, L.L.P., Austin, TX

3:30 p.m. .50 hr

### Arizona State Trust Land Solar Ground Lease Drafting Issues

A look at Arizona statutory provisions and administrative rules which create unique issues regarding the structuring and drafting of solar generating facility ground leases on Arizona State Trust Land.

Helen Shapiro, Office of the Arizona State Attorney  
General, Phoenix, AZ

4:00 p.m. 1.00 hr ethics

### Ethics for Energy Lawyers

Using hypotheticals, a discussion of legal ethics issues important to the renewable energy sector.

Jeff Civins, Haynes and Boone, LLP, Austin, TX  
Mary S. Mendoza, Haynes and Boone, LLP, Austin, TX

5:00 p.m. Adjourn

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- Registration by Friday, January 18, 2013 .....\$520  
 Registration after Friday, January 18, 2013 .....\$570

**\*Monday Afternoon Pre-Conference Registration DON'T FORGET TO ADD!** .....\$85

Select One:

- Track A: International Renewable Energy  
 Track B: Nuts and Bolts of Renewable Energy

### CONFERENCE PUBLICATIONS AND MEDIA

*Allow 3-5 weeks from the conference date for delivery.*

- Course Binder WITHOUT Conference Registration .....\$250  
Note: Conference Registration includes Course Binder  
 Audio MP3 Speeches on CD .....\$130  
 Audio CD Set .....\$210  
 eBinder on CD (PDF format) .....\$250/\$50  
(\$250 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

### IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

*Allow 3-5 weeks from the conference date for delivery. Approved for Texas MCLE credit.*

- In-House CLE for 2—Includes Audio CD Set and Course Materials .....\$850  
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**AUSTIN**

January 28\*, 29–30, 2013

**CONFERENCE LOCATION****AT&T Conference Center – Hotel at UT**1900 University Avenue  
Austin, TX 78705  
512.404.3600**Special Room Rate: \$174**  
good through January 18, 2013  
(subject to availability)**Parking:**Free daily self-parking at UT garages.  
Separate fees apply for valet  
and overnight parking.**KEY DATES****January 18, 2013***last day for early registration*

Add \$50 for registrations received after this time

**January 18, 2013***last day for full refund***January 23, 2013***last day for partial refunds*

\$50 processing fee applied

**January 28, 2013, 1:00 p.m.***\*Pre-Conference begins***January 29, 2013, 8:20 a.m.***Institute begins***THANK YOU TO OUR SPONSORS****EVENT SPONSORS**

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