

2015

RENEWABLE ENERGY LAW



February 17–18, 2015
Radisson Hotel and Suites Downtown ■ Austin, TX

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2015 RENEWABLE ENERGY LAW

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TX Legal Specialization Credit Approved for Administrative Law, Oil, Gas and Mineral Law, and Real Estate Law
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TUESDAY MORNING, FEB. 17, 2015

Presiding Officer:

Richard Gruber, Third Path Advisors, LLC,
Austin, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. 1.00 hr

EPA's Carbon Regulations for the Power Sector: The Outlook for Renewable Energy and End-Use Efficiency

In June 2015, the EPA is expected to finalize regulations for states to regulate carbon emissions from the power sector under the Clean Air Act Section 111(d). Explore the legal and practical opportunities as well as the challenges for renewable energy and end-use efficiency in light of the EPA's proposed approach to the Section 111(d) regulations.

Moderator:

Emily Sanford Fisher, Edison Electric Institute,
Washington, DC

Panelists:

Colin Meehan, First Solar, Houston, TX
Susan Williams Sloan, American Wind Energy
Association, Austin, TX
Mark A. Walker, NRG Energy, Inc., Austin, TX

10:00 a.m. .50 hr

The Market for Renewable Energy, Part I: Understanding Available Incentives

The United States uses various incentives to promote renewable energy. Review which incentives still drive the market, new developments and where things are headed.

Keith Martin, Chadbourne & Parke LLP, Washington, DC

10:30 a.m. Break

10:45 a.m. .75 hr

The Market for Renewable Energy, Part II: Understanding Commercial Buyers' Perspectives

A discussion around the trend toward hi-tech companies wanting to enter long-term agreements for the purchase of renewable energy—their considerations, sustainability goals and various energy needs—and the issues pertaining to negotiating those agreements, including logistics (pros and cons of physical vs. financial delivery), impacts of long term contracting, energy management issues, accounting issues, legal implications, and more.

Moderator:

Kevin Gresham, E.ON Climate and Renewables,
Austin, TX

Panelists:

Tim Kawakami, Xcel Energy, Denver, CO
Stephen Krebs, OwnEnergy, Houston, TX
Mark Mondik, Origin Climate Inc., San Francisco, CA

11:30 a.m. .75 hr

The Market for Renewable Energy, Part III: Direct Purchase of Larger Grid Connected Renewables by Industrial Customers

Power-intensive industrial and commercial companies are beginning to see long-term PPAs for renewable energy as a valuable way to simultaneously achieve their production cost, risk management and sustainability goals. The falling costs of wind and solar energy, West Texas's outstanding wind and solar resources and the ERCOT CREZ transmission build-out have combined to allow the more energy-intense Central, North and Gulf Coast regions to access affordable, fixed cost renewable energy.

Moderator:

Richard Gruber, Third Path Advisors, LLC, Austin, TX

Panelists:

Kenneth Davies, Altenex, Boston, MA
Peter Weigand, Skipping Stone, LLC, Fountain Valley, CA

12:15 p.m. Pick Up Lunch

Included in registration.

TUESDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:35 p.m. .75 hr

Overview of the Power Markets in the U.S.

A historical and future view of the U.S. market, and an outline of the issues facing the industry.

Todd Filsinger, Filsinger Energy Partners, Denver, CO

1:20 p.m. Break

1:35 p.m. .75 hr

The Role of Yield Cos in Financing Renewable Energy Projects

A brief overview of how yield cos work, their role in financing utility scale and distributed generation energy projects, and their potential to impact growth for renewables.

Timothy Kemper, CohnReznick LLP, Atlanta, GA

2:20 p.m. .50 hr

Structuring the Deal:

Traditional Power Purchase Agreements (PPAs) vs. Contracts for Difference (CFDs)

Sellers of renewable power are facing a shifting landscape. Instead of competing for long-term off-take contracts with a handful of regulated utilities, sellers now deal with a number of buyers. These include commercial and industrial (C&I) customers as well as retailers who supply green power in unregulated markets. Structuring deals has also gotten complex. Understand the differences between traditional power purchase agreements (PPAs) with regulated utilities and contracts for difference (CFDs) with utilities and C&I clients.

Shalini Ramanathan, RES Americas, Austin, TX

2:50 p.m. .50 hr

Getting Purchase and Sale Transactions Done in the Current Texas Market

Renewable energy project developers seek power contracts and asset owners in an evolving market. Review the types of power purchase agreements in the Texas market, while focusing on the challenges in securing these contracts and how differences in structures might impact the interests of the ultimate pool of asset owners.

Philip Moore, Lincoln Clean Energy, LLC, Austin, TX

3:20 p.m. Break

3:30 p.m. 1.00 hr

Energy Storage: Where Are We Now?

Texas has become one of the nation's top energy storage testing grounds. Take a look at the trajectory of energy storage in Texas—what projects have been deployed, which ones are on the drawing board and what drivers or obstacles are likely to affect the use of storage in Texas. How are wind and solar participating? How does the market in Texas compare to markets under development in California, New York, Hawaii, and other leading states?

Moderator:

William H. Holmes, K&L Gates LLP, Portland, OR

Panelists:

Audrey Fogarty, Younicos Inc., Austin, TX
Kenneth Ragsdale, Electric Reliability Council of Texas, Inc., Taylor, TX
David Spielberg, Orrick, Herrington & Sutcliffe LLP, San Francisco, CA

4:30 p.m. 1.00 hr ethics

Using Social Media Ethically

An exploration of some of the aggressive uses of social media by companies, employees, and attorneys, including the legal and ethical boundaries being recognized by some and ignored by others. Particular attention is given to the Disciplinary Rules of Professional Conduct, the Stored Communications Act, and the Computer Fraud and Abuse Act and the limits each impose on the use of social media as a weapon in litigation; as well as the admissibility of social media evidence at trial.

Jason Boulette, Boulette & Golden L.L.P., Austin, TX

5:30 p.m. Adjourn to Reception

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ATTORNEYS

5:30 p.m. - 6:30 p.m.

Join us for drinks and hors d'oeuvres with program faculty and attendees.

WEDNESDAY MORNING, FEB. 18, 2015

Presiding Officer:

Charlie Hemmeline, Texas Solar Power Association, Austin, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr

Case Law Update

A review of select recent court decisions involving renewable energy.

Becky H. Diffen, Vinson & Elkins LLP, Austin, TX

9:00 a.m. 1.00 hr

Texas Legislative Update and Outlook

Moderator:

Mark Bruce, Stratus Energy Group, Austin, TX

Panelists:

Rafael M. Anchia, Haynes and Boone, LLP, Dallas, TX
J. Christopher Hughes, Husch Blackwell LLP, Austin, TX

10:00 a.m. Break

10:15 a.m. .50 hr

PUCT Update

A look at the shifting regulatory landscape as the PUCT considers policies specific to renewables, including the rule-making on cost-causation for renewables; plus a discussion of broader topics that nevertheless have significant implications for renewables, such as ensuring resource adequacy in the ERCOT region.

Michael G. Grable, Lone Star Transmission, LLC, Austin, TX

PLANNING COMMITTEE

RICHARD GRUBER—CO-CHAIR
Third Path Advisors, LLC
Austin, TX

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McCamey, TX

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The University of Texas School of Law
Austin, TX

ADAM WENNER
Orrick, Herrington & Sutcliffe LLP
Washington, DC

RODERICK E. WETSEL
Wetsel, Carmichael & Allen, LLP
Sweetwater, TX

10:45 a.m. .50 hr

PACE: Where Are We Now?

The Property Assessed Clean Energy Act (PACE) was enacted in June 2013. Since then, over 130 stakeholders created "PACE in a Box"—a turn-key model program including everything that a local government needs to implement this economic development program.

Charlene Vanlier Heydinger, Keeping PACE in Texas, Austin, TX

11:15 a.m. .50 hr

PACE: Implementation and Administration

Hear from those involved in implementing local "PACE in a Box" programs. Learn about the experiences of implementing and administering PACE programs and the latest news about the pilot PACE projects being launched by these programs.

Moderator:

Charlene Vanlier Heydinger, Keeping PACE in Texas, Austin, TX

Panelists:

John Fleming, Law Office of John Fleming, Austin, TX
Stephen Minick, Texas Association of Business, Austin, TX

11:45 a.m. .50 hr

There's a New Sheriff in Town: 2014 Rules for Tax Limitations

Changes to Chapter 313 (HB 3390) and the impact on Appraised Value Limitation agreements for applications filed in 2014.

James Wester, Underwood Law Firm, Amarillo, TX

12:15 p.m. Pick Up Lunch

Included in registration.

Presiding Officer:

Randy Sowell, Lionshare Advisory Services, McCamey, TX

LUNCHEON PRESENTATION

12:35 p.m. 1.00 hr ethics

Ethics of Negotiation:

Are You Smarter than a First-Year Associate?

When it comes to ethics in negotiations, it's anything but anything-goes. Could a tiny white lie here and a teeny puffing there mean the difference between getting the deal done and getting disbarred? These questions and more are answered. Are you smarter than a first-year associate?

Wilson Chu, K&L Gates LLP, Dallas, TX
Barrett R. Howell, K&L Gates LLP, Dallas, TX

1:35 p.m. Break

1:50 p.m. 1.00 hr

Securitization and Other Financing Models Driving Distributed Generation

An overview of the residential rooftop lease and other financial products models for solar PV distributed generation, the role of securitization in financing these lease models, and how they compare to what's happening in the distributed commercial & industrial (C&I) market.

Guthrie Dundas, SunPower Corporation, Richmond, CA
Charlotte N. Lee Smith, SolarCity, San Mateo, CA
Stephen J. Viscovich, Credit Suisse Securities (USA) LLC, New York, NY

2:50 p.m. .75 hr

Resource Adequacy

An update on the development at both ERCOT and the PUCT relating to resource adequacy in the ERCOT market, including changes to load forecasting, generation in the queue, the impact of Operating Reserve Demand Curve (ORDC) and increases in price caps, as well as other changes to the ERCOT protocols to encourage new capacity to site.

Moderator:
Diana M. Liebmann, Haynes and Boone, LLP, San Antonio, TX

Panelist:
Warren Lasher, Electric Reliability Council of Texas, Inc., Austin, TX
Brandon Whittle, Stratus Energy Group, Austin, TX

3:35 p.m. Adjourn

RAFAEL M. ANCHIA
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Dallas, TX

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Keeping PACE in Texas
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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, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

HOW TO REGISTER

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Bonus eCourses: Complimentary 180-day access to Bonus eCourses—with papers, slides, and audio—for CLE credit you may have missed at the conference. Available in *Your Briefcase* 6–8 weeks after the conference.

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Bring Renewable Energy Law in-house. Audio presentations and written materials for learning with your colleagues—for Texas MCLE credit. We manage the accreditation process from approval to reporting. Custom packages available.

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REGISTRATION—Includes Course Materials, Tuesday and Wednesday Luncheon Presentations and Tuesday Evening Reception

Special group registration rates available. Call 512.475.6700.

1. Select Registration Type

- Individual registration by Friday, February 6 \$520
- Individual registration after Friday, February 6 \$570

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AUSTIN

February 17–18, 2015

CONFERENCE LOCATION



Radisson Hotel and Suites Downtown
 111 E. Cesar Chavez Street
 Austin, Texas
 512.478.9611

Special Room Rate: \$170
 good through January 17, 2015
 reference "UT Law Renewable Energy"
 (subject to availability)

Parking:
 \$3 daily self-parking; \$24 valet
 \$8 overnight self-parking
 (subject to availability)

KEY DATES

February 6, 2015

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

February 11, 2015

last day for cancellation (full refund)

February 13, 2015

last day for cancellation (partial refund)
 \$50 processing fee applied

February 17, 2015, 8:50 a.m.

Conference begins

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Renewable Energy Law is part of The University of Texas at Austin Energy Institute's UT Energy Week 2015, a week-long examination of the most vital energy issues facing society, the latest research findings, and emerging trends and new technologies in the energy industry. Related events presented by The University of Texas School of Law include:



The University of Texas Journal of Oil, Gas & Energy Law (TJOGEL) is hosting their 10th Annual Symposium on Thursday, February 19, 2015, at 8:00 a.m. – 4:00 p.m., at the AT&T Conference Center. Speakers include recognized industry leaders from Bracewell & Giuliani, Latham & Watkins, as well as prominent regulatory officials making presentations on a wide range of energy topics. TX MCLE credit is available, including 1.00 hour ethics credit. For more information, visit tjogel.org



The **Kay Bailey Hutchison Center for Energy, Law and Business**, in partnership with TJOGEL, is presenting *The Geopolitics of Oil & Gas in the Americas Symposium* on Friday, February 20, 2015, at 8:00 a.m. – 4:00 p.m., at the AT&T Conference Center. Keynote speakers include former U.S. Senator Mel Martínez, former Mexican Ambassador to the United States Arturo Sarukhán, and Mexican Congressman Javier Treviño. TX MCLE credit is also available. For more information, visit kbhenergycenter.utexas.edu