

2015 Renewable Energy Law
February 17-18, 2015 • Radisson Hotel and Suites, Austin-Downtown • Austin, TX

Tuesday Morning, Feb. 17, 2015

Presiding Officer:

Richard Gruber, Thirdpath Advisors, LLC - Austin, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 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 Mark A. Walker, NRG Energy, Inc. - Austin, TX Jeff Clark, The Wind Coalition - Austin, TX
10:00 am 0.50 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 am	Break

10:45 am 0.75 hr	<p>The Market for Renewable Energy, Part II: Understanding Commercial Buyers' Perspectives</p> <p>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.</p> <p><i>This session has been combined with the 11:30 a.m. session to make a 1.50 hour long session.</i></p> <p>Moderator: Kevin Gresham, E.ON Climate and Renewables - Austin, TX</p> <p>Panelists: Tim Kawakami, Xcel Energy - Denver, CO Stephen Krebs, OwnEnergy - Houston, TX Mark Mondik, Origin Climate Inc. - San Francisco, CA Greg Pool, Altenex, LLC - Bentonville, AR Peter Weigand, Skipping Stone, LLC - Fountain Valley, CA</p>
11:30 am 0.75 hr	<p>The Market for Renewable Energy, Part III: Direct Purchase of Larger Grid Connected Renewables by Industrial Customers</p> <p>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-intensive Central, North and Gulf Coast regions to access affordable, fixed cost renewable energy.</p> <p><i>This session has been combined with the 10:45 a.m. session to make a 1.50 hour long session.</i></p> <p>Moderator: Kevin Gresham, E.ON Climate and Renewables - Austin, TX</p> <p>Panelists: Tim Kawakami, Xcel Energy - Denver, CO Stephen Krebs, OwnEnergy - Houston, TX Mark Mondik, Origin Climate Inc. - San Francisco, CA Greg Pool, Altenex, LLC - Bentonville, AR Peter Weigand, Skipping Stone, LLC - Fountain Valley, CA</p>
12:15 pm	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Tuesday Afternoon, Feb. 17, 2015

Presiding Officer:

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

Luncheon Presentation

12:35 pm 0.75 hr	<p>Overview of the Power Markets in the U.S.</p> <p>A historical and future view of the U.S. market, and an outline of the issues facing the industry.</p> <p>Todd Filsinger, Filsinger Energy Partners - Denver, CO</p>
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1:20 pm	Break
1:35 pm 0.75 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 pm 0.50 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. This presentation has moved to Wednesday at 10:15 a.m Shalini Ramanathan, RES Americas - Austin, TX
2:50 pm 0.50 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 pm	Break
3:30 pm 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 pm 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 & Marin L.L.P. - Austin, TX

5:30 pm	Adjourn to Reception Thank You to Our Reception Sponsor Stahl, Bernal, Davies, Sewell & Chavarria, LLP
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Wednesday Morning, Feb. 18, 2015

Presiding Officer:

Charlie Hemmeline, Texas Solar Power Association - Austin, TX

8:00 am	Conference Room Opens Includes continental breakfast.
8:30 am 0.50 hr	Case Law Update A review of select recent court decisions involving renewable energy. Becky H. Diffen, Vinson & Elkins LLP - Austin, TX
9:00 am 1.00 hr	Texas Legislative Update and Outlook Moderator: Mark Bruce, Stratus Energy Group - Austin, TX Panelists: J. Christopher Hughes, Husch Blackwell LLP - Austin, TX James L. "Jim" Keffer, Texas State Rep. District 60 - Austin, TX
10:00 am	Break
10:15 am 0.50 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. This presentation has moved to Tuesday at 2:20 p.m. Michael G. Grable, Lone Star Transmission, LLC - Austin, TX
10:45 am 0.50 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 am 0.50 hr	<p>PACE: Implementation and Administration</p> <p>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.</p> <p>Moderator: Charlene Vanlier Heydinger, Keeping PACE in Texas - Austin, TX</p> <p>Panelists: John Fleming, Law Office of John Fleming - Austin, TX Stephen Minick, Texas Association of Business - Austin, TX</p>
11:45 am 0.50 hr	<p>There's a New Sheriff in Town: 2014 Rules for Tax Limitations</p> <p>Changes to Chapter 313 (HB 3390) and the impact on Appraised Value Limitation agreements for applications filed in 2014.</p> <p>James Wester, Underwood Law Firm - Amarillo, TX</p>
12:15 pm	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Wednesday Afternoon, Feb. 18, 2015

Presiding Officer:

Randy Sowell, Lionshare Advisory Services - McCamey, TX

Luncheon Presentation

12:35 pm 1.00 hr ethics	<p>Ethics of Negotiation: Are You Smarter than a First-Year Associate?</p> <p>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?</p> <p>Wilson Chu, K&L Gates LLP - Dallas, TX Barrett R. Howell, K&L Gates LLP - Dallas, TX</p>
1:35 pm	<p>Break</p>
1:50 pm 1.00 hr	<p>Securitization and Other Financing Models Driving Distributed Generation</p> <p>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.</p> <p>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</p>

2:50 pm
0.75 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

Panelists:

Warren Lasher, Electric Reliability Council of Texas, Inc. - Austin, TX

Brandon Whittle, Stratus Energy Group - Austin, TX

3:35 pm

Adjourn