

2016

RENEWABLE ENERGY LAW



Art Credit: Mags Harries & Lajos's Héder's *SunFlowers, An Electric Garden*.
Photo credit: David Newsome.

February 9–10, 2016

Radisson Hotel and Suites, Downtown ■ Austin, TX

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2016 RENEWABLE ENERGY LAW

February 9–10, 2016 ■ Radisson Hotel and Suites, Austin-Downtown ■ Austin, TX

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TUESDAY MORNING, FEB. 9, 2016

Presiding Officer:

Zeina El-Azzi, SunEdison, Austin, TX

8:00 a.m. Registration

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .75 hr

What's New With Federal Incentives

A lively update on developments at the federal level affecting the renewable energy market. What is the outlook for further extensions? What issues are coming up in transactions?

Keith Martin, Chadbourne & Parke LLP, Washington, DC

9:45 a.m. 1.00 hr

EPA Clean Power Plan Review

With well over 4 million comments, EPA's Clean Power Plan is nothing if not controversial. Discuss some of the aspects of the plan that have made it so controversial including its legal context, its assumptions, the compliance options it affords, its potential costs and benefits, its effect on the nation's energy mix, and some of the practical and legal issues it raises.

Moderator:

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

Panelists:

Kathleen Spees, The Brattle Group, Cambridge, MA
David B. Spence, The University of Texas at Austin, Austin, TX

10:45 a.m. Break

11:00 a.m. .50 hr

Current and Trending Environmental Issues for Wind Energy

The landscape for wind energy is undergoing change on many fronts—some are generally believed to have a positive impact (such as the Clean Power Plan) and others are viewed as increasing risk and uncertainty (such as the status of permits for species impacts including birds and new requirements for noise impacts). Explore these and other trends in the industry.

Lisa Montgomery Shelton, Andrews & Kurth L.L.P., Austin, TX

11:30 a.m. .75 hr

Distributed Solar Models

Explore the different regulatory and market models that have been utilized to implement distributed solar generation.

Moderator:

Tuan Pham, PowerFin Partners, Austin, TX

Panelists:

Michael Wheeler, Recurrent Energy, San Francisco, CA
Maura Yates, MP2 Energy, Houston, TX

12:15 p.m. Pick Up Lunch

Included in registration.

TUESDAY AFTERNOON

Presiding Officer:

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

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12:35 p.m. .50 hr

The European Experience

Review retroactive amendment of feed-in tariff guarantees in Spain, Italy, and other European states; domestic and international remedies for investors; and the implications for the renewable energy industry in North America and elsewhere.

Kevin D. Mohr, King & Spalding, Houston, TX

1:05 p.m. Break

1:20 p.m. .75 hr

Water and Mineral Issues in Solar Development

Discuss the California law perspective upon water and development interactions, focusing on the issues of securing water rights for solar development, as well as the impacts of severance of rights. Issues related to the potential conflicts and resolutions between solar development and mineral rights and activity in Texas will also be discussed.

Gregory S. Friend, Stahl, Bernal, Davies, Sewell & Chavarria LLP, Austin, TX

Kristen Castañón, Stoel Rives LLP, Sacramento, CA

2:05 p.m. .75 hr

Policy Updates, Texas and Beyond

Explore how Texas and other states are treating renewable energy policy and what factors are driving their decisions.

Charlie Hemmeline, Texas Solar Power Association, Austin, TX
J. Christopher Hughes, Husch Blackwell LLP, Austin, TX
Susan Williams Sloan, American Wind Energy Association, Austin, TX

2:50 p.m. 1.00 hr

Transmission Development for Renewable Energy

Learn about the current issues in electric transmission related to the development and operation of renewable energy projects. With a review of the renewable development forecast, transmission planning, cost allocation, congestion, state regulatory decisions, federal energy policy and market drivers.

Bill Bojorquez, Hunt Transmission Services, LLC, Austin, TX
Cary J. Kottler, Clean Line Energy Partners LLC, Houston, TX
Warren Lasher, Electric Reliability Council of Texas, Inc., Austin, TX

3:50 p.m. Break

4:00 p.m. .50 hr

Future Ancillary Services in the ERCOT Market

ERCOT has proposed a major change to the current 1990s-era ancillary services framework to meet evolving system needs and facilitate the use of new types of resources to meet those needs efficiently using market-based tools. Discuss the proposed Future Ancillary Services framework, the driving factors for the change, the current state of the proposal, and its interaction with the future development of renewables in ERCOT.

Dan Woodfin, Electric Reliability Council of Texas, Inc., Taylor, TX

4:30 p.m. .75 hr ethics

Here But For the Grace of God Go You: Why the Texas Lawyer's Creed Matters to You

Learn how to be the opposing counsel your profession needs without compromising your ethical duties to your client—an autobiography of 4 family deaths in 11 months.

Mark McPherson, Attorney at Law, Dallas, TX

5:15 p.m. Adjourn to Reception

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5:15 P.M. - 6:15 P.M.

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

WEDNESDAY MORNING, FEB. 10, 2016

Presiding Officer:
Jeff Clark, The Wind Coalition, Austin, TX

8:00 a.m. Conference Room Opens
Includes continental breakfast.

8:30 a.m. 1.25 hrs

Trends in Buying and Selling Renewable Energy: Commercial, Industrial, and Wholesale Transactions

The market for the purchase and sale of renewable energy is constantly evolving, as new customers and transaction structures become more prominent. Review the role of long-term structured PPAs and hedges in the procurement of renewables by investor owned, municipal and regional utilities. Examine the growing importance of commercial and industrial (C&I) demand for renewable energy from both offsite and on-site sources.

Moderators:
William H. Holmes, K&L Gates LLP, Portland, OR
Shalini Ramanathan, RES Americas, Austin, TX

Panelists:
Brian McCurdy, SunEdison, Denver, CO
Jacob Susman, OwnEnergy an EDF RE Company, Brooklyn, NY

9:45 a.m. .75 hr

YieldCos Update

An update on how yieldco structures are being used to finance renewable energy projects. Discuss yieldco effects on project values and consolidation, legal and tax issues, and whether cost of capital and interest rate trends will impact the use of yieldcos.

Moderator:
Timothy Kemper, CohnReznick LLP, Atlanta, GA

Panelists:
Terence Grant, Marathon Capital, LLC, San Francisco, CA
E. Ramey Layne, Vinson & Elkins LLP, Houston, TX

10:30 a.m. Break

10:45 a.m. .75 hr

Improving the Marketability of Your Project: Tips and Pitfalls

Beyond the economics of a project, there are key contractual and development issues that will be analyzed during the due diligence process. Gain insight into how lawyers review and evaluate project documents, tips on how to best showcase your renewable energy project, and examples of potential pitfalls that an investor or buyer is trying to avoid.

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

11:30 a.m. Pick Up Lunch

Included in registration.

WEDNESDAY AFTERNOON

Presiding Officer:
Charlie Hemmeline, Texas Solar Power Association, Austin, TX

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LUNCHEON PRESENTATION

11:50 a.m. .75 hr

Texas' Transforming Energy Market: Big Changes Underway

Major shifts in energy markets—historic and persistent low natural gas prices, relentless drops in the price of solar generation and the steady march forward of wind in high resource areas—are transforming the energy space worldwide and here in Texas. Explore how these shifts are each affecting Texas today, what challenges and opportunities they present and what we can expect in the near future.

Andy Bowman, Pioneer Green Energy, LLC, Austin, TX

12:35 p.m. Break

12:50 p.m. .50 hr

Renewable Energy Case Law Update

Review recent court decisions involving renewable energy.

Jacob P. Arechiga, Jackson Walker L.L.P., Austin, TX

1:20 p.m. .50 hr

Texas Property Tax Incentives

A review of Chapter 313 of the Texas Tax Code dealing with value limitation agreements, including failed legislation, the new form agreement, and rules. Briefly discuss Chapters 312, 380 and 381 of the Local Government Code.

Renn G. Neilson, Baker Botts L.L.P., Houston, TX
Robert Wood, Texas Comptroller of Public Accounts, Austin, TX

1:50 p.m. 1.00 hr

Islanding the Grid - Getting to 100%

Islanding the grid is dynamically disaggregating the grid to eliminate cascading failures while maintaining power to everyone. As a country, we are at the beginning of being able to see how and why to have such a capability. Explore challenges of cost, regulations, and technology, but also technical benefits in reliability in critical infrastructure protection and financial benefits from minimization of failure related opportunity costs.

Dr. Robert "Bob" E. Hebner, Cockrell School of Engineering, The University of Texas, Austin, TX
Jeffrey Mikulina, Blue Planet Foundation, Honolulu, HI
Gene Preston, IEEE, Austin, TX
Rotimi Thomas, Siemens Microgrids USA, Wendell, NC

2:50 p.m. .75 hr ethics

Ethics of Negotiation: Are You Smarter than a First-Year Associate? (Part 2)

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, McDermott Will & Emery, Dallas, TX
Barrett R. Howell, K&L Gates LLP, Dallas, TX

3:35 p.m. Adjourn

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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 13.50 hours, of which 1.50 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).

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ABOUT THE COVER

Mags Harries and Lajos Héder formed Harries/Héder Collaborative in Cambridge, MA in 1990 and have worked together on over 30 major public art commissions since then. They came to this collaboration from the different worlds of art and architecture. Mags brought her experience as a sculptor, teacher, and previous work creating public art. Lajos, besides being an artist, was trained as an architect and has worked on community projects, urban design, site planning, architecture, and construction. Their focus, however, is the same: to activate public space through art.

For each project they collaborate fully in the development of designs and ideas, drawing on their separate skills and areas of expertise. They create public places that have on-going practical use as well as strong metaphoric significance. They focus on water, energy, transportation and other physical and performance elements that connect people and communities. Their work has been recognized for many local and national awards. They attribute a large part of this success to partnership with community members, engineers, landscape architects, architects, and other artists.

The 15 Sunflowers that form the Electric Garden are sculptural solar collectors that generate energy used for lighting at night. The 15 kilowatts of additional energy that they produce is fed into Austin's electrical grid for credit to fund the installation's maintenance. *Sunflowers, an Electric Garden* public art project can be seen while traveling north on I35 in Austin.



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add \$50 for registrations
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