

2017

RENEWABLE ENERGY LAW



January 31–February 1, 2017

Radisson Hotel and Suites Downtown ■ Austin, Texas

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Certified Professional Landman (AAPL) Credit Expected
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2017

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Credit for TX Professional Engineer Available

TUESDAY MORNING, JAN. 31, 2017

Presiding Officer:

**Zeina El-Azzi, Brightmark Energy,
Austin, TX**

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr

Federal Incentives Update

Hear a lively update on developments at the federal level affecting the renewable energy market. A new administration and Congress take office in January with a new agenda. Renewable energy projects face deadlines to start construction to qualify for tax credits. Developers are making some common mistakes. Will Congress extend the deadlines again? There are now more than 35 tax equity investors, and renewable energy tax equity is a more than \$13 billion market. Two key cases before the US claims court are being closely watched for their potential effect on solar tax basis issues. Several important topics remain in play with the IRS, including prepaid power contracts, series LLCs, and targeted partnership allocations.

Keith Martin, Chadbourne & Parke LLP,
Washington, DC

9:15 a.m. .75 hr

Legislative Outlook & Policy Update

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

10:00 a.m. .50 hr

Case Law Update

Review recent court decisions involving renewable energy.

Amy Hsu, Tailim Song Law Firm, Dallas, TX

10:30 a.m. Break

10:45 a.m. .75 hr

Regulatory Highlights—2016 Year in Review and Implications for 2017

Discuss the key regulatory developments impacting the electric power markets in Texas during 2016, and review the trends and implications for market changes in 2017.

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

11:30 a.m. 1.00 hr

Regulatory Due Diligence Issues in Energy Financing

Survey the electric and environmental regulatory issues in generation project finance, including an examination of permitting and electric and environmental regulatory issues from the perspective of developers, lenders, and tax equity investors. Discuss how parties approach these issues and how developers can organize and prepare their information to allow for an efficient due diligence process.

Moderator:
Meghan Elaine Griffiths, Andrews Kurth, Austin, TX

Panelists:
George "Chip" Cannon Jr., Akin Gump Strauss
Hauer & Feld LLP, Washington, DC
Amy Fisher, GE Capital
James A. Thornhill, McGuireWoods LLP, Richmond, VA

12:30 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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LUNCHEON PRESENTATION

12:50 p.m. .50 hr

The Energy-Water Nexus

Energy and water are precious global resources, and they are interconnected. Gain perspective on the global nexus of energy and water to outline trends while identifying technical and policy options that might mitigate the challenges.

Dr. Michael E. Webber, The University of Texas
Mechanical Engineering Department, Austin, TX

1:20 p.m. Break

1:35 p.m. .75 hr

Playing Well With Others? Co-location of Battery Storage Projects With Wind and Solar

While battery projects have a variety of different applications, many of the first projects have been co-located with wind and solar facilities. Discuss the advantages and disadvantages of co-locating and hear real world examples of issues that can arise, including considerations around permitting, offtake, metering, and operations.

Moderator:
Becky H. Duffen, McGuireWoods LLP, Austin, TX

Panelists:
David Chiesa, S&C Electric Company, Chicago, IL
Les Sherman, Orrick, Herrington & Sutcliffe LLP, San
Francisco, CA
Kate Sherwood, Advanced Microgrid Solutions,
Austin, TX

2:20 p.m. .75 hr

Utility Scale Solar Leases and Related Documents—Legal Considerations for Landowners and Developers

Focus on issues encountered when drafting and negotiating utility scale solar leases and related land control documents. Hear both developer and landowner viewpoints on common clauses and issues such as lease financeability, mineral development, and compensation arrangements; and explore ancillary documents such as options, surface waivers, and transmission line easements.

Lisa Chavarria, Stahl, Bernal, Davies, Sewell & Chavarria LLP, Austin, TX
Roderick E. Wetsel, Wetsel, Carmichael & Allen, LLP, Sweetwater, TX

3:05 p.m. Break

3:15 p.m. 1.25 hrs

Building Transmission for Texas Renewable Energy in a Post-CREZ World

Hear an update on the status of several pending transmission projects in Texas: Southern Cross, Far West Texas Project, Lubbock Power & Light Grid Switch, and Sharyland's South Plains Transmission Project.

Moderator:
Michael J. Jewell, Osprey Energy Group, LLC and Jewell & Associates, PLLC, Austin, TX

Panelist:
Bill Bojorquez, Hunt Power, LP, Dallas, TX
David Parquet, Pattern Energy Group LP, San Francisco, CA [Invited]

4:30 p.m. .75 hr ethics

Ethics in Negotiation: The True Cost of Representation

When a client discloses a terrible truth or reveals an unspeakable purpose, what obligations do the Texas Rules of Disciplinary Conduct place on an attorney? What happens when it's time for an attorney to move on? Explore the unexpected answers given by the Rules using both recent and historic real world cases.

Michael J. Golden, Boulette Golden & Marin L.L.P., Austin, TX

5:15 p.m. Adjourn to Reception

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5:15 p.m. – 6:15 p.m.

Join us for a networking opportunity with faculty and colleagues.

WEDNESDAY MORNING, FEB. 1, 2017

Presiding Officer:
Randy Sowell, Lionshare Advisory Services, LLC, McCamey, TX

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

8:30 a.m. .50 hr

Wanted: Dead or Alive? An Update on the Status of EPA's Clean Power Plan

The validity and merits of the EPA's Clean Power Plan have been the focus of contentious debate—with a number of significant governmental and private entities seeking to uphold the Plan and others seeking to kill it. In February 2016, the Supreme Court, surprisingly to many, stayed the implementation of the plan. Hear the latest developments on the status of the court cases and the Clean Power Plan.

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

9:00 a.m. .75 hr

Bankruptcy Issues in Renewable Energy

An overview of bankruptcy and restructuring processes and requirements, how a restructuring could potentially impact a variety of renewable businesses, as well as lessons learned from the perspective of corporate governance.

Felicia Perlman, Skadden, Arps, Slate, Meagher & Flom LLP, Chicago, IL
Karleen O'Connor Stern, FRV Power US, Inc., San Francisco, CA

9:45 a.m. .75 hr

Siting Insights: Looking Back and Looking Ahead at Key Environmental Developments

2016 was a remarkable year with many significant developments involving the U.S. Fish and Wildlife Service and other federal agencies that directly impact renewable energy development activities. Review these developments and take stock of what they mean for project siting decisions going forward. Hear insights into what those developments tell us about the U.S. Fish and Wildlife Service's approach to its statutory mandates and what we can expect to see in the year to come.

M. Benjamin Cowan, Locke Lord LLP, Houston, TX

10:30 a.m. Break

10:45 a.m. .75 hr

Phased Developments for Wind, Solar and Energy Storage Projects: Planning for the Future

Developers are increasingly entering into large interconnection agreements, which have capacity for multiple projects to be developed—whether, wind, solar, energy storage, or a mix of all three. Hear a high level overview of phased energy developments including common issues that arise from such phased developments, and how to structure co-tenancy, shared facilities, shared premises, build-out, and similar agreements to address the same.

Danny Kach, Kach Law LLC, Chicago, IL

11:30 a.m. .50 hr

"Boilerplate" Clauses in Wind Lease Agreements

What lawyers should know about common "boilerplate" clauses in wind lease agreements including insurance provisions, indemnity provisions, lender protections, estoppel clauses, and assignment clauses.

Lisa Marie Chavez, Wagstaff Law Firm, Abilene, TX

12:00 p.m. .50 hr

Title and Survey Essentials: State Variances / Wind and Solar Distinguished

Discuss the variances across state lines in title insurance practice and surveys for renewable energy projects, from available risk mitigation endorsements to pricing. Learn the differences in title risks and concerns in utility scale wind projects versus solar projects.

Larry Bonney, Foley & Lardner LLP, Milwaukee, WI
India James, Exelon Corporation, Chicago, IL

12:30 p.m. Pick Up Lunch

WEDNESDAY AFTERNOON

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

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LUNCHEON PRESENTATION

12:50 p.m. .50 hr

The Waltz of the Five Es

Energy, the Economy, and the Environment are intimately intertwined. Actions effecting one "E," such as environmental policy, a major energy discovery or breakthrough, or economic recession impact the other "Es," often in unexpected ways. Energy Efficiency represents a major opportunity for reduced energy consumption and positive environmental impact. And thoughtful, objective and balanced energy Education helps the intentions of public policy to be reflected by actual outcomes.

Dr. Scott W. Tinker, Bureau of Economic Geology, Jackson School of Geosciences, The University of Texas at Austin, Austin, TX

1:20 p.m. Break

1:35 p.m.

1.00 hr

C&I Energy Purchase Contracts

Corporates and industrials (C&I) are now major purchasers of green energy. According to Bloomberg, C&Is and wind companies signed 20 deals in 2015 with a total of 2.3 GW. By August 2016, nine deals for 630 MW had been signed—with many more reported to be under negotiation. Explore the future of C&Is as a major class of buyer. Will the trend continue? What could stop it? What's the prognosis for utility-scale solar C&I deals? What new markets (geographically) are C&Is interested in? What are the key contractual and financial terms that C&Is and developers have to resolve to get to a deal and to get projects financed and built?

Moderator:

Shalini Ramanathan, RES Americas, Austin, TX

Panelists:

Ellen Gilman, Apex Clean Energy, Charlottesville, VA
 Bobby Hollis, Facebook, Menlo Park, CA
 Giji M. John, Orrick, Herrington & Sutcliffe LLP, Houston, TX
 Dan Seif, Grid Economics, Austin, TX

2:35 p.m.

.75 hr ethics

Attorney-Client Privilege: Best Practices for Keeping Privileged Information Privileged

Business structures today are more complex than before and create a variety of new issues around the attorney–client privilege. Review best practices for addressing some of the more common issues, including privileged communications involving consultants, advisors, joint ventures, portfolio companies, mergers, and affiliated entities.

Jennifer B. Poppe, Vinson & Elkins LLP, Austin, TX

3:20 p.m.

Adjourn

CONFERENCE FACULTY AND PLANNING COMMITTEE

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 Brightmark Energy
 Austin, TX

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 Austin, TX

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 Baron Consulting and Legal Services
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 San Francisco, CA

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 Advanced Microgrid Solutions
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 American Wind Energy
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 Geosciences, The University of
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DR. MICHAEL E. WEBBER
 The University of Texas Mechanical
 Engineering Department
 Austin, TX

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*Planning Committee member

M
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E

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 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 (#179).

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UPCOMING CONFERENCES

April 5, 6–7, 2017

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REGISTRATION—Includes Electronic Course Materials, Tuesday Luncheon Presentation, Tuesday Evening Reception, and Wednesday Luncheon.

Special group registration rates available. Call 512.475.6700.

Select Registration Type

- Individual registration by January 25 \$550
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Comprehensive Binder and Audio from the live conference. Available for download 4–6 weeks after the live conference date. Texas customers add 8.25% sales tax.

- eBinder Download (PDF) \$225
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AUSTIN

January 31–February 1, 2017

CONFERENCE LOCATION



Radisson Hotel and Suites Downtown
 111 E. Cesar Chavez Street
 Austin, TX
 512.478.9611 (reservations)

Special Room Rate: \$189
 good through December 30, 2016
 reference "UT Law Renewable Energy"
 (subject to availability)

Parking:

Daily Self-Parking: \$6
 Overnight Self-Parking: \$12
 Daily Valet Parking: \$27
 (subject to change)

KEY DATES

January 25, 2017

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

January 25, 2017

last day for cancellation (full refund)

January 27, 2017

last day for cancellation (partial refund)

January 25, 2017

Live Webcast—last day for cancellation (full refund)

January 27, 2017

Live Webcast—last day for cancellation (partial refund)

January 31, 2017, 8:20 a.m.

Conference begins

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Energy Bar Association Texas Solar Power Association

The Wind Coalition

REASONS TO ATTEND RENEWABLE ENERGY LAW

- **Keith Martin**, Chadbourne & Parke LLP returns with a lively update on developments at the federal level affecting the renewable energy market
- **Jeff Civins**, Haynes and Boone, LLP presents Wanted: Dead or Alive? An Update on the Status of EPA's Clean Power Plan
- **Michael E. Webber**, The University of Texas Mechanical Engineering shares his perspective on the global nexus of energy and water to outline trends while identifying technical and policy options that might mitigate the challenges
- **Dr. Scott Tinker**, The University of Texas Bureau of Economic Geology joins us for the Wednesday Luncheon Presentation The Waltz of the Five Es
- **Lisa Chavarria**, Stahl, Bernal, Davies, Sewell & Chavarria LLP and **Roderick E. Wetsel**, Wetsel, Carmichael & Allen, LLP present Utility Scale Solar Leases and Related Documents - Legal Considerations for Landowners and Developers
- **Meghan Griffiths**, Andrews Kurth LLP leads a panel on Regulatory Due Diligence Issues in Energy Financing
- Case law, regulatory and legislative updates from Texas and beyond that impact renewable energy policy
- Visit with program faculty and attendees during Tuesday evening's Networking Reception