15th Annual Renewable Energy Law
January 27-28, 2020 • AT&T Conference Center • Austin, TX
January 27-28, 2020 • WEBCAST

Monday Morning, Jan. 27, 2020

Presiding Officer:
Diana M. Liebmann, Haynes and Boone, LLP - San Antonio, TX

7:30 am In Austin Only	**Registration Opens** Includes continental breakfast.
8:20 am	**Welcoming Remarks**

Renewable Energy Essentials

8:30 am 0.50 hr	**Off Take Essentials** Hear a high-level summary of various offtake structures common in renewable energy transactions in the United States. Cover basic contract terms, customer types and market drivers for contract structures. Melissa Peterson, Orsted Onshore North America, LLC - Chicago, IL
9:00 am 0.50 hr	**Renewable Energy Financing Essentials** Get an overview of the different types of financing available during the lifecycle of a renewables project. Andrea Lucan, Akin Gump Strauss Hauer & Feld LLP - Los Angeles, CA
9:30 am 0.50 hr	**Renewable Energy Project Development Essentials** Learn about the fundamentals of renewable energy project development, from real estate and permitting to regulatory considerations. Jenn Goodwillie, Lincoln Clean Energy - Austin, TX
10:00 am	**Break**
10:15 am 0.50 hr	**What's New** Hear a lively update on developments affecting the renewable energy market. Keith Martin, Norton Rose Fulbright US LLP - Washington, DC

10:45 am 1.00 hr	**Federal Energy Policy Panel** An esteemed group of Washington experts discusses the many issues in play in Washington, including election-year politics, an emerging consensus about climate change, carbon taxes, import tariffs, possible extensions of renewable energy tax credits, revisions to PURPA and more. Moderator: Keith Martin, Norton Rose Fulbright US LLP - Washington, DC Panelists: Abigail Ross Hopper, Solar Energy Industries Association - Washington, DC Tom Kiernan, American Wind Energy Association - Washington, DC Gregory Wetstone, American Council on Renewable Energy (ACORE) - Washington, DC
11:45 am 0.75 hr	**Texas Regulatory and Legislative Update** Review of recent activity at the Public Utility Commission on resource adequacy, energy storage and other projects, with discussion of relevant topics emerging during the legislative interim. Moderator: Charlie Hemmeline, Texas Solar Power Association - Austin, TX Panelists: Suzanne L. Bertin, Texas Advanced Energy Business Alliance - Austin, TX Jeff Clark, Advanced Power Alliance - Austin, TX
12:30 pm In Austin Only	**Pick Up Lunch** Included in registration.

Monday Afternoon, Jan. 27, 2020

Presiding Officer:
Christine Fernandez Owen, Clean Law PC - Chicago, IL

LUNCHEON PRESENTATION

12:50 pm 0.50 hr	**Offshore Wind Development in the US and Opportunities for the Gulf Coast** Offshore wind development along the East Coast has expanded exponentially. This talk will address the past and predict future expansions, including the role Gulf Coast supply chain businesses can play as offshore wind becomes a sustainable industry in the US. Jim Lanard, Magellan Wind - Philadelphia, PA
1:20 pm	**Break**
1:35 pm 0.75 hr	**Repowering Wind Projects** Owner/operators are seeking to repower late-stage projects that have equipment nearing the end of useful life with new state-of-the-art equipment. "Repowering" efforts generally come with a host of legal issues which must be overcome in order to be effective. Get highlights of the issues generally raised during repowering efforts and how they may be overcome. Justin D. Markell, Winthrop & Weinstine, P.A. - Minneapolis, MN John F. Young, Clean Law PC - Chicago, IL

2:20 pm 0.50 hr	**Energy Storage: Trends and Trajectory** Following a decade of technological advancement and declining costs, energy storage resources are now deployed across the country at every level in the electric grid infrastructure. Discuss highlights in the stationary grid storage sector to date and its future market trajectory. Andy Bowman, Jupiter Power LLC - Austin, TX
2:50 pm	**Break**
3:00 pm 0.50 hr	**Minerals—Solar and Coal** Explore some of the considerations regarding developing utility-scale solar projects in areas with historical and/or current coal activity and strategies to address the concerns presented by these coexisting uses. Danielle Changala, Ranger Power LLC - Brooklyn, NY Commentator: Christine Fernandez Owen, Clean Law PC - Chicago, IL
3:30 pm 0.50 hr	**Financing and Revenue Streams for Storage** Explore the most current deal structures, revenue streams, and financeability issues for both stand-alone and co-located battery storage projects. Rohit Sachdev, Orrick, Herrington & Sutcliffe LLP - San Francisco, CA
4:00 pm 1.00 hr ethics	**Elimination of Bias** So much of the practice of law involves decision-making and convincing others to make better decisions based upon fact rather than emotion. This course is intended to guide attendees to appreciate how they involuntarily make decisions and guide them to recognize and prevent bias. Claude E. Ducloux, Attorney at Law - Austin, TX
5:00 pm In Austin Only	**Adjourn to Reception** Join us for drinks and hors d'oeuvres with program faculty and attendees. **Thank You to Our Reception Sponsor** **Stahl, Davies, Sewell, Chavarria & Friend LLP** STAHL, DAVIES, SEWELL, CHAVARRIA & FRIEND ATTORNEYS

Tuesday Morning, Jan. 28, 2020

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

8:00 am In Austin Only	**Conference Room Opens** Includes continental breakfast.

8:30 am 0.75 hr	**Eyes on the Prize: Texas' Regulatory Vision and Practice** What has made Texas the envy of electricity experts around the world? Join Public Utility Commissioner Arthur D'Andrea and ERCOT CEO Bill Magness to hear how a singular focus on delivering the most competitive, technology-agnostic market in the world has led to what some might call the backbone of the Texas miracle. Arthur C. D'Andrea, Public Utility Commission of Texas - Austin, TX William L. Magness, ERCOT - Austin, TX
9:15 am 0.50 hr	**Batteries Not Included** An overview of the Texas PUC and legislature's contested cases, rulemaking, and legislation that grapple with the various potential uses of energy storage and the tension it places on ERCOT's restructured market. Thomas Tynes, Santanna Energy Services & CleanTX - Austin, TX
9:45 am 0.50 hr	**Credit Support for Renewable Energy Projects** Explanation of types of credit support for various purposes during renewable energy project development and operation, and pros and cons of each, including escrow deposits, letters of credit, bonds, and guaranties. Greg Slovick, D. E. Shaw Renewable Investments - New York, NY
10:15 am	**Break**
10:30 am 0.50 hr	**Compliance and Reporting for Texas Property Tax Value Limitation Agreements** So your project survived the Chapter 313 process and obtained an executed value limitation agreement. Great job! Now how do you keep it? This presentation will review the compliance and reporting requirements for Chapter 313 value limitation agreements, discuss filing strategies during the application stage, highlight potential pitfalls to avoid, and review the Comptroller's audit process for these agreements. Evan Horn, Ernst & Young LLP - Austin, TX David J. Sewell, Stahl, Davies, Sewell, Chavarria & Friend LLP - Austin, TX
11:00 am 0.50 hr	**Demonstrating the "Beginning of Construction" for Purposes of Qualifying for Renewable Energy Tax Credits** Whether a taxpayer will qualify for the PTC or ITC on a renewable energy project—and the number of tax credits available—depends on when the taxpayer is deemed to have "started construction" of the project. Hear a comprehensive discussion of the statutory requirements and the IRS Guidance that taxpayers rely upon to demonstrate that this condition has been satisfied. Review common qualifying strategies, the "grandfathering" of future projects for PTC or ITC benefits, transfer restrictions, and the heightened standards that tax equity and financing parties impose on developers above and beyond IRS requirements. John Eliason, Foley & Lardner LLP - Washington, DC

11:30 am 0.75 hr	**Renewable PSAs: Hot-Button Provisions** Hear an overview of the provisions that receive intense focus during negotiations of renewable energy project purchase and sale agreements. Specific provisions to be covered include hot-button reps and warranties and associated indemnities, milestone payment structures, buyback provisions, and conditions precedent. Becky H. Diffen, Norton Rose Fulbright - Austin, TX Samuel William Porter, Norton Rose Fulbright - Austin, TX
12:15 pm In Austin Only	**Pick Up Lunch** Included in registration.

Tuesday Afternoon, Jan. 28, 2020

Presiding Officer:
Brooke M. Wahlberg, Nossaman LLP - Austin, TX

LUNCHEON PRESENTATION

12:35 pm 0.50 hr	**ERCOT Meteorologist** Hear from an ERCOT meteorologist about his work and how it supports ERCOT. Delve into the correlation of ERCOT wind generation to Texas temperatures during the summer season with an overview of an interesting wind study. Chris Coleman, ERCOT - Austin, TX
1:05 pm	**Break**
1:20 pm 1.00 hr ethics	**Maintaining Boundaries in Opinion Practice** Hear an overview of national opinion guidelines developed by organizations such as the Real Property Section of the American Bar Association, the American College of Mortgage Attorneys and American College of Real Estate Lawyers. Discuss application of these guidelines and responding to improper opinion requests by review of model opinions together with selected actual opinion requests Cheryl Kelly, Thompson Coburn LLP - Saint Louis, MO Marilyn C. Maloney, Liskow & Lewis - Houston, TX
2:20 pm 0.75 hr	**PPA/Hedge Off-Take Panel** Discuss the trends seen in power purchase agreements and hedge off-take agreements, including negotiations of these documents and best practices. Moderator: Maria Faconti, Husch Blackwell - Austin, TX Panelists: Michael Malfettone, Husch Blackwell LLP - Austin, TX Ingmar Sterzing, Skaia Energy - Austin, TX

3:05 pm 0.75 hr	**Negotiating Solar Leases – Issues for Developers and Landowners** Experts in solar energy will engage in a discussion of the most important provisions of solar leases and how developers can work through often thorny issues and develop a long-lasting relationship with landowners. Moderator: Scott D. Deatherage, S Deatherage Law, PLLC - Dallas, TX Panelists: Kirstin Lindstrom, sPower - Salt Lake City, UT Tyrone Thomas, Invenergy LLC - Chicago, IL
3:50 pm	**Adjourn**