

# 16<sup>th</sup> Annual Renewable Energy Law Institute

## January 25-26, 2021 • Live Webcast

### Monday Morning, Jan. 25, 2021

**Presiding Officer:**

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

8:00 am	<b>Welcoming Remarks</b>
8:10 am 0.75 hr	<p><b>What's New—Federal Energy Updates</b></p> <p>Hear a lively update on developments affecting the renewable energy market.</p> <p>Keith Martin, Partner and Co-Head of Projects, Norton Rose Fulbright US LLP - Washington, DC</p>
8:55 am	<b>5-Minute Break</b>
9:00 am 0.75 hr	<p><b>Federal Energy Panel Discussion</b></p> <p>A new president and Congress take office in January. A group of key participants in the renewable energy policy debates discusses the many issues in play in Washington, including tax credit extensions, import tariffs, carbon pricing, transmission, offshore wind, standalone storage, green hydrogen and more.</p> <p>Moderator: Keith Martin, Partner and Co-Head of Projects, Norton Rose Fulbright US LLP - Washington, DC</p> <p>Panelists: Abigail Ross Hopper, President and CEO, Solar Energy Industries Association - Washington, DC Hon. Richard A. Glick, Chairman, Federal Energy Regulatory Commission - Washington, DC Heather Zichal, CEO, American Clean Power Association - Washington, DC</p>
9:45 am	<b>5-Minute Break</b>
9:50 am 0.50 hr	<p><b>Issues and Compliance for Renewable Projects relating to Executive Order on Securing the US Bulk Power System</b></p> <p>Executive Order 13920 is intended to address national security threats by foreign adversaries to the U.S. bulk-power system. Explore challenges facing developers posed by the Executive Order's restrictions on sourcing of power system equipment.</p> <p>Jeanine McGuinness, Orrick, Herrington &amp; Sutcliffe, LLP - Washington, DC</p>
10:20 am	<b>5-Minute Break</b>
10:25 am 0.75 hr	<p><b>PURPA: Tales of My Death Have Been (Somewhat) Exaggerated</b></p> <p>One FERC Commissioner's "modernization" is another Commissioner's "gutting," but the reality is PURPA is not dead and it remains more than a shell of its former self. The actual impact of the Final Rule on renewable resources generally will be dependent on many factors, including most importantly, state implementation of the reforms and other state renewable policies.</p> <p>Jennifer Key, Steptoe &amp; Johnson LLP - Washington, DC</p>

11:10 am	<b>5-Minute Break</b>
11:15 am 0.75 hr	<p><b>Sector Trends in Financial Terms and Debt and Equity Parties</b></p> <p>An update on the status of the financing market, construction debt and tax equity, for renewable energy assets in the context of a Biden administration and the impact of COVID.</p> <p>William Gerald Demas, Stonepeak - New York, NY Conor McKenna, CohnReznick Capital - New York, NY</p>
12:00 pm	<b>Break for Lunch - Presentations Resume at 12:30 p.m.</b>

## Monday Afternoon, Jan. 25, 2021

### Presiding Officer:

**Beth A. Smith**, Bernstein Shur - Portland, ME

### Luncheon Presentation

12:30 pm 0.75 hr	<p><b>Energy Insecurity and Other Issues for Underserved Communities</b></p> <p>Hear a review of how energy costs impact low income communities and how certain policies or lack thereof impact those same communities. Also explore recent policy changes including the COVID energy relief program in Texas and other policies that affect retail energy providers and their vulnerable residential customers in Texas.</p> <p>Carrie Collier-Brown, Locke Lord LLP - Austin, TX Dana Harmon, Texas Energy Poverty Research Institute - Austin, TX</p>
1:15 pm	<b>5-Minute Break</b>
1:20 pm 0.75 hr	<p><b>Capturing the Renewable Energy Potential of Landfill and Brownfield Sites</b></p> <p>Explore the use of landfill sites and sites with a history of industrial use, including Brownfield and Superfund sites, for the production of renewable energy, including solar power installations and landfill gas-to-energy projects, focusing on environmental considerations associated with siting renewable projects at these sites.</p> <p>Aileen M. Hooks, Baker Botts - Austin, TX</p>
2:05 pm	<b>5-Minute Break</b>

2:10 pm 0.75 hr	<p><b>ERCOT Panel</b></p> <p>As the resource mix of generation in development changes, we encounter both challenges like limitations of the existing transmission grid and the fluctuating reserve margin, as well as opportunities to continue to advance the market like real-time co-optimization and integration of battery energy storage projects. Explore how ERCOT and utilities coordinate to integrate new technology onto the grid and the opportunities and challenges they see in planning as the grid rapidly changes.</p> <p>Moderator: Caitlin Smith, AB Power Advisors - Austin, TX</p> <p>Panelists: Warren Lasher, Electric Reliability Council of Texas, Inc. - Austin, TX Carolyn E. Shellman, CPS Energy - San Antonio, TX</p>
2:55 pm	<b>5-Minute Break</b>
3:00 pm 0.50 hr	<p><b>An Overview of Key Provisions in Solar EPC Agreements</b></p> <p>The engineering, procurement, and construction contract is a critical agreement in the development of solar energy projects. Dive into an overview of some of the key provisions in these types of agreements from the perspectives of the owner, contractor and financing parties.</p> <p>Georgina Owino-Trice, Clean Energy Counsel LLP - Washington, DC</p>
3:30 pm	<b>15-Minute Break: Transition to Zoom Platform for the Last Session of the Day</b>
3:45 pm 1.00 hr ethics	<p><b>Unconscious Bias and its Impact on the Legal Profession</b></p> <p>This interactive session will define implicit and explicit bias and describe its effects on the legal profession while offering recommendations for managing them more consistently.</p> <p><i>Please note: This session is only available live via Zoom during the webcast and will not be included in the e-Conference.</i></p> <p>Erika Walker, The Walker Thomas Group - South Holland, IL</p>
4:45 pm	<b>Adjourn</b>

## Tuesday Morning, Jan. 26, 2021

### Presiding Officer:

**Jenn Goodwillie**, Orsted - Austin, TX

### DISCUSSION BREAKOUTS Via Zoom (Select One)

#### Discussion Break Out Sessions

Join us in Zoom for facilitator lead discussion sessions on various Renewable Energy topics. Topic selections are below and you may choose which session you will attend. We will send additional information and instruction on how to join the Zoom meeting the week of the conference. *Please note you will need to have the latest version on Zoom, you can find instructions on updating your Zoom client by using [this link](#).*

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#### Breakout Room A: New Developers Getting Into the ERCOT Market

8:00 am  
1.00 hr

### **Changing Landscape for Development in the ERCOT Market**

Discuss the development of new resources, deployment of new technologies, and implementation of new regulatory requirements in the ERCOT market.

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

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### **Breakout Room B: Wind vs. Solar Lease**

8:00 am  
1.00 hr

#### **Wind vs. Solar Lease**

Review the similarities and differences between wind leases and solar leases, along with a discussion on the traits of wind projects and solar projects which should be considered when drafting leases.

Kristyn Dunn, KH Law LLC - Chicago, IL

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### **Breakout Room C: PPAs**

8:00 am  
1.00 hr

#### **Corporate PPAs**

The power markets have evolved with more corporate buyers helping the transition to a clean energy future. Examine the virtual PPA structure and discuss key differences and concerns involved with Corporate offtake structures.

Rochelle Rabeler, Holland & Hart - Denver, CO  
Dmitri Jarocki, Google - San Francisco, CA

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### **Breakout Room D: Texas vs. ALTA Title Matters**

8:00 am  
1.00 hr

#### **Texas vs. Other State Title Customs, Requirements and ALTA Title Matters**

Other state practices and ALTA title forms and endorsements differ often significantly from Texas. A discussion and dialogue regarding those differences.

Larry Bonney, Foley & Lardner LLP - Milwaukee, WI  
Matthew Skalka, Thomas Title & Escrow - Houston, TX

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### **MORNING SESSIONS Via Webcast Portal**

9:00 am

#### **10-Minute Break: Transition Back to the Webcast Portal**

9:10 am  
0.75 hr

#### **2021 Legislative Sessions - A Texas Update and Outlook on the States**

A panel discussion of anticipated key renewable energy related issues likely to be considered during the upcoming legislative sessions in Texas, Oklahoma, California and other key states.

Jeff Clark, Advanced Power Alliance - Austin, TX  
Susan Williams Sloan, American Clean Power - Austin, TX

9:55 am

#### **5-Minute Break**

10:00 am 0.50 hr	<p><b>What the COVID Outbreak Can Teach Us About <i>Force Majeure</i></b></p> <p>Discussion focused on the proliferation of <i>Force Majeure</i> claims due to the COVID-19 crisis, and considerations to take into account when drafting material project contracts in the future.</p> <p>Kyle Hermanson, Invenergy LLC - Chicago, IL Sameer A. Ghaznavi, DLA Piper LLP - Chicago, IL</p>
10:30 am	<b>5-Minute Break</b>
10:35 am 0.50 hr	<p><b>Trends in Community Solar</b></p> <p>Community solar is the fastest growing segment of the solar industry. According to SEIA there were 2.5 GW of community solar projects installed over the last ten years, with an additional 3.4 GW expected in the next five years. This session will cover the basic structure of the community solar markets and will explore the trends that are driving such rapid growth throughout the country.</p> <p>Kacie Peters, Pivot Energy - Denver, CO</p>
11:05 am	<b>5-Minute Break</b>
11:10 am 0.50 hr	<p><b>FERC Action on Energy Storage: Where We've Come From, Where We're Going</b></p> <p>The past 5 years have seen a sea change in the deployment and electricity market participation of energy storage resources. This session will frame the key barriers to storage deployment, review major policy developments at FERC, and look ahead to the set of market issues to come in a post-Order 841 world.</p> <p>Jason Burwen, U.S. Energy Storage Association - Washington, DC</p>
11:40 am	<b>5-Minute Break</b>
11:45 am 0.75 hr	<p><b>Utility-Scale Battery Storage - Revenue Streams and Project Considerations</b></p> <p>In this moderated discussion with the CEOs of two leading stand-alone energy storage developers, we will explore the revenue streams being pursued in different ISOs and the types of offtake agreements that can be utilized for stand-alone energy storage. We will also discuss other considerations in project development and financing tied to revenue generation such as siting, interconnection, procurement, and finance structures.</p> <p>Moderator: Becky H. Diffen, Norton Rose Fulbright - Austin, TX Panelists: Jeff Bishop, Key Capture Energy - Salt Lake City, UT Andy Bowman, Jupiter Power LLC - Austin, TX</p>
12:30 pm	<b>Break for Lunch - Presentations Resume at 1:00 p.m.</b>

## Tuesday Afternoon, Jan. 26, 2021

### Presiding Officer:

**Hayden Harms**, Akin Gump Strauss Hauer & Feld LLP - Houston, TX

### Luncheon Presentation

<p>1:00 pm 0.75 hr</p>	<p><b>Alternatives to Renewables - Carbon Capture &amp; Storage/ Waste to Energy</b></p> <p>A fireside chat on renewable fuels opportunities (LCFS and RIN program focused) coupled with carbon capture and sequestration opportunities (Section 45Q). You'll hear about projects in each area: biogas, plastics to fuels (+), hydrogen, carbon capture and gasification could benefit from current incentives and proposed legislation designed to further advance these types of projects.</p> <p>Zeina El-Azzi, Brightmark - Austin, TX Ellen Friedman, Nixon Peabody LLP - New York, NY</p>
<p>1:45 pm</p>	<p><b>5-Minute Break</b></p>
<p>1:50 pm 0.50 hr</p>	<p><b>Mineral and Other Competing Land Rights Issues on Solar Projects</b></p> <p>Insights into considerations for siting and developing a solar facility on land with competing minerals, timber, farming or other land use activities.</p> <p>Ed Shelton, RWE Renewables Americas - San Francisco, CA</p>
<p>2:20 pm</p>	<p><b>5-Minute Break</b></p>
<p>2:25 pm 0.50 hr</p>	<p><b>CleanTX—A Goal for 50% Renewable Energy in ERCOT by 2030</b></p> <p>Discussion of CleanTX's Strategic Plan initiatives that support achievement of the member-shared Vision to achieve 50% renewable energy in Texas by 2030, including annual GridNEXT conference topics such as West Texas Deliverability and Constraints, Grid Scale Storage, and Electrified Transport as well as monthly webinar topics ranging from emerging clean energy technologies to Texas and Federal Legislation.</p> <p>Melissa Kay Miller, Avangrid Renewables - Austin, TX Ken A. Donohoo, Electric Power Engineers, Inc. - Austin, TX</p>
<p>2:55 pm</p>	<p><b>5-Minute Break</b></p>
<p>3:00 pm 1.00 hr ethics</p>	<p><b>Bordering on the Edge: Multijurisdictional Practice Issues For Inside and Outside Counsel</b></p> <p>None of us has a practice that is confined to a single state. We're all working on matters across the country all the time. Our clients need our knowledge and experience, and there's certainly nothing wrong in handling deals in other states where we're not licensed as long as we have some involvement by a local lawyer, right? Wait! Are you really sure that this is the right "ethical" answer? Nationally-renowned speaker Mike Rubin, with his unique blend of scholarship and humor and with one of the most unusual multimedia presentations you'll ever see, will challenge your thinking, raise issues to ponder, and give you something to smile about.</p> <p>Michael H. Rubin, McGlinchey Stafford PLLC - Baton Rouge, LA</p>
<p>4:00 pm</p>	<p><b>Adjourn</b></p>