UT LAW CLE Continuing Legal Education

19th Annual Renewable Energy Law Institute
January 30-31, 2024 • AT&T Conference Center • Austin, TX
January 30-31, 2024 • Live Webcast

Tuesday Morning, Jan. 30, 2024

Presiding Officer:
Christine Fernandez Owen, Norton Rose Fulbright US LLP - Chicago, IL

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

Federal, State, and Regulatory Updates

8:30 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
9:00 am 1.00 hr	**Federal Energy Policy** A group of key participants in the renewable energy policy debates discusses the issues that will be in play this year in Washington, including the potential effects of the November elections on federal energy policy, Inflation Reduction Act issues that are still being intensively lobbied, the outlook for permitting reforms and further progress on clogged interconnection queues and grid congestion, UFLPA enforcement, and more. Moderator: Keith Martin, Norton Rose Fulbright US LLP - Washington, DC Panelists: Diana Furchtgott-Roth, The Heritage Foundation - Washington, DC Abigail Ross Hopper, Solar Energy Industries Association - Washington, DC Ray Long, American Council on Renewable Energy (ACORE) - Washington, DC JC Sandberg, American Clean Power Association - Washington, DC
10:00 am 0.75 hr	**Texas Legislative Update** The 88th Legislative Session saw extraordinary opposition for the renewable energy sector, including proposals that would impose onerous and unprecedented permitting mandates, increase fees for operators and Texas consumers taking advantage of renewable energy, and even full expulsion of renewable resources from the ERCOT Market. While the industry fended off the most egregious attacks, some meaningful pain was inflicted that industry participants should be aware of and take into account. Breakdown what happened, why, and what lies ahead for a flourishing industry facing political challenges in a conservative state. Moderator: Judd Messer, Advanced Power Alliance - Austin, TX Panelists: Aaron C. Gregg, Balch & Bingham LLP - Austin, TX

	Michael J. Jewell, Jewell & Associates, PLLC - Austin, TX
10:45 am	**15-Minute Break**
11:00 am 0.75 hr	**Texas Regulatory Update: ERCOT & PUCT** Overview and discussion on recent and relevant PUCT proceedings and ERCOT market changes and initiatives. Carlos Carrasco, Haynes Boone, LLP - San Antonio, TX
11:45 am 0.75 hr	**Nothing Has Changed, and Everything Has Changed: A 2024 Update on Texas Property Tax Incentives** In response to the sunsetting of the Chapter 313 program at the end of 2022, the Legislature adopted the new JETI program for 2024. Learn the details of the new JETI statute and review other available tax incentive programs. David J. Sewell, Stahl, Sewell, Chavarria, Friend & Cohen, LLP - Austin, TX
12:30 pm In Austin Only	**Pick up Lunch** Included in registration.

Tuesday Afternoon, Jan. 30, 2024

Presiding Officer:
Becky H. Diffen, Norton Rose Fulbright - Austin, TX

Luncheon Presentation

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12:50 pm 0.75 hr ethics	**Techniques for Negotiating With Difficult Counterparties** Hear advice on how to negotiate contracts with difficult counterparties, and explore the importance of our own mindset and how to manage our emotions in these situations. Walk through five types of outrageous negotiation positions and effective responses to defuse and reset the tone of the discussions. Laura Frederick, How to Contract - Austin, TX

1:35 pm	**15-Minute Break**

Energy Storage

1:50 pm 0.75 hr	**Key State and Federal Laws and Regulations Affecting Energy Storage Projects** Federal and state policy makers have begun to incentivize storage connected to distributed generation for virtual powerplant and microgrid applications. New laws and programs have been created to encourage storage adoption, but regulatory hurdles remain. Marc Burns, Sunnova Energy - Austin, TX

Hydrogen Energy

2:35 pm 0.75 hr	**Hydrogen Energy: Unique Considerations for Transaction Documents** As an emerging technology, clean hydrogen presents a number of considerations and issues that differ from existing legal paradigms for renewable energy projects. Address contract terms and considerations that are specific to clean hydrogen projects in both commercial and financing transactions. John C. Crossley, K&L Gates LLP - Kansas City, MO Nathan C. Howe, K&L Gates LLP - Newark, NJ
3:20 pm	**10-Minute Break**
3:30 pm 0.75 hr	**Hydrogen as an Emerging Low-Carbon Energy Solution: What's Old is New Again** Substantive discussion of the existing hydrogen pipeline and storage system and the development, regulatory, policy, and legal issues shaping the growing clean hydrogen ecosystem, from the critical midstream perspective. Key topics will include: an overview of hydrogen incentives, production pathways, use cases and physical delivery mechanisms; real property issues in subsurface storage and pipeline development; regulatory and permitting uncertainty; and how commercial transactions are being structured. Michael C. Lewis, The University of Texas Center for Electromechanics - Austin, TX

Ethics

4:15 pm 1.00 hr ethics	**Hot Button Ethics Issues in the Renewables Industry** Look at under-the-radar ethical issues affecting companies and the lawyers who represent them. Geoff Gannaway, Beck Redden LLP - Houston, TX Maryam Ghaffar, Beck Redden LLP - Houston, TX
In Austin Only	**Thank You to Our Reception Sponsor**

5:15 pm In Austin Only	**Adjourn to Reception**

Wednesday Morning, Jan. 31, 2024

Presiding Officer:
Matthew Arth, ERCOT - Austin, TX

8:00 am In Austin Only	**Conference Room Opens** Includes continental breakfast.
Financing	
8:30 am 0.75 hr	**In the Trenches: Constructing Renewable Energy Debt Agreements From the Inside Out** Go behind the curtain to discuss common pitfalls in renewable energy financing agreements, where different deal team members (commercial, legal, specialist) should most focus their review, and which provisions typically have long lead times during negotiation. Christa L. Maiorano, Amis, Patel & Brewer, LLP - Washington, DC
9:15 am 0.75 hr	**Mergers & Acquisitions** A detailed look at the key provisions in M&A agreements involving energy transition projects, including risk allocation around IRA benefits, earn-out provisions, change in law and key diligence items for a buyer. Becky H. Diffen, Norton Rose Fulbright - Austin, TX
10:00 am	**15-Minute Break**
10:15 am 0.75 hr	**Tax Credit Transfer (sale) Transactions** Discuss requirements for properly executing a sale of tax credits under Section 6418 of the Code and current issues in these transactions from both the buyer and seller perspective. Tori Roessler, Foley & Lardner LLP - Washington, DC Adam Schurle, Foley & Lardner LLP - Milwaukee, WI
Ethics	
11:00 am 1.00 hr ethics	**Ethics and Cybersecurity in the Virtual Practice of Law** Explore some of the ethical hazards associated with practicing law virtually including unauthorized practice of law, confidentiality and cybersecurity, and the challenges of remote supervision. Anthony Hendricks, Crowe & Dunlevy - Oklahoma City, OK Paige A. Masters, Crowe & Dunlevy - Oklahoma City, OK
12:00 pm In Austin Only	**Lunch on Your Own**

Wednesday Afternoon, Jan. 31, 2024

Track A: Real Estate Development & Construction

Presiding Officer:
Lisa Chavarria, Stahl, Sewell, Chavarria, Friend & Cohen, LLP - Austin, TX

1:15 pm 0.75 hr	**Ownership and Leasing of Real Property by Foreign-Owned Entities** Discuss the various restrictions, reporting requirements and approvals required by certain Federal (i.e., AFIDA and CFIUS) and state laws. Theresa Carroll, Norton Rose Fulbright US LLP - Chicago, IL Tyrone Thomas, Doral LLC - Chicago, IL John F. Young, Norton Rose Fulbright US LLP - Chicago, IL
2:00 pm 0.75 hr	**Mineral Issues Impact on Real Estate Documents, Siting and Planning: Texas vs. California** Understanding the interplay of the mineral estate to the surface estate, and site control agreement and title insurance issues and strategies for securing financeable renewable energy surface rights in Texas and California, and more generally. Dirk R. Mueller, Farella Braun + Martel LLP - San Francisco, CA Will Russ, Barnes & Thornburg LLP - Dallas, TX
2:45 pm	**15-Minute Break**
3:00 pm 0.75 hr	**Unique Issues of the West: Tribal Land Issues and Oklahoma** An overview of the federal, state and tribal laws specifically affecting real estate and mineral aspects of Wind & Solar Energy Projects in Oklahoma. Kari Hoffhines, Crowe & Dunlevy - Oklahoma City, OK Sarah Roubidoux Lawson, Schwabe - Seattle, WA
3:45 pm 0.75 hr	**Construction Liens: Resolving the Guerrilla Tactics of Contractors and Subcontractors** Construction liens provide leverage for parties seeking payment for construction services, labor and supplies. Lien laws were created in the 19th century when tangible real estate was a more effective security for payment. In today's world liens are seldom processed through foreclosure, but they remain an effective mechanism to get people's attention. Review the lien basics, contract clauses to shift the risk of liens and practical ways to respond to and resolve lien-related disputes. Kyle Hermanson, Invenergy LLC - Chicago, IL Joshua B. Levy, Husch Blackwell LLP - Milwaukee, WI
4:30 pm	**Adjourn**

Track B: Permitting, Regulatory & Environmental

Presiding Officer:
Brent Stahl, Stahl, Sewell, Chavarria, Friend & Cohen, LLP - Austin, TX

1:15 pm 0.75 hr	**Oklahoma Renewable Energy Projects: Permitting Considerations** Focus on various environmental and related permitting considerations under Oklahoma law for wind, solar, battery, and hydrogen projects. Matters discussed include an overview of applicable statutes, regulations, required permits, notices, and public meetings. Joel P. Johnston, Hall Estill - Denver, CO Co-Author: Bailey B. Betz, Hall Estill - Tulsa, OK

2:00 pm 0.75 hr	**Texas ERCOT Market Reform and Redesign** Explore recent initiatives to modify the market design in ERCOT with a focus on the technical aspects of proposed changes and how they could affect market participants. Also explore project implementation issues and the likely need for regulatory guidance to resolve contentious technical issues. Warren Lasher, Lasher Energy Consulting - Austin, TX Wen Zhang, Potomac Economics - Austin, TX
2:45 pm	**15-Minute Break**
3:00 pm 0.75 hr	**Public Utility Commission of Texas: Rulemaking Update** A candid discussion between industry and commission staff on the significance of, and challenges implementing, legislation from the 88th Session of the Texas Legislature. Carrie Collier-Brown, Locke Lord LLP - Austin, TX David Smeltzer, Public Utility Commission of Texas - Austin, TX
3:45 pm 0.75 hr	**Market Reform and Redesign to Remove Barriers of Entry for Clean Energy and the Build Out a Robust Transmission Grid** Increased load and extreme weather continue to create consternation in the energy markets. Clean energy resources can be a major part of the solution as long as the markets are functioning properly. Hear a discussion of the work being done to remove barriers and advocate for a well-functioning energy markets and a robust buildout of the transmission grid. Carrie Zalewski, American Clean Power Association - Chicago, IL
4:30 pm	**Adjourn**