

17TH ANNUAL
**RENEWABLE ENERGY LAW
INSTITUTE**



ESSENTIALS
January 31, 2022

INSTITUTE
February 1–2, 2022

AT&T Conference Center ■ Austin, Texas

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2022

RENEWABLE ENERGY LAW ESSENTIALS

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Times listed are in Central Time

MONDAY AFTERNOON, JAN. 31, 2022

Presiding Officer:

Caitlin Smith, Jupiter Power, Austin, TX

12:30 p.m. Registration Opens

1:00 p.m. Welcoming Remarks

1:10 p.m. .50 hr

Top 10 Issues to Ensure Your Renewable Energy Lease is Financeable

Cover key issues needing to be thoughtfully considered when drafting a renewable energy lease and/or easement agreement. These 10 issues are those lenders would carefully evaluate when reviewing executed site control agreements prior to closing on a financing transaction to lend funds to a developer for construction of a renewable energy project.

Krystle Campa, Fredrikson & Byron, Des Moines, IA
Karen Lessick, Invenergy LLC, Chicago, IL

1:40 p.m. .50 hr

Key Differences between Leases for Solar, Wind and Energy Storage Projects

The type of project being developed can substantially change the terms of long-term real estate agreements. A discussion of the legal provisions required by different kinds of renewable energy projects, as determined by differing uses in land, natural resources, and infrastructure.

Theresa Carroll, Clean Law PC, Chicago, IL

2:10 p.m. 1.00 hr

ALTA Title and Survey Basics, Practice Tips and What's New in 2021

A primer on mitigation of development and project risk through title and survey diligence and title coverage, including endorsements to title coverage, practical tips on variances in title pricing and practice across jurisdictions, and an overview of 2021 ALTA promulgated owner's policy and loan policy forms and 2021 ALTA survey standards.

Caitlin P. Beer, Leeward Renewable Energy, LLC, Dallas, TX
Larry Bonney, Foley & Lardner LLP, Milwaukee, WI
John F. Watson, Surveying And Mapping, LLC (SAM), Midland, TX

3:10 p.m. 15-Minute Break

3:25 p.m. .75 hr

ERCOT 101 Market Overview

High-level discussion of the key principles of the ERCOT energy markets.

Carrie Bivens, Potomac Economics, Austin, TX

4:10 p.m. .50 hr

Locating Information Regarding the ERCOT Electric Grid & Energy Market

An overview on how to access the reports, data, and other information that is regularly published by ERCOT through its website.

Douglas Fohn, ERCOT, Austin, TX
Amy Lofton, ERCOT, Austin, TX

4:40 p.m. .75 hr

Fundamental ERCOT and PUCT Issues Affecting Offtake Agreements in ERCOT

A discussion of ERCOT and PUCT regulatory and market structure issues that often arise in physical and virtual power purchase agreements, including issues arising with retail sleeving and behind-the-meter offtake arrangements.

Stephanie Kroger, Eversheds Sutherland (US) LLP, Austin, TX

5:25 p.m. Adjourn

MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 4.00 hours. 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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TUESDAY MORNING, FEB. 1, 2022

Presiding Officer:

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

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .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 a.m. 1.00 hr

Federal Energy Panel Discussion

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.

Moderator:

Keith Martin, Norton Rose Fulbright US LLP,
Washington, DC

Panelists:

Hon. Richard A. Glick, Federal Energy Regulatory
Commission, Washington, DC
Abigail Ross Hopper, Solar Energy Industries
Association, Washington, DC
JC Sandberg, American Clean Power Association,
Washington, DC

10:00 a.m. .75 hr

Legislative and Regulatory Updates Part One

Hear the latest updates on the legislative and regulatory issues impacting renewable energy markets in Texas and beyond.

Michael J. Jewell, Jewell & Associates, PLLC,
Austin, TX
Diana M. Liebmann, Haynes and Boone, LLP,
San Antonio, TX

10:45 a.m. 15-Minute Break

11:00 a.m. .75 hr

Legislative and Regulatory Updates Part Two

A continuation on the legislative and regulatory impacts including a special emphasis on Winter Storm Uri.

Michael J. Jewell, Jewell & Associates, PLLC, Austin, TX
Diana M. Liebmann, Haynes and Boone, LLP,
San Antonio, TX

11:45 a.m. .75 hr

**Integrating Renewable Energy in ERCOT's
Market Redesign**

As the Public Utility Commission implements a market redesign at the instruction of the Texas Legislature and Governor, in response to Winter Storm Uri, the big question is how to address resources that are variable with Texas' reliability needs. Experts will discuss the pending changes in ERCOT market design, as well as a wider breadth of market design options and lessons learned from other markets.

Moderator:

Caitlin Smith, Jupiter Power, Austin, TX

Panelists:

Beth Garza, R Street Institute, Austin, TX
Robert Helton, ENGIE, Bay City, TX
Andy Nguyen, Lower Colorado River Authority
(LCRA), Austin, TX

12:30 p.m. Pick up Lunch

Included in registration.

TUESDAY AFTERNOON

Presiding Officer:

**Christine Fernandez Owen, Clean Law
PC, Chicago, IL**

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1:00 p.m. .50 hr

Winter Storm Uri - Litigation Update

This litigation update will cover the appeals, district court cases, MDL proceedings, administrative appeals and arguments raised by the parties relating to the ERCOT grid failures of February 2021.

Chrysta Castañeda, The Castañeda Firm, Dallas, TX

1:30 p.m. 15-Minute Break

1:45 p.m. .75 hr

Domino Effects in Contracts

The COVID-19 Pandemic and Winter Storm Uri are among some of the recent events that have influenced and shaped how contracts are drafted. Examine how contracting parties have sought to address, overcome, and possibly learn from the challenges faced by recent events when drafting their contracts, focusing on offtake agreements.

Daniel Lynch, Akin Gump Strauss Hauer & Feld LLP,
Los Angeles, CA

2:30 p.m. 1.00 hr

Energy Storage Development Panel

In the aftermath of Winter Storm Uri, and amidst unique global challenges affecting the storage industry including COVID and supply chain issues, project developers are working to bring new clean energy technologies to Texas to strengthen the grid. Explore developers' perspectives about how energy storage alone or combined with renewables can support ERCOT reliability, how contract and merchant transactions inside and outside of ERCOT are being structured to accommodate storage today, and how ERCOT may need to evolve to create pathways to value the reliability benefits of these resources.

Moderator:

Rohit Sachdev, Orrick, Herrington & Sutcliffe LLP, San
Francisco, CA

Panelists:

Christina Cazares, Primergy, Chicago, IL
Jason Houck, Form Energy, Inc., Somerville, MA
Sally Shaw, Broadreach Power, Houston, TX

3:30 p.m. 10-Minute Break

3:40 p.m. .50 hr

**Federal Environmental and Regulatory
Updates**

Wetlands and Wildlife developments under the new Biden Administration.

Brooke M. Marcus, Nossaman LLP, Austin, TX

4:10 p.m. 1.00 hr ethics

A Litigator’s Guide to Protecting Clients Against and During Litigation; Preserving the Attorney-Client Privilege – Legal Ethics and Practical Perspectives

Focus on strategic and ethical considerations in preventing litigation, addressing litigation when it occurs, and protecting the attorney-client privilege.

Gary Zausmer, Enoch Keever PLLC, Austin, TX

5:10 p.m. Adjourn to Reception

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5:10 p.m. – 6:10 p.m.

Join us for a networking opportunity with faculty and colleagues.

WEDNESDAY MORNING, FEB. 2, 2022

Presiding Officer:

Becky H. Diffen, Norton Rose Fulbright, Austin, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:25 a.m. Morning Announcements

8:30 a.m. .75 hr

Mineral Estate Issues in Solar Projects

Analyze mineral, title, and site control considerations in solar projects and provide a general overview of some of the mineral and title issues faced in these projects. Hear an update from a Texas case addressing the accommodation doctrine with mineral owners in Texas, risk mitigation factors to address mineral and title issues, and best practices to keep in mind in dealing with these issues.

Brian Pullin, Husch Blackwell, LLP, Austin, TX

9:15 a.m. .50 hr

Land Owners Perspectives in Negotiating Leases

Understanding landowner perspectives and issues when negotiating renewable energy leases, easements, and ancillary agreements.

Zachary Brady, Brady & Hamilton, Lubbock, TX

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9:45 a.m. .50 hr

Energy Transformation and Top Trends Among Critical Industries

Modernizing the grid, enabling electrification, and increased use of renewables. What are the opportunities for C&I customers to improve resilience, build interconnected power systems and create new value streams?

India James, ComEd, Chicago, IL

10:15 a.m. 15-Minute Break

10:30 a.m. 1.00 hr

Developers and In House Counsel Panel

This panel of in-house counsel and developers will compare and contrast how real estate, permitting and interconnection issues vary in different grid regions (e.g., ERCOT vs. SPP vs. MISO vs. PJM, etc.) across the United States

Erin Baker, Vesper Energy, Allen, TX
Emily Carroll, Apex Clean Energy, Charlottesville, VA
Jenn Goodwillie, Orsted, Austin, TX
Mark Wengierski, Scout Clean Energy, Boulder, CO

11:30 a.m. .75 hr

Financing Panel

We’ve seen tremendous growth in RE investment and surging deal counts, with more renewables entering the grid than ever before. However, there are many key project finance considerations that investors and sponsors need to assess, including looming project finance headwinds over the next 2-3 years, financing structures best suited to keep pace with demand, the effect of direct pay, Capital deployment risks to investors who are new to energy / clean energy, and the effect of inflation on financing.

Moderator:
Britta Von Oesen, CohnReznick Capital, San Francisco, CA

Panelists:
Asha Gandhi, EDP Renewables North America LLC, Houston, TX
Lan Sasa, NT Solar, Saint Louis, MO

12:15 p.m. Pick up Lunch

Included in registration.

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WEDNESDAY AFTERNOON

Presiding Officer:

Matthew Arth, Locke Lord LLP, Austin, TX

LUNCHEON PRESENTATION

12:45 p.m. .50 hr

Macro-grid Issues: National and Regional Transmission Infrastructure Trends and Implications for Future Generation Project Development.

A discussion on the prospects for large scale transmission development in the United States. Explore thoughts and perspectives on transmission incentives and policy likely to emerge from Washington.

Michael Skelly, Grid United LLC, Houston, TX

1:15 p.m. 15-Minute Break

1:30 p.m. 1.00 hr ethics

Ethics and the Duty to Loyalty

The lawyer’s fiduciary responsibilities are at the core of ethics programs everywhere, and include the duty to refrain from conflicts of interest. But in a modern society, where lawyers freely move between large firms with sophisticated clients, should the firm and client have a right to waive such traditional conflicts of interest to hire new talent? There is a growing movement to allow firms and lawyers to provide advance consent to situations which are currently barred by conflict of interest rules, as well as organized opposition to “taking the wrecking ball to client loyalty.” Find out what’s going on and see what you think!

Robert Denby, Vinson & Elkins LLP, Houston, TX
Claude E. Ducloux, Attorney at Law, Austin, TX

2:30 p.m. .75 hr

Trends in Restoration Requirements and Forms of Restoration

Explore the current landscape of restoration requirements for utility-scale renewable energy projects—from lease provisions to state laws.

Michael Anderson-Colón, RWE Renewables Americas, LLC, Chicago, IL
Erin Delawalla, RES, LLC, Chicago, IL

3:15 p.m. .75 hr

Texas is an energy state — does that include Hydrogen?

Discuss the results from a large Department of Energy funded hydrogen project at UT-Austin. Discuss possible pathways and challenges to developing a hydrogen economy in the Lone Star State and will touch on what that might mean for energy regulation.

Joshua D. Rhodes, The University of Texas at Austin & IdeaSmiths LLC, Austin, TX

4:15 p.m. Adjourn

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WP22/WE22

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(Shipping Included) – Available Through Wednesday, February 2
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Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Group registration rates available. Call 512.475.6700.

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Austin, TX

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Austin, TX

MARK WENGIERSKI
Scout Clean Energy
Boulder, CO

ASHA GANDHI
EDP Renewables North America LLC
Houston, TX

KEITH MARTIN
Norton Rose Fulbright US LLP
Washington, DC

GARY ZAUSMER
Enoch Keever PLLC
Austin, TX

BETH GARZA
R Street Institute
Austin, TX

ANDY NGUYEN
Lower Colorado River Authority (LCRA)
Austin, TX

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Federal Energy Regulatory Commission
Washington, DC

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Husch Blackwell, LLP
Austin, TX

ESSENTIALS FACULTY

CAITLIN P. BEER
Leeward Renewable Energy, LLC
Dallas, TX

THERESA CARROLL
Clean Law PC
Chicago, IL

AMY LOFTON
ERCOT
Austin, TX

CARRIE BIVENS
Potomac Economics
Austin, TX

DOUGLAS FOHN
ERCOT
Austin, TX

JOHN F. WATSON
Surveying And Mapping, LLC (SAM)
Midland, TX

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Milwaukee, WI

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See what we're doing differently this year to address the safety concerns of our staff and attendees at in-person events.



WP22/WE22

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January 31, February 1–2, 2022

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KEY DATES

January 25, 2022

Last day for early registration rates

January 25, 2022

Last day for full refund cancellation

January 26, 2022

Last day for partial refund cancellation
\$50 processing fee applied

January 31, 2022, 1:00 p.m., CT

Essentials begins

February 1, 2022, 8:20 a.m., CT

Institute begins

February 2, 2022

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