



**Winter Workshops  
on Energy Law**  
*Pink Shell  
Beach Resort and Spa*  
**Jan. 27-29, 2005**  
**Fort Myers  
Florida**

**Energy & Mineral Law Foundation**

## Planning Committee

- Anna M. Dailey  
*Dinsmore & Shohl*  
Charleston, WV
- Sharon J. Daniels  
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- Jerry M. Eyster  
Program Co-Chairman  
*PA Consulting Group*  
Washington, DC
- Timothy W. Gresham  
*Penn Stuart & Eskridge*  
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- David J. Laurent  
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& Zommir*  
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- Mark D. Morey  
*Cambridge Energy Research  
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- C. David Morrison  
*Stephoe & Johnson*  
Clarksburg, WV
- Roy M. Palk  
*East Kentucky Power Cooperative*  
Winchester, KY
- Bruce D. Reed  
Program Co-Chairman  
*Berwind Natural Resources*  
Philadelphia, PA
- Gregory B. Robertson  
*Hunton & Williams*  
Richmond, VA
- John R. Woodrum  
*Ogletree Deakins Nash Smoak  
& Stewart*  
Washington, DC

## Winter Workshops on Energy Law

### Thursday afternoon, January 27

1:00 p.m. **Welcome and Introductions**

- Timothy W. Gresham, Foundation President, *Penn Stuart & Eskridge*, Abingdon, VA

1:05 - 1:45 p.m. **What Do the 2004 Elections Mean to the Energy Industry?**

- Jack N. Gerard, President & CEO, *National Mining Association*, Washington, DC

1:45 - 2:30 p.m. **Succession Planning for the Energy Industry**

With labor shortages a certainty by the end of the decade and a generation of miners, engineers, geologists and government regulators close to retirement, every segment of the energy industry is feeling the pinch. Can industry overcome its “boom or bust” reputation and sell a new generation on the promise of career opportunities? How will changing demographics in the United States affect tomorrow’s energy industry?

- Ron Crouch, Director, Kentucky State Data Center, *University of Louisville*, Louisville, KY

2:45 - 5:30 p.m. **Electric Power Issues**

Moderator: Roy M. Palk, President & CEO, *East Kentucky Power Cooperative*, Winchester, KY

As demand for electric power increases, what’s the status on capacity, load management, retirement of existing units and new plant construction? Is the transmission system outdated or adequate, and how are FERC orders pertaining to independent system operators (ISO) changing transmission system operations? Can advanced technology meet the demands of the Clean Air Act and an environmentally sustainable method of producing electric power? New IGCC (integrated gasification combined cycle) facilities gasify coal and burn the resulting gases to power turbines, minimizing Greenhouse Gas emissions and greatly reducing water usage when compared to a conventionally-fired coal plant. Why are so few plants in the works, and what’s involved in fast-forwarding facilities using the IGCC method?

- Jerry M. Eyster, *PA Consulting Group*, Washington, DC
- Terry Talbert, Executive Director, *Electric Power Research Institute*, Washington, DC
- John Newcomer, *GE Power Systems*, Cincinnati, OH
- Dan Becher, *DB Consulting, LLC*, Sellersburg, IN

6:30 - 7:30 p.m. **Poolside Reception for Speakers, Registrants & Guests**

### Friday morning, January 28

8:00 - 10:00 a.m. **Coal Industry Issues**

Moderator: Greg A. Walker, General Counsel, *Foundation Coal*, Chevy Chase, MD  
This session examines the growing demand for coal-fired energy which producers are enjoying, and what’s driving the marketplace – supply, stockpiles, spot markets, future price expectations. In the midst of the boom, labor shortages threaten production and transportation issues are becoming more complicated; changes in railroad pricing and the competitive landscape, financial difficulties facing the barge industry, and changes in economics affecting trucking all have a role to play.

- Mark T. Morey, *Cambridge Energy Research Associates*, Washington, DC
- Jamie Heller, *Hellerworx*, Chevy Chase, MD
- Paul Hatz, *Peabody Energy*, St. Louis, MO (invited)

10:15 - 12:15           **Labor Law Issues for the Coal Industry**

A panel of coal labor lawyers covers the legal issues which are demanding the most attention now, and are expected to continue through 2005.

- *Whistleblower Cases and Public Policy Discharges* – Minimizing the risk of retaliatory discharge litigation, drafting arbitration clauses in the non-collective bargaining setting, and negotiating good collective bargaining agreement language to force cases into the arbitral forum.
- Larry J. Rector, *Steptoe & Johnson*, Clarksburg, WV
- *UMWA Funds* – Analysis of recent legal and legislative developments affecting the pension and retiree health plans administered by the UMWA Health and Retirement Funds, assessing their current financial condition and future prospects.
- John R. Woodrum, *Ogletree Deakins Nash Smoak & Stewart*, Washington, DC
- *Union Organization* – Discussion of UMWA efforts to organize through Corporate Campaigns, Card Check and Neutrality Provisions, and implications of recent NLRB cases where the UAW successfully used such methods.
- Anna M. Dailey, *Dinsmore & Shohl*, Charleston, WV

12:15 - 1:45           **Lunch Break**

12:30 - 1:30           **EMLF Executive Committee Luncheon Meeting**

## Friday afternoon

1:45 - 2:45 p.m.           **Natural Gas Supply**

Moderator: Stephen E. Williams, General Counsel, *CONSOL Energy*, Pittsburgh, PA

This session examines the upward spiral of natural gas prices, the issues driving the gas market, the adequacy of supply for the winter months, and the role of natural gas storage in market price determination. Can industry supply what's needed for gas-fired power generation and still keep consumer costs manageable? What role will liquefied natural gas (LNG) play in meeting this demand? Will Congressional support for the Federal Energy Regulatory Commission's (FERC) assertion of sole authority over siting and licensing of LNG terminals end the federal/state jurisdictional conflict?

- Scott Thompson, *ACES Power Marketing*, Indianapolis, IN
- Peter J. Abt, *Pace Global Energy Services*, Houston, TX

3:00 – 4:30    Environmental Issues Affecting Energy Law

Moderator: George A. Rusk, *Ecology and Environment, Inc.*, Lancaster, NY

Environmental laws impact every aspect of the highly-regulated energy industry; this session offers insight into policy decisions which will affect business decisions, and tools for the lawyer to expedite business decisions where environmental risk is an issue. Recent developments in Clean Air Act policy and enforcement in the electric generation sector will be examined, and future directions in environmental policy – including greenhouse gas regulations and renewable mandates – will be explored with emphasis on implications for supply planning in the industry. Efforts to utilize technology for the continued use of fossil fuels are detailed in the presentation on collaborative initiatives for greenhouse gas emissions reduction and carbon offset projects and activities, and the opportunities for voluntary action to assist the achievement of Federal government goals in these areas. A practical presentation on “Getting The Deal Done Using Environmental Risk Transfer Techniques” offers guidance in overcoming environmental obstacles that threaten business transactions.

- Marc Chupka, *The Brattle Group*, Washington, DC
- Patrick R. Esposito, II, COO, *Augusta Systems*, Morgantown, WV
- George C. Hopkins, *Vinson & Elkins*, Washington, DC

6:00 - 7:00    **Hosted Poolside Reception for Speakers, Registrants & Guests**

## Saturday morning, January 29

Moderator: Bruce D. Reed, Corporate Counsel, *Berwind Natural Resources*, Philadelphia, PA

7:15 - 8:15 AM           **Professional Responsibility and Ethics**

This session explores whether a law firm should have its own General Counsel, and also discusses this issue in the context of the Code of Professional Responsibility.

- John S. Summers, *Hangley Aronchick Segal & Pudlin, P.C.*, Philadelphia, PA

8:30 - 10:30 AM       **Workforce Development: Hiring and Retaining Mining Employees**

Moderator: Gregory B. Robertson, *Hunton & Williams*, Richmond, VA

This session addresses the practical problems employers face in the current job market and offers practical advice on what employers can do to find and keep good employees. This promises to be an interesting discussion with some creative ideas for employee recruitment and retention.

- David J. Laurent, *Babst, Calland, Clements, and Zomnir, P.C.*, Pittsburgh, PA
- Charles A. Tuck, *Tuck Management Group*, Kingsport, TN

10:30 - 11:30   **Brunch for Speakers, Registrants and Registered Guests**



## Yes, I want to attend the Winter Workshops

Name \_\_\_\_\_ Title \_\_\_\_\_

Organization/firm \_\_\_\_\_ Daytime phone \_\_\_\_\_

Address \_\_\_\_\_ Fax # \_\_\_\_\_

City, state, zip \_\_\_\_\_

Email address \_\_\_\_\_

Guest(s) Name \_\_\_\_\_ Total Payment \_\_\_\_\_

You may pay by \_\_\_\_\_ check or \_\_\_\_\_ credit card. EMLF accepts MasterCard, VISA or American Express.

Card # \_\_\_\_\_ Expiration date \_\_\_\_\_

Signature \_\_\_\_\_

## Registration information

### Conference Registration

EMLF full conference registration fee includes meeting materials, educational sessions, hosted receptions on Thursday and Friday, coffee breaks and Saturday morning brunch. Guest registration includes hosted receptions on Thursday and Friday, and Saturday morning brunch.

	<i>Through Jan. 5</i>	<i>After Jan. 5</i>
General Registration fee .....	\$945	\$995
EMLF Member fee .....	745	795
Guest .....	100	100

Registrants from the same firm or company can deduct \$50 for the second registrant and each registrant thereafter.

### Accommodations

Pink Shell Beach Resort & Spa, 275 Estero Boulevard, Fort Myers, has a conference rate of \$220 for a 1 bedroom White Sand Villa, and \$330 for a two bedroom White Sand Villa, plus state and local taxes. Room rate is available three days prior to the meeting dates through January 30 checkout. Reservations made after December 12 are subject to availability at prevailing rates. One night's rental deposit is required to be applied to the last confirmed night of the reservation. In the event of early departure, the deposit is non-refundable unless the hotel is notified prior to or at the time of check-in. Room deposits are refundable only if received 14 days prior to arrival date and guest must obtain cancellation number. Check in time is 4 p.m.; checkout is 11 a.m. Please call the hotel direct at 800.237.5786 and ask for the EMLF rate. Cut-off date for room block is December 12, 2004.

### Three ways to register

- If registering by phone, call 859.231.0271
- If registering by fax, call 859.226.0485
- If registering by mail, send form and payment to EMLF, 340 South Broadway, Suite 101 Lexington, KY 40508

### Cancellation policy

Refunds less a \$100 administrative fee will be given for written registration cancellations received by January 15. No registration refunds will be made thereafter, but substitutions can be made without charge.

### Mandatory CLE and Professional Credit

Conference accreditation is pending from states with mandatory Continuing Legal Education. Conference consists of 810 minutes, including 60 ethics minutes (16.2 hours in 60-minute states and 13.5 hours in 50-minute states). Registrants may be required to reimburse EMLF for MCLE filing fees for certain states. Please list the states or organization where you will be seeking professional education credits:

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