



# FORT LAUDERDALE

**Winter Workshops  
on Energy Law**

**January 29-31, 2004  
Lago Mar Resort and Club  
Fort Lauderdale, Florida**

**Energy & Mineral  
Law Foundation**



# Program Schedule

## Thursday, January 29

### Welcome and Introductions

- Thomas E. Meng, EMLF President, *Stites & Harbison*, Lexington, KY

1:00 – 2:00 PM

### Update on the Energy Bill

This session will either give highlights of the comprehensive energy legislation, or bring everyone up to date on the status of the energy bill—what's in, what's out, and what it all means to the industry. Insights will also be provided on the status of items related to coal, gas and electric power remaining on the Congressional agenda.

- John Shelk, Senior VP – Government Affairs, *National Mining Association*, Washington, DC

2:00 PM

### Break

2:30 – 5:30 PM

### Coal Industry Issues

This session covers the short term supply and demand for coal; the status of coal companies operating in bankruptcy; and an update on the various issues impacting the production and supply of coal—safety and health regulations, mountaintop mining, and permitting issues.

Moderator: Greg A. Walker, Senior VP, General Counsel and Secretary, *RAG American Coal Holding Co.*, Linthicum Heights, MD

- Jerry M. Eyster, *PA Consulting Group*, Washington, DC
- Mark T. Morey, *Cambridge Energy Reserach Associates*, Cambridge, MA
- Edward M. Green, *Crowell & Moring LLP*, Washington, DC

6:30 – 7:30 PM

### Poolside Reception for Speakers, Registrants & Registered Guests

## Friday, January 30

8:00 – 10:00 AM

### Natural Gas

This session covers the role of natural gas storage in market price determination; the short-term outlook for gas supply; the growing interest in liquified natural gas (LNG) as a means of increasing gas supply; aspects of siting and permitting an LNG facility; and a session on gas price indices—how they are compiled, and how they impact the gas markets.

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

- Scott Thompson, Director of Natural Gas Marketing, *ACES Power Marketing*, Indianapolis, IN
- David M. Sweet, Executive Director, *International LNG Alliance*, Washington, DC
- Jack Fugett, *Jack Fugett & Associates*, Philadelphia, PA
- Larry Foster, Editorial Director, *U.S. Gas*, *Platts*, Washington, DC

10:00 – 10:15 AM

### Break

## Program Committee

Jerry M. Eyster  
Co-chairman  
*PA Consulting Group*  
Washington, DC

Bruce D. Reed  
Co-chairman  
*Berwind Corporation*  
Philadelphia, PA

Thomas E. Meng  
*Stites & Harbison*  
Lexington, KY

Mark T. Morey  
*RDI Consulting/Platts*  
Washington, DC

Roy M. Palk  
*East Kentucky Power Cooperative*  
Winchester, KY

Sharon J. Daniels  
Executive Director  
*Energy & Mineral Law Foundation*  
Lexington, KY

## Web site

<http://www.emlf.org>

## E-mail

[emlf@aol.com](mailto:emlf@aol.com)

10:15 – 12:15 PM **Electric Power**

This session covers electric power reliability—the August 11 blackout, and the related transmission issues; the meltdown of the Independent Power Producers and how merchant plant bankruptcies are impacting power supply; generation performance and planning; and the status of IRS audits of synthetic fuel producers and the potential impact on fuel prices for utilities.

- Brantley Eldridge, CEO, *East Central Area Reliability Council (ECAR)*, Canton, OH
- Linda K. Breathitt, *Thelen Reid & Priest LLP*, Washington, DC
- Keith Martin, *Chadbourne & Parke*, Washington, DC
- Todd Filsinger, *PA Consulting Group*, Washington, DC

12:15 PM **Lunch on your own**

12:30 – 1:30 PM **EMLF Executive Committee Luncheon Meeting**

## Friday Afternoon Session

1:45 – 3:15 PM **Clean Air Act Initiatives and the Power Industry**

This session covers issues related to curbing emissions from power plants, including mercury MACT (maximum achievable control technology); EPA's revised New Source Review regulations for power plants and other industrial users; and the Bush Administration's Clear Skies Initiative and EPA's Air Regulation Agenda.

- Michael "Mike" J. Miller, *EPRI*, Palo Alto, CA
- John M. "Jay" Holloway, III, *Hunton & Williams*, Richmond, VA
- Sam Napolitano, Clean Air Markets Division, *U.S. EPA*, Washington, DC

3:15 PM **Break**

3:30 – 5:30 PM **Landowner – Lessee Operational Issues**

This session covers issues arising under the Clean Water Act that affect the development of mineral resources, including Antidegradation, Total Maximum Daily Loads, and a broad Environmental Impact Statement addressing Clean Water Act permitting of coal projects in the Appalachian region that is scheduled to be finalized in 2004; the development of coalbed methane in conjunction with coal mining operations; an update on coalbed methane ownership litigation in West Virginia and Virginia; and the view from the West: a discussion of emerging land use issues and increasing local opposition to oil and gas development and how it affects the Bush Administration efforts to expand oil and gas and coal development—possibly providing insights of what's ahead for eastern landowners.

- Christopher B. Power, *Dinsmore & Shohl*, Charleston, WV
- J. Thomas Lane, *Bowles Rice McDavid Graff & Love*, Charleston, WV
- Frank Erisman, *Holme Roberts & Owen*, Denver, CO
- Bruce Sakashita, President, *AMVEST Oil & Gas*, Charlottesville, VA

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

## Saturday, January 31

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

Mr. Summers will address the conflict of interest rules set forth in the Rules of Professional Conduct, focusing on those issue that relate particularly to in-house counsel.

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

8:30 – 10:30 AM **The Future of Carbon-Based Technologies**

This session focuses on how technologies and markets are being developed to help the U.S. reduce its emissions of carbon dioxide should the political decision be taken to do so. The panel members will discuss the promise of new technologies, markets and alternative energy sources to reduce the economic impacts of restricting carbon emissions.

- General Richard L. Lawson, Chairman, *Energy, Environment and Security Group*, Washington, DC
- Lowell Miller, *U.S. DOE, Office of Fossil Fuels*, Washington, DC (invited)
- Bruce H. Braine, VP – Strategic Policy Analysis, *American Electric Power*, Columbus, OH
- Arie Geertsema, Director, University of Kentucky Center for Applied Energy Research, Lexington, KY

10:30 – Noon **Brunch for Speakers, Registrants and Registered Guests**

## March 29-30, 2004—*Save the date*

### Mine Safety & Health Special Institute

US Department of Labor Auditorium

Frances Perkins Building

200 Constitution Avenue, NW • Washington, DC 20210

Sponsored by the EMLF and the U.S. Department of Labor

- Timothy M. Biddle, Co-chairman, *Crowell & Moring*, Washington, DC
- Edward Clair, Co-Chairman, Office of the Solicitor, *USDOL*, Washington, DC

- MSHA's Noise Enforcement Policy
- Attorney Discipline Under the Commission Rules
- Applying Sentencing Guidelines in Mine Act Cases
- Parallel Criminal Proceedings
- Discrimination Claims
- Regulatory Update
- The Fair Notice Defense
- Following Procedure Before the FMSHRC
- Administrative Law Judges/ Practitioner Panel (dos and don'ts)
- Oral Argument before the FMSHRC sitting in session at the USDOL Auditorium, case to be announced

Watch the EMLF website for additional details:

[www.emlf.org](http://www.emlf.org)

## Upcoming meetings

■ **March 29-30, 2004**  
**Mine Safety & Health Special Institute**  
USDOL Auditorium  
Washington, DC

■ **May 16-18, 2004**  
**25th Annual Energy & Mineral Law Institute**  
The Homestead  
Main Street  
Hot Springs, VA  
[www.thehomestead.com](http://www.thehomestead.com)  
540.839.1766  
800.838.1766

Program Chairman  
Mary Sue Schulberg  
*NiSource Corporate Services*  
Charleston, WV

Coal Chairman  
Mark E. Heath  
*Spilman, Thomas & Battle, PLLC*  
Charleston, WV

Oil & Gas Chairman  
Kenneth E. Tawney  
*Jackson Kelly PLLC*  
Charleston, WV

## *About the sponsor . . .*

The Winter Workshops on Energy Law are sponsored by the Energy & Mineral Law Foundation, a non-profit educational organization housed at the University of Kentucky College of Law. Established in Pittsburgh 25 years ago, EMLF programs focus on coal, gas and electric power industry issues, with such topics as environmental regulations; fuel supply and transportation; renewable, non-renewable and synthetic fuels; bankruptcy; labor and employment; professional ethics; real property; regulatory takings; business structures; risk management; safety & health; tax; mineral titles – plus many other corporate issues for attorneys and business professionals involved in the energy industry.

EMLF Members include law firms, consulting firms, environmental and engineering firms, coal and oil and gas companies, electric power producers, landmen, law schools and trade and professional associations. This diverse membership from 24 states and the District of Columbia fosters educational programming which meshes business issues with legal issues and technical issues, promoting a better understanding of the regulatory framework and its impact on the energy industry. EMLF programs are regularly accredited for Continuing Legal Education and other professional education requirements.

Membership is open to all individuals and groups interested in the natural resources and energy industries. Prospective members are invited to learn more about the EMLF at <http://www.emlf.org>, to view the current membership, download a membership application, register for future programs, read cases and articles on litigation, and preview the White Pages with more than 10 years of EMLF published articles on mineral and energy law.



## 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.

*Through Jan. 15    After Jan. 15*

General Registration fee ..... \$895 ..... \$945

EMLF Member fee ..... 745 ..... 795

Guest ..... 90 ..... 90

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

### Accommodations

Lago Mar Resort and Club

One bedroom suite \$235, two bedroom suite \$350

Guest room reservations may be canceled without penalty seven (7) days or more prior to confirmed arrival. Cancellations occurring less than seven days of arrival date will be charged a one night's room occupancy and tax.

1700 South Ocean Lane, Fort Lauderdale, FL

Call hotel at 954.523.6511 and ask for EMLF rate or register online by going to <http://www.emlf.org>

Cut-off date for room block is December 28, 2003.

### Three ways to register

- If registering online, go to <http://www.emlf.org/lauderdale.htm>
- If registering by phone, call 859.257.7140
- If registering by fax, call 859.257.2884
- If registering by mail, send form and payment to EMLF, University of Kentucky, Room 21, Law Building, Mineral Law Center, Lexington, KY 40506-0048

### 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 requirements. Conference consists of 840 minutes, including 60 ethics minutes (14 hours in 60-minute states and 16.8 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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