

Energy & Mineral Law Foundation
30th Kentucky Mineral Law Conference
October 27-28, 2005

About the speakers . . .

Michael S. Beer

Michael S. Beer is the Vice President of Federal Regulation and Policy for LG&E Energy LLC, headquartered in Louisville, Kentucky. In his current capacity, Mike is responsible for LG&E Energy's regulatory compliance, and the development and implementation of the company's overall regulatory strategy as it relates to the Federal Energy Regulatory Commission (FERC) and in the development of national energy policy. In addition to his current duties, Mr. Beer was recently appointed as LG&E Energy's Chief Compliance Officer pursuant to FERC's standards of conduct governing the operations of transmission providers having energy and marketing affiliates. Prior to assuming his current responsibilities, Mike was the Vice President of Rates and Regulatory Affairs.

Mike is a 1987 graduate of The John Marshall Law School, located in Chicago, Illinois, where he was a member of The John Marshall Law Review and the Order of John Marshall. He received his B.A. in Business Administration from Illinois Wesleyan University in 1980. He is a past member of the Board of Directors of the Louisville Orchestra, and the Kentucky-Tennessee chapter of the Volunteers of America.

Jason R. Bentley

On May 12, Governor Ernie Fletcher announced the appointment of Jason Bentley as Executive Director of the Kentucky Office of Energy Policy (OEP), a recently established office within the Commerce Cabinet created to advance the policies outlined in the Governor's Comprehensive Energy Strategy.

Mr. Bentley previously served as General Counsel and Policy Advisor to the Kentucky Public Service Commission, the agency responsible for regulating the rates and terms of service for utilities in Kentucky.

Prior to returning to Kentucky, Mr. Bentley served five years as Counsel to the Committee on Energy and Commerce of the U.S. House of Representatives. While there, he worked on many provisions of the recently enacted Barton-Domenici Energy Policy Act of 2005.

A native of Union City, Tennessee, Mr. Bentley grew up in Somerset, Kentucky and graduated from Centre College in 1994. He attended the Vermont Law School, where he received dual degrees in law and environmental law in 1999. He is married with two children and another on the way.

Donald C. Bluedorn, II

Donald C. Bluedorn has been with Babst, Calland, Clements and Zomnir, P.C. since late 1987. Mr. Bluedorn's practice involves many aspects of environmental law, and in particular tends to focus on wastewater management, site remediation/brownfields, and hazardous and non-hazardous waste issues. Because of the technical nature of both the subject matter and his education, Mr. Bluedorn typically works closely with the client, technical consultants, and engineers during all phases of a project's development. This team approach has been very successful with state and federal regulatory agencies in a number of different states throughout the country.

Mr. Bluedorn has extensive experience with industrial operations throughout the country, particularly in the areas of primary and secondary metals, electric power generation, transmission and distribution, and heavy manufacturing. He also has extensive experience with brownfields development, representing owners, developers, buyers and sellers.

Mr. Bluedorn received his B.S. from Grove City College in 1983, where he graduated with high honors in Electrical Engineering, and a J.D. in 1986 from the University of Pittsburgh School of Law, where he graduated Order of the Coif and was a member of the Editorial Board of the University of Pittsburgh Law Review. Mr. Bluedorn's undergraduate education focused heavily on the power aspects of electrical engineering and he is currently Engineer-in-Training registered in the Commonwealth of Pennsylvania. While in college and law school, he gained valuable practical experience within the electric utility industry, particularly with regard to the basic issues of electric transmission and distribution.

He has been active in firm management and formerly served as Chair of the Recruiting Committee and as a member of the Operating Committee. He presently serves as Chair of the Environmental Health and Safety Services Group and as a member of the Board of Directors. Mr. Bluedorn is a member of the Pennsylvania Bar and the West Virginia Bar. He is an Adjunct Professor at the University of Pittsburgh School of Law and a frequent speaker on environmental law topics. Mr. Bluedorn also is a Board Member of one of Pennsylvania's largest drinking water authorities, a member of the Ohio River Basin Water Resources Planning Committee, Chairman of the Statewide Water Resources Planning Committee, and a member of the Pennsylvania Department of Environmental Protection Water Resources Advisory Committee. In 2004 and 2005, Mr. Bluedorn was ranked among Pennsylvania's top environmental lawyers in Chambers USA's *America's Leading Business Lawyers*. He was selected for inclusion in the Environmental Section of The Best Lawyers in America 2005-2006. In addition, Mr. Bluedorn was recognized in *Philadelphia Magazine* as one of Pennsylvania's best lawyers according to a survey published in 2004 and again in 2005.

John T. Boyd, II

John T. Boyd II is General Counsel for the John T. Boyd Company (BOYD), an international mining, geological and energy consulting firm headquartered outside Pittsburgh, Pennsylvania. In addition to being an experienced lawyer on mining, environmental, natural resources, and regulatory matters, Mr. Boyd relies upon his finance background when performing comprehensive strategic, operations, and financial assessments, valuations, economic analyses, market forecasts, and sales agreement evaluations for BOYD's diverse client base. Mr. Boyd was

formerly General Counsel for Sears Home Improvement Products, a manufacturing, sales, and installation subsidiary of Sears, Roebuck and Company, and an associate at Thorp, Reed & Armstrong representing corporate clients litigating commercial transactions, regulatory, environmental and natural resources disputes. Recent publications include co-author of "Legal Implications of Mine Mapping Errors," 24 *Energy & Min. L. Inst.* (2003, Energy & Mineral Law Foundation); co-presenter of "'Playing the Cards You're Dealt: How to Keep Producing Coal Despite Mountaintop Removal Permitting Issues," Winter Workshops, Energy & Mineral Law Foundation (2003); co-author of "Future Demand for Southern Powder River Basin Coal," *World Coal* (October 2001), and co-author of "Money for Nothing – Shut-In Royalty Clauses in Oil and Gas Leases," 16 *E. Min. L. Inst.* (1995). Mr. Boyd earned a B.B.A. degree in Finance, *magna cum laude*, from The George Washington University and a J.D. degree from the University of Richmond.

Maureen D. Carman

Maureen Carman is a member of the Wyatt, Tarrant & Combs firm's Mineral & Energy Practice Group in Lexington, Kentucky. She concentrates her practice in the areas of surety, construction and mineral and energy law. Ms. Carman was formerly in-house General Counsel for Cumberland Surety Insurance Company, Inc. She served as director of the Board of Directors for the Mediation Center of Kentucky (1992-97) and was managing attorney in the Office of General Counsel for the Kentucky Natural Resources and Environmental Protection Cabinet (1985-90). Ms. Carman served as President of the Kentucky Association of Bonding Institutions (1992-2000). She is a member of the American Bar Association, Tort and Insurance Practice Section – Fidelity and Surety Committee and the Kentucky Bar Association. Publications include "SMCRA Enforcement in Bankruptcy: Regulatory Powers Revisited," 26 *Energy & Min. L. Inst.* ch. 7 (2005 Energy & Mineral Law Foundation); "Regulatory and Transactional Bonding: A Primer on Surety Bonding for the Mineral Lawyer," 17 *E. Min. L. Inst.*, (1996 Energy & Mineral Law Foundation); and "Reclamation Bonds," *The Law of Suretyship*, 2nd Ed., Gallagher, Ed., ABA, 2000. Ms. Carman has participated as a speaker and panelist on the topics of mining reclamation, surety bonding and law office management since 1980. She is a member of the Board of Trustees, Executive Committee, and current 27th Annual Institute Program Chairman and Secretary of the Energy & Mineral Law Foundation. She received her B.A. degree with honors in 1975 and her J.D. degree in 1979 from the University of Kentucky.

Wayne F. Collier

Wayne Collier is a member of the Lexington firm of Kinkead & Stilz, PLLC, where he practices in the areas of Civil Litigation, Mineral Law, Timber Law Insurance Law, Real Estate and Real Estate Litigation. Mr. Collier was admitted to bar of Kentucky in 1980, and also admitted to practice before U.S. Supreme Court; U.S. Court of Appeals, Fourth and Sixth Circuits; U.S. Court of Federal Claims; U.S. District Court, Eastern and Western Districts of Kentucky, and the U.S. Tax Court. He received his B.A. with high distinction from the University of Kentucky and received his J.D. in 1979 from the University of Kentucky, where he was a member of the Staff of the Kentucky Law Journal, 1978-79 and Moot Court Board, 1978-79. He was elected to Phi Beta Kappa and was a member of Iota Kappa Lambda and Phi Eta Sigma. He has been a lecturer for the annual Kentucky Mineral Law Conferences in 1986 and 1989, and an instructor, University of Kentucky College of Law, 1989-1990. Author: "Survey, Criminal Procedure," 68 *Kentucky Law Journal* 655, 1980; "Mineral Title Examinations," *Kentucky Mineral Law*, Banks

Baldwin, 1986. Mr. Collier is a member of the Fayette County and Kentucky (Natural Resources Section) Bar Associations and the Energy & Mineral Law Foundation.

Robert I. Cusick

Robert I. Cusick is a member of Wyatt, Tarrant & Combs in Louisville where he is Co-Chair of the firm's Opinions and Standards Practice Group and is a member of the Mineral & Energy and Tort & Insurance Practice Groups. With emphasis in the areas of mineral, health care, professional ethics, federal litigation and investigation, he concentrates his practice in federal litigation and professional ethics and has particular experience in mineral law and underground mining. Prior to joining the law firm, Mr. Cusick served as a Navy Judge Advocate for four years in Washington D.C. and at sea as Staff Judge Advocate aboard the USS AMERICA. He retired from the U.S. Naval Reserve as a Captain in the Judge Advocate General's Corps in 1998. In 1991, he received the Distinguished Service Award from the Louisville Bar Association. He served on the Board of Governors of the Kentucky Bar Association and as a Board member on the Kentucky Board of Bar Examiners. He is a member of the American Judicature Society, ABA Center for Professional Responsibility, Greater Louisville Inc. and Navy League of the United States. Mr. Cusick serves as a Councilman of the City of Indian Hills. He is a member of the Louisville, Kentucky and American Bar Associations. Mr. Cusick received his B.A. degree in 1965 and his J.D. degree in 1968 from the University of Louisville.

Anna M. Dailey

Anna M. Dailey is a partner in Dinsmore & Shohl, LLP's Charleston, West Virginia office, where she concentrates on litigation, labor and employment law. She represents companies in civil litigation, defense of liability claims, and labor and employment litigation.

In litigation, Ms. Dailey has participated in successfully defending multimillion-dollar claims, and in winning damages for millions of dollars on behalf of represented clients. Ms. Dailey's litigation work includes defending against employment law claims, including wrongful discharge; sexual harassment; age discrimination and whistle-blower claims; representing self-insured companies on liability claims arising from work-related injuries; and prosecuting damage claims against unions for strikes and violence.

In labor law, Ms. Dailey handles union election campaigns; represents companies in collective bargaining; advises companies on labor issues in sale situations; and defends against unfair labor practices. Her labor law experience includes substantial strike preparedness and strike violence situations. Ms. Dailey advises employers on all facets of labor and employment law including drug testing and drug free policies; represents employers in arbitrations; conducts investigations for companies on questions of employee fraud and sexual harassment claims. She also provides training at in-house seminars for employers and is a frequent speaker on labor and employment issues.

Before joining Dinsmore & Shohl, Ms. Dailey was a partner with Heenan, Althen & Roles, LLP and has been practicing for over 25 years. Ms. Dailey was also an attorney in the Office of the Solicitor of the United States Department of the Interior. In this capacity she regularly advised and represented the Department on regulatory matters dealing with the surface effects of coal mining.

Ms. Dailey graduated from Vanderbilt University (B.A. 1975) and the West Virginia University College of Law (J.D. 1979). Ms. Dailey attended George Washington University's contract disputes seminars in 1983 and West Virginia's first bar mediation training in 1998.

Martin E. Edwards, III

Mr. Edwards began his career as a staffer on Capitol Hill. From 1987 through 1995, he held various positions in the office of U.S. Representative Ralph M. Hall, ending as the Congressman's Legislative Director. Mr. Edwards was principally involved in Rep. Hall's assignment to the House Energy and Commerce Committee, where he handled legislation relating to telecommunications, finance, foreign trade and energy policy. Mr. Edwards worked on such legislative initiatives as the Energy Policy Act of 1992 and the Cable Television Act of 1992.

In 1995, Mr. Edwards joined INGAA as Director of Legislative Affairs. In 2002, he became Vice President of Legislative Affairs. During his tenure at INGAA, he has worked on the Pipeline Safety Act of 1996, the One-Call Notification Act of 1998, the Pipeline Safety Improvement Act of 2002, and the Energy Policy Act of 2005, among others. In April of 2004, he was named by The Hill newspaper as the natural gas industry's "top lobbyist."

Mr. Edwards received his B.B.A. from the George Washington University in 1986. He is a native of Memphis, Tennessee. Mr. Edwards is married to the former Laura A. Saul, who is Director of Federal Affairs for the American Academy of Dermatology Association. He and Laura have two children.

Jerry M. Eyster

Jerry Eyster is Senior Vice President Strategic Marketing – Coal, with GE Energy Financial Services in Stamford, Connecticut. With more than 25 years' experience analyzing coal, electric power and environmental issues, Jerry was a managing consultant at PA Consulting in Washington, DC, and before that was VP of Corporate Development with Massey Coal Company. He worked for Shell Coal International in London, England, and was director of the Electric Power and Energy Data Validation offices for the Energy Information Administration of the U.S. DOE. Jerry holds a B.A. degree (magna cum laude) in Political Science and Economics from Yale University and an M.B.A. from Stanford Graduate School of Business. Jerry is a frequent EMLF speaker, best known for tying together the business and legal issues impacting the energy market. He is a member of the EMLF Board of Trustees, has served as Treasurer, and has co-chaired the EMLF Winter Workshops on Energy Law for the past 8 years.

Thomas J. FitzGerald

Tom FitzGerald has been Director of the Kentucky Resources Council since 1984. KRC is a non-profit environmental advocacy organization providing free legal, strategic and policy assistance to individuals, organizations and communities concerning environmental quality and resource extraction issues. From 1980 until 1984, "Fitz" was a staff attorney and environmental specialist with the Appalachian Research and Defense Fund of Kentucky's Lexington office.

Fitz received his Juris Doctor from the UK College of Law in 1980 (Order of the Coif) and was a Reginald Heber Smith Community Lawyer Fellow from 1980-1982. He is an exstinguished alumni of Roger Williams College, Bristol, Rhode Island, where he graduated with a B.A. in American Studies with distinction.

Fitz has held numerous appointments in the past 25 years; a member of the Kentucky Forest Products Council (1994-1999); the Governor's Clean Air Act Task Force (1993-Present); the Ky-A-Syst Advisory Committee (1993-Present); Clean Air Act Small Business Technical Advisory Committee (1995-1999); the Task Force on Surface Mine Bonding (1982-1984); the Task Force on Mining Primacy (1980-1982); the Task Force on Tar Sand Development (1982-1984); the Legislative Task Force on Waste Management (1988-1990); Board, Kentucky Center for Hazardous Waste Reduction (1989-1994); member, Kentucky Coal Authority (1990-1992); the Solid Waste Reduction and Management Plan Advisory Committee (1991-1994); the Container Deposit Task Force (1998-1999), and the NRCS State Technical Committee (1996-Present).

Fitz has been an Adjunct Professor of Energy and Environmental law at the Brandeis School of Law since 1986, and has published a number of articles, including "The Ages Tragedy: Where Were The Regulators?" a report of the 1981 coal waste dam collapse in Harlan County, Kentucky; "The 1977 Surface Mining Control and Reclamation Act – The Citizens "Ace in the Hole," 8 *No. Ky. L. Rev.* (1981) (a primer on representation of the public in surface mining cases); "Federal Regulation of Coal Mine Waste Disposal: A Blueprint For Disaster," (an article on needed reform and interagency coordination in coal waste regulation), 1984 National Coal Issue, *W. Va. L. Rev.*; "Abuse of the Surface Mining Act: A Continuing Story," a review of the abuse of the federal Surface Coal Mining and Reclamation Act of 1977, in the 1985 National Coal Issue, *W. Va. L. Rev.*; and "Representing the Citizen In Surface Mining Cases," Chapter 115 of Volume 3 of the multi-volume treatise *Kentucky Mineral Law*.

He received the Environmental Quality Commission Lifetime Achievement Award, 2002; the Henry R. Heyburn Public Service Award, University of Kentucky College of Law, 2003, and the Kentucky Nature Preserves Commission Biological Diversity Award in 2003. He is married to a very patient woman, Jefferson County Family Court Judge Patricia Walker FitzGerald, and has three teenage sons.

J. Steven Gardner

J. Steven Gardner, P.E., P.S. is President of Engineering Consulting Services, Inc. headquartered in Lexington, Kentucky. He also serves as Chairman of the Board/CEO of Specialty Coal Processing, Inc. Steve specializes in natural resources, environmental and land use issues, hydrology, health and safety, forensic investigations, and litigation support. Previously he has worked as an engineer and manager in both mining operations and consulting, plus served on a mine rescue team. He was a co-author of the Kentucky Mining Institute's Fifth Edition *Coal Mining Reference Book* (The Red Book), utilized as a study guide for the Kentucky Mine Foreman's Exam. He has authored and co-authored technical papers on numerous technical and environmental issues.

Steve holds undergraduate and graduate degrees from the University of Kentucky in Agricultural Engineering and Mining Engineering, respectively, plus a graduate level Environmental Systems Certificate. He is a licensed Professional Engineer in Kentucky, West Virginia, Virginia, and Tennessee, plus a licensed Professional Surveyor in West Virginia. His career began in 1975 with Beth-Elkhorn Corp., a subsidiary of Bethlehem Steel in Jenkins, Kentucky, where he worked for David A. Zegeer. Steve later worked for Tennessee Gas Pipeline, Hittman Associates, U.S. Coal, Inc. (Big K Coal Co.), and Kenwill, Inc.

Steve is active in the Society of Mining, Metallurgy and Exploration (SME) and served a three-year term as Vice President of the Southeast Region, member of the Board of Directors and Executive Committee for the 12,000+/- member organization. He was the 2003 recipient of the SME Government, Education and Mining (GEM) Award given in recognition of "...enthusiastic support of GEM activities and for educating the public by partnering with school districts and university systems to provide more information about the mining industry." He is also active in the Kentucky Society of Professional Engineers, serving on the Professional Development Committee and Secretary/Treasurer of the Professional Engineers in Mining practice section. His personal interests include a love of history and preservation of historic structures. He is active in the Woodford County Historical Society and is currently serving as President. In 2004 he was appointed to a four-year term to the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors and chairs the Engineering Committee in 2005.

Timothy W. Gresham

Timothy W. Gresham is a Shareholder/Director of Penn, Stuart & Eskridge in its Abingdon, VA office. He represents and advises clients in the areas of workers' compensation and occupational disease, mineral rights and regulations, as well as environmental and safety matters. Before joining PennStuart, Mr. Gresham served as Assistant Attorney General of Virginia involved in the enforcement of laws relating to the mining and oil and gas industries. He previously worked as staff counsel for The Pittston Coal Group.

Mr. Gresham is active in the Energy and Mineral Law Foundation, serving as President for 2004-2005, and on the Board of Trustees and Executive Committee. Mr. Gresham has made numerous seminar and conference presentations concerning mineral and environmental law and regulation. He has also published articles relating to mineral and environmental law topics in the *Journal of Mineral Law & Policy*, *West Virginia Law Review* and the Annual Proceedings of the EMLF. He received his B.A. in 1976 from Morehead State University and his J.D. in 1979 from the University of Tennessee College of Law and is licensed in Tennessee and Virginia.

John H. Henderson

John Henderson is a Partner in the firm of Stoll Keenon & Park, LLP. He is a member of the Taxation, Estates and Employee Benefits Department and the Real Estate/Land Use Planning Department and practices in the areas of federal taxation, state and local taxation and estate planning.

Mr. Henderson received a Juris Doctor degree from Vanderbilt University School of Law in 1995 and a Masters of Laws in Taxation degree from New York University in 2001. While attending Vanderbilt University, Mr. Henderson was Articles Editor for the Vanderbilt Journal of

Transnational Law and authored "The Reintegration of Hong Kong into the People's Republic of China," 28 V. and J. Transnat'l L. 503 (1995). While attending New York University, he served as a Graduate Editor of the Tax Law Review.

Mr. Henderson was admitted to the Tennessee Bar in 1995, the Kentucky Bar in 1996 and the Illinois Bar in 1999. He is currently a member of the Henderson County, Tennessee, Kentucky, Illinois and American bar associations.

Mr. Henderson attended Carleton College in Northfield, Minnesota and received a Bachelor of Arts in Economics in 1992. While attending Carleton, he was a William Carleton Scholar. In the spring of 1992, Mr. Henderson spent a semester studying political science and economics in Japan, Hong Kong and China.

Mr. Henderson serves on the boards of directors for the Young Men's Christian Association of Henderson, Kentucky, Inc. and Habitat for Humanity of Henderson, Kentucky, Inc.

Noelle M. Holladay True

Noelle Holladay True is a partner with Rajkovich, Williams, Kilpatrick & True, PLLC in Lexington, where she practices primarily in the areas of mineral & energy and commercial litigation. Her primary focus area is Mine Safety and Health Administration work. Ms. True is a member of the Lexington Young Professionals Association, the Energy & Mineral Law Foundation, the Lexington and Cincinnati Coal Exchanges, and the Fayette County, Kentucky and American Bar Associations. She serves on the Board of Directors for the Friends of Raven Run, and is a Director for the New Opportunity School for Women in Berea, Kentucky. Ms. True was a recipient of the 2004 Lexington Young Professionals Association "Rising Star Award." She received her B.S. degree with Honors in Finance from Indiana University in 1997 and graduated *Order of the Coif* in 2000 from the University of Kentucky College of Law. In law school, Ms. True was a member of the *Kentucky Law Journal*, in which she authored an article entitled "The Limited Fiduciary Duties Owed by Corporate Managers to Preferred Shareholders: A Need for Change." Recently, she has made presentations on topics of interest at mineral and energy law seminars throughout the state.

Makram B. Jaber

Makram B. Jaber is a partner with Hunton & Williams LLP in Washington, D.C., where he practices Environmental Law. Mr. Jaber has received a B.S. in Civil Engineering from the American University of Beirut in 1984; M.S. and Ph.D. degrees in Geotechnical Engineering from the University of California, Berkeley, in 1985 and 1989, respectively; and a J.D. from Emory University in 1996. During the 1996-1997 term, Mr. Jaber clerked for the Honorable Stanley F. Birch, Jr., United State Court of Appeals for the Eleventh Circuit.

For almost three decades, Hunton & Williams has represented the Utility Air Regulatory Group ("UARG"), a coalition of public and private electric utility companies and their trade associations, in rulemakings under the Clean Air Act and in the litigation arising from these rulemakings. As a result, Hunton & Williams has participated in virtually every major rulemaking affecting the utility industry since the inception of the Clean Air Act. Currently, Hunton & Williams represents UARG in administrative proceedings and in D.C. Circuit

litigation arising from EPA's New Source Review (NSR) rules; Clean Air Interstate Rule (CAIR); Clean Air Mercury Rule (CAMR); and regional haze rules.

Mr. Jaber's Clean Air Act practice currently focuses primarily on the NSR program. In November 1999, the U.S. Environmental Protection Agency (EPA) launched an "enforcement initiative" against the electric utility industry. EPA alleged that, over the last twenty years, utilities repeatedly violated the NSR program when they undertook component repair and replacement projects at their plants without obtaining pre-construction permits. Mr. Jaber represents several of the targets of this initiative, including the Tennessee Valley Authority (TVA), FirstEnergy Corporation, Duke Energy Corporation, and East Kentucky Power Cooperative (EKPC).

Mr. Jaber represented TVA in responding to an Administrative Compliance Order issued by EPA, including defending TVA at an administrative hearing before EPA's Environmental Appeals Board and appealing to the Eleventh Circuit. The Court of Appeals issued a decision in June 2003, holding EPA's order "legally inconsequential." *Tennessee Valley Authority v. Whitman*, 336 F.3d 1236 (2003), *cert. denied*, 541 U.S. 1030 (2004). Mr. Jaber also represented (and/or continues to represent) FirstEnergy, Duke Energy, and EKPC in their NSR enforcement cases. The FirstEnergy case was settled in 2005, and the EKPC case is on-going, with a trial scheduled in March 2006. In *Duke Energy*, the district court granted the company's summary judgment motion, holding unlawful the basic legal premises of EPA's enforcement initiative. *United States v. Duke Energy Corp.*, 278 F. Supp. 2d 619, (M.D.N.C. 2003). The Fourth Circuit recently affirmed, and denied rehearing *en banc*. *United States v. Duke Energy Corp.*, 411 F.3d 539 (4th Cir. 2005), *reh'g denied* (4th Cir. Aug. 30, 2005).

Mr. Jaber represented UARG in filing comments on EPA's NSR "reform rules." He represents UARG and other industry organizations in the D.C. Circuit challenges to these rules. The first rule, promulgated in 2002, was recently largely upheld by the court. *New York v. U.S. EPA*, 413 F.3d 3 (D.C. Cir. 2005). Petitions for rehearing portions of the D.C. Circuit's decision are currently pending. The second rule, promulgated in 2003, is currently in active briefing.

Mr. Jaber also counsels utility clients on compliance with NSR rules, permitting, and other Clean Air Act issues.

Kelly B. Kibble

Kelly Kibble is an associate attorney in Spilman Thomas & Battle, PLLC's Charleston, West Virginia office. Ms. Kibble has developed a background in the environmental field through her undergraduate course of study at the University of Kentucky, participation in an environmental law clinic as a law student, and as an associate at Spilman Thomas & Battle. Ms. Kibble works with members of the oil and gas and coal industries in the monitoring and development of environmental legislation and the development of water quality standards. Ms. Kibble co-authored an article titled "Industry's Role in Challenging the TMDL Process" that will be published by the Energy & Mineral Law Foundation in Volume 26 of the *Energy & Mineral Law Institute*. Ms. Kibble earned her B.S., magna cum laude, in Natural Resource Conservation and Management from the University of Kentucky and her J.D., cum laude, from Georgetown

University Law Center. She is admitted to practice before the West Virginia Supreme Court of Appeals and the U.S. District Courts for the Northern and Southern Districts of West Virginia.

Thomas E. Meng

Tom Meng is a member of the law firm of Stites & Harbison in Lexington, Kentucky, where he regularly represents coal, oil and gas operators in connection with all aspects of their operations, including matters relating to leasing and title, environmental, contract mining agreements, regulatory compliance, and supply contracts. Tom was the 2003-2004 president of the EMLF, has served on all the EMLF committees as member or chairman, and spoken and published articles. Tom received his B.B.A. from the University of Kentucky in 1971 and his J.D. from the College of Law in 1974.

Mary Beth Naumann

Mary Elisabeth Naumann is an associate in the Lexington, Kentucky, office of Jackson Kelly PLLC. She received her J.D. in 1999, magna cum laude and Order of the Coif, from Washington & Lee University School of Law in Lexington, Virginia. At W&L, Mary Beth served both as a staff writer and as an articles editor on the Law Review. After graduating from W&L, she served as a judicial clerk to the Honorable H. Emory Widener, Jr. in the United States Court of Appeals for the Fourth Circuit. Mary Beth's practice is focused on business and commercial law in both state and federal courts, with a primary concentration in bankruptcy law. Mary Beth grew up in the midst of the coal industry in Virginia, West Virginia, and Eastern Kentucky and has put that background to use representing various coal companies and related businesses in civil litigation matters, environmental matters, and bankruptcy proceedings.

Gregory J. Ossi

Gregory Ossi joined Venable LLP in July, 2003 and practices in the firm's Tyson's Corner office in Virginia. Mr. Ossi focuses on all aspects of labor and employee benefits law. Mr. Ossi counsels employers in addressing union organizing, unfair labor practice charges and labor issues arising in mergers, acquisitions and bankruptcy. He also counsels employers in handling related employee benefit issues.

Mr. Ossi has given speeches and written articles on labor and employee benefit issues. He has written about the provision of lifetime health care benefits in both the union and non-union workplace and co-authored an article on damage awards pursuant to the Workers Adjustment and Retraining Notification Act (WARN Act). Mr. Ossi writes the bi-monthly column, *Labor Trends*, for Coal Age Magazine.

Mr. Ossi received his law degree in 1997 from Catholic University of America, Columbus School of Law where he was the Executive Editor for the *Journal of Contemporary Health Law and Policy*. Mr. Ossi received a Masters in Accounting in 1991 from the University of Virginia, and a Bachelor of Science in Business Administration and Accounting in 1990 from Washington and Lee University.

Mr. Ossi is a member of the Employee Benefits Committee of the United States Chamber of Commerce and the president of the Washington and Lee Metro DC Alumni Association.

Roy M. Palk

Roy Palk assumed the duties of president and chief executive officer of East Kentucky Power Cooperative on April 1, 1994. Prior to joining EKPC, Mr. Palk served as assistant general manager of the National Rural Electric Cooperative Association (NRECA) in Washington, D.C. He joined NRECA as its director of operations and was in charge of its internal operations, including budgeting and human resources and became NRECA's assistant general manager in 1991. An attorney, he also served as NRECA's corporate counsel.

Mr. Palk has represented the electric cooperative program throughout the United States, including serving as the interim president and CEO for Colorado-Ute Generation and Transmission Cooperative located in Montrose, Colorado during the cooperative's workout from Chapter 11 bankruptcy.

International assignments for Mr. Palk include Europe, Asia, Central America, and South America. Some of these assignments were for projects funded by various international development agencies, including the World Bank, the Asian Development Bank and the United States Agency for International Development (USAID).

Prior to joining NRECA, Mr. Palk spent seventeen years with two distribution systems supplied by the Tennessee Valley Authority. He was the director of member services for Tri-County EMC in Lafayette, Tennessee from 1970-1975 and the general manager of Upper Cumberland EMC from 1975-1987.

While in the TVA system, Mr. Palk served in various positions with the Tennessee Valley Public Power Association, the trade association for TVA distributors, including chairman of its Rates and Contracts Committee and also as its board chairman. Mr. Palk was a founding director of a captive insurance company for TVA Power distributors.

Mr. Palk received his BS from Tennessee Technological University and his Doctor of Jurisprudence from the Nashville School of Law where he was elected president of the school's honor council. Additionally, he has studied mechanical and electrical engineering through the TVA and has taken accounting and labor relations courses at the Owen School of Management at Vanderbilt University.

Mr. Palk is currently serving on the boards of the Center for Energy and Economic Development in Washington, D.C.; the Kentucky Coal Marketing Council; the University of Kentucky College of Mining Engineering; Pikeville College; Board Chair of the Kentucky Community and Technical College System Foundation; the Southeastern Federal Power Customer Group, and the Winchester, KY Advisory Board for Branch Banking and Trust (BB&T). Mr. Palk is also chairman of ACES Power Marketing headquartered in Indianapolis, is a member of the NRECA Power and Water Resources Committee and is the former vice-chair of the Electric Power Research Institute in Palo Alto, California.

Mr. Palk makes his home in Lexington. He and his wife Kathy have four children and eight grandchildren.

Bryan R. Reynolds

Bryan R. Reynolds is a partner with the Owensboro law firm of Sullivan, Mountjoy, Stainback & Miller, where his practice is concentrated in Environmental and Mineral Law and Litigation. Mr. Reynolds graduated with a B.S. in Geology from Indiana University in 1983. After graduation, he worked as a geologist until 1988 for Reynolds Resources, Inc., an independent oil and gas exploration and production company in Owensboro. He received his J.D., magna cum laude, from Salmon P. Chase College of Law in 1991. He has been a member of the Board of Directors of the Kentucky Oil and Gas Association since 1992, is currently the Chair of the KOGA legal committee, and also serves on the Legal Committee of the Interstate Oil and Gas Compact Commission. He authored "Who's Going to Regulate NORM?" which was published in 1995 in the *Northern Kentucky Law Review*, and has spoken on several occasions for the Energy & Mineral Law Foundation.

Paul Sainato

Paul Sainato is a Project Manager with Engineering Consulting Services, Inc. in its Lexington, Kentucky office. Paul holds a Kentucky Engineer in Training Certificate, Impoundment Inspector's Certificate, and is also a licensed attorney in Kentucky. Paul has worked for Engineering Consulting Services, Inc. for three years and anticipates taking the Professional Engineer Licensing Examination in the Fall of 2006. Paul's experience at Engineering Consulting Services, Inc. has included permitting, environmental assessments, reclamation and environmental liability estimates, structural investigations, pre-blast structural surveys, sediment structure inspections, mine planning, and acid mine drainage mitigation.

Paul received a B.S. degree in Police Administration from Eastern Kentucky University in 1988, a B.S. degree in Mining Engineering from the University of Kentucky in 1999, and his J.D. degree from the Brandeis School of Law at the University of Louisville in 2002. He is a member of the Golden Key National Honor Society, recipient of the Old Timer's Award 1999, and was a member of the Brandeis Law Journal in 2001.

Paul is a member of the American Bar Association, Kentucky Bar Association, Society of Mining, Metallurgy, and Exploration, American Society for Surface Mining and Reclamation, the Kentucky Crushed Stone Association, and the Energy & Mineral Law Foundation.

Robert V. Sartin

Mr. Sartin, a native of Conroe, Texas, is a partner of Sawyer & Glancy PLLC. Mr. Sartin received his Bachelor of Business Administration degree, majoring in Economics and Finance, from Baylor University in 1989 and his juris doctor from Washington & Lee University in 1995. Mr. Sartin also holds a Masters of Laws in Taxation from New York University, received in 1997. Prior to joining Sawyer & Glancy PLLC, Mr. Sartin practiced with the law firm of Greenebaum Doll & McDonald PLLC. Mr. Sartin concentrates his practice in commercial transactions, bankruptcy and restructuring law, mergers and acquisitions, and tax law. His experience includes the representation of companies in connection with a wide variety of business matters, including mergers and acquisitions, venture capital investments, strategic alliances, joint ventures, corporate restructurings and debt transactions. Additionally, Mr. Sartin has represented debtors in possession, creditors committees, and institutional creditors acting in various capacities in a wide variety of bankruptcy cases.

Gregory R. Schaaf

Gregory R. Schaaf is a member with the law firm of Greenebaum Doll & McDonald, PLLC in Lexington, KY. Greg's practice focuses on commercial reorganizations, including bankruptcies and workouts, and real estate and commercial transactions. He received a B.B. degree in Accounting and a B.S. degree in Law Enforcement Administration from Western Illinois University in 1984. Greg graduated from the University of Kentucky College of Law in 1991 where he was Order of the Coif and a member of the National Moot Court Team, the Moot Court Board, and the *Journal of Mineral Law and Policy*.

Greg worked as a Certified Public Accountant for KPMG Peat Marwick from 1984 to 1987. He also worked as a solicitor in London, England from 1997-1999, handling corporate matters and real estate transactions for English, Russian and American clients.

Greg has been admitted to the U.S. Circuit Court of Appeals for the Sixth Circuit, the U.S. District Courts for the Eastern and Western Districts of Kentucky and the Kentucky Supreme Court. Greg is also a member of the American Bankruptcy Institute, The Law Society of England and Wales, the American Bar Association, the Kentucky Bar Association and the Fayette County Bar Association.

Greg has represented numerous coal companies in Chapter 11 proceedings as counsel for debtors (Quaker Coal Company, Golden Oak Mining), creditor's committees (Horizon Resources), trustees (Lodestar) and individual creditors. Greg has also made numerous presentations to professionals on reorganization and bankruptcy issues.

Russell L. Schetroma

Russell L. Schetroma is a shareholder and director in Culbertson, Weiss, Schetroma and Schug, P.C., a regional Pennsylvania law firm with offices and facilities in Meadville, Erie, Titusville and Pittsburgh. He chairs the firm's business practice group.

Mr. Schetroma received his Juris Doctor *cum laude* from the Dickinson School of Law. He is a member of the American, Pennsylvania and Crawford County Bar Associations and is a past president of the Crawford County Bar Association. He currently chairs the Land Title Standards Committee of the Crawford County Bar Association. He serves the Supreme Court of Pennsylvania as a hearing board member in lawyer disciplinary matters. He has directed his firm's work as solicitors for the City of Meadville since 1975.

Mr. Schetroma has been recognized by the Pennsylvania Bar Association with its award for "outstanding contributions to the *pro bono* service in Pennsylvania" and the by the Eastern (now Energy &) Mineral Law Foundation's President's Award in recognition of his effort to develop a comprehensive index to the published works of that Foundation. In 2005 he was named a "Pennsylvania Super-Lawyer" by *Law & Politics/Philadelphia* magazine.

Mr. Schetroma has been awarded a certificate in East/West Law and Relations by the McGeorge School of Law of the University of the Pacific, after completing a course of study conducted in coordination with the Austro-American Institute of Education in Vienna, Austria and with the

law faculty of Eötvös Lorand University in Budapest, Hungary. He has also been awarded a certificate by Edinboro University evidencing his completion of its introductory course in Mandarin Chinese. He holds certificates from the Harvard Law School evidencing completion of its Programs of Instruction for Lawyers in Negotiation and Mediation.

Mr. Schetroma has participated in and lectured at many continuing legal education and trade association programs. He publishes and lectures extensively on topics related to oil and gas law, land title law, issues related to forming and counseling small businesses, legal ethics, international trade law, municipal law and negotiation theory.

Charles M. Surber, Jr.

Charles M. (“Ken”) Surber, Jr. is an attorney with Jackson Kelly, PLLC in its Charleston, West Virginia office. He is a member practicing in the Firm’s Labor and Employment Department. Mr. Surber has worked extensively in all aspects of employment law, including wrongful discharge, employment and labor litigation, unfair labor practices and other procedures before the NLRB, union organizing campaigns, arbitrations, strikes, unemployment compensation proceedings, matters before the EEOC, federal and state departments of labor, and the West Virginia Human Rights Commission. Mr. Surber also provides advice to employers relating to adherence to federal and state labor laws, drafting of personnel policies and employee handbooks, and employee discipline and termination.

Mr. Surber is admitted to practice law in the State of West Virginia and before the United States Supreme Court, the Third, Fourth and District of Columbia Circuit Courts of Appeal, and the United States District Courts in West Virginia and the Eastern District of Kentucky. Mr. Surber is listed in *The Best Lawyers in America* and *Who’s Who In America*, and is a frequent lecturer at numerous labor and employment related seminars and programs throughout West Virginia. He has served as a mediator for the West Virginia Human Rights Commission and has served on the Board of Directors for the Make-A-Wish Foundation for West Virginia. Mr. Surber is an active member of the Employment Law Committee of the West Virginia Chamber of Commerce, and has served on the United States District Court for the Southern District of West Virginia’s Local Rules Revision Committee.

Mr. Surber earned his bachelor’s degree from West Virginia University in 1971 and his law degree in 1978 from the University of Dayton, where he served as Comments Editor of the *University of Dayton Law Review*. His article “The Uniformed Services Employment and Reemployment Rights Act of 1994” was published in *25 Energy & Min. L. Inst. Ch. 1* (2005, Energy & Mineral Law Foundation).

Mark A. Swartz

Mark A. Swartz practices out of offices in Charleston, West Virginia and Abingdon, Virginia. He was born and raised in Wisconsin. He received his B.A. from Northwestern University and his J.D. from the Marquette University School of Law. Mr. Swartz has been a civil litigator since he was first admitted to practice in 1975. From the late 1980s, a significant part of his practice has involved energy law issues, including coalbed methane, conventional oil and gas and coal matters.

From 1990 to the present he has focused on coalbed methane production, often associated with long wall mining. He has pooled hundreds if not thousands of CBM wells, handled numerous permit objections and appeals, and other regulatory matters for his energy clients. He has served on committees appointed by the Virginia Gas and Oil Board and the Virginia Division of Gas and Oil which have drafted and then revised the rules of practice before the VGOB and the rules and regulations governing permitting and gas and oil operations in the Commonwealth of Virginia. Most of his regulatory work has been in southwest Virginia.

In addition to his energy practice, he practices in the area of complex corporate litigation including partnership dissolution, construction litigation, and dealership disputes as well as domestic relations matters where there are closely held businesses or other complex assets requiring valuation and distribution.

John Paul Woodley

Mr. John Paul Woodley, Jr., the Assistant Secretary of the Army (Civil Works), is responsible for the supervision of the Army's Civil Works program, including programs for conservation and development of the nation's water and wetland resources, flood control, navigation, and shore protection.

On May 16, 2005 President George W. Bush appointed John Paul Woodley, Jr., as Assistant Secretary of the Army (Civil Works) following confirmation by the Senate. Mr. Woodley had been serving as Principal Deputy Assistant Secretary of the Army (Civil Works) from December 9, 2004 until this appointment. Prior to this, he served as the Assistant Secretary of the Army (Civil Works) from August 22, 2003, until December 8, 2004, when his recess appointment concluded.

Mr. Woodley previously served as the Assistant Deputy Undersecretary of Defense (Environment). In this capacity Mr. Woodley oversaw the Defense environmental program, encompassing both environmental restoration and compliance and pollution prevention efforts. Mr. Woodley was also the principal advisor to the Secretary of Defense on environmental, safety and occupational health policy and programs. Prior to his appointment as the Assistant Deputy Undersecretary of Defense (Environment), Mr. Woodley served as Secretary of Natural Resources in the Cabinet of Virginia Governor Jim Gilmore from January 1998 until October 2001. As Secretary of Natural Resources, Mr. Woodley supervised eight Virginia agencies responsible for environmental regulation, permitting and enforcement, natural and historic conservation, and outdoor recreation, including parks, fisheries and wildlife management. Mr. Woodley also served as Deputy Attorney General of Virginia for Government Operations beginning in 1994. The Government Operations Division of the Attorney General's Office represented all state agencies in the areas of administration, finance, transportation, economic development, and natural resources.

Mr. Woodley attended Washington & Lee University in Lexington, Virginia, on an Army R.O.T.C. scholarship. He received a Bachelor of Arts degree from Washington & Lee in 1974, and was elected to Phi Beta Kappa. Mr. Woodley also attended the Law School at Washington & Lee, where he received his juris doctor degree cum laude in 1977.

Mr. Woodley served on active duty with the U.S. Army Judge Advocate General's Corps from 1979 until 1985 and retired from the Army Reserve in August 2003 as a Lieutenant Colonel. He has been awarded the Legion of Merit, the Meritorious Service Medal (2nd Oak Leaf Cluster), the Army Commendation Medal (1st Oak Leaf Cluster), and the Army Achievement Medal. His civilian awards include the Secretary of Defense Medal for Outstanding Public Service. Mr. Woodley is a native of Shreveport, Louisiana.