



# FORT LAUDERDALE

**Winter Workshops  
on Energy Law  
*Lago Mar Beach Resort*  
February 9-11, 2014  
Fort Lauderdale  
Florida**



## ***Who should attend the Winter Workshops?***

The goal of the EMLF Winter Workshops is to provide attendees with a comprehensive understanding of selected legal issues, by presenting them within the context of business considerations and public policy concerns affecting the energy industry. To accomplish this, the EMLF Winter Workshops feature exceptional faculty from a variety of disciplines.

Intended Audience: Lawyers, business executives, consultants, venture capital and private equity investors, lenders and government officials

## **2014 Winter Workshops Program Committee**

- Chair, George A. Rusk, *Ecology and Environment, Inc.*, Lancaster, NY
- Karen C. Bennett, *Hunton & Williams*, Washington, DC
- Jerry M. Eyster, *GE Financial Services*, Stamford, CT
- David M. Flannery, *Steptoe & Johnson*, Charleston, WV
- Kirsten L. Nathanson, *Crowell & Moring LLP*, Washington, DC
- Bruce D. Reed, *Berwind Natural Resources*, Philadelphia, PA
- Brooks M. Smith, *Troutman Sanders*, Richmond, VA
- Joseph J. Zaluski, *ECSI*, Lexington, KY

# Energy & Mineral Law Foundation **Winter Workshops on Energy Law**

February 9-11, 2014

Lago Mar Resort, Fort Lauderdale, Florida

## **Sunday, February 9, 2014**

6:00 – 7:00 p.m.     **Hosted Cocktails and Registration**  
Fountainview Lobby

**Dinner on your own**

## **Monday, February 10, 2014**

7:00 a.m.     **Registration and Continental Breakfast**  
Lakeview Lobby

7:30 – 8:15 a.m.     **Overview of Energy Issues in 2014**

- Michael L. Krancer, *Blank Rome LLP*, Philadelphia, PA

8:15 – 9:45     **Energy Markets Forecasts**

- Jerry M. Eyster, Senior Vice President, Energy Investment Strategy, *GE Energy Financial Services*, Stamford, CT
- Michael Zenker, *NextEra Energy Resources*, Juno Beach, FL
- Howard K. Gruenspecht, Deputy Administrator, *Energy Information Administration*, Washington, DC

9:45 – 10:00 a.m.     **Break**

10:00 – 11:00 a.m.     **Electric Power Transmission and Generation Infrastructure: What Impact Will Coal-Fired Plant Closures Have on Grid Reliability?**

This session looks at a variety of issues impacting the nation's power industry from the perspective of the VP and General Counsel of the PJM Interconnection, a regional transmission organization that operates the world's largest competitive wholesale electricity market.

- Vincent P. Duane, Vice President and General Counsel, *PJM Interconnection*, Norristown, PA

11:00 – 12:30 p.m.     **New Regulatory Initiatives Impacting Power Plants**

11:00 – 11:30 a.m.: *The President's CO<sub>2</sub> Plan* – including the history of CO<sub>2</sub> as a regulated air pollutant, the President's Climate Action Plan, EPA's proposed New Source Performance Standards (NSPS) rule, the plans of the Administration for regulating CO<sub>2</sub> from existing sources under section 111(d) of the Clean Air Act. This presentation addresses the specific legal criteria under Section 111 regarding "adequately demonstrated" technologies, and whether Carbon Capture and Sequestration (CCS) technology meets that test. The presentation also addresses the implications for the application of CCS to gas fired units, and the need for continued federal support for the development of CCS.

- Scott J. Stone, Counsel, *Hunton & Williams LLP*, Washington, DC

11:30 a.m. – Noon: *Overview of State Carbon Capture and Sequestration Efforts* – This presentation addresses CCS program developments in many states including efforts to resolve or streamline issues related to pore space ownership and acquisition, pipeline right-of-way authority and long term care. In addition this presentation will identify states which have addressed incentives for CCS development, limitations on tort liability and specific programs addressing the use of CO<sub>2</sub> for enhanced oil recovery.

■ David M. Flannery, Member, *Stephoe & Johnson PLLC*, Charleston, WV

Noon – 12:30 p.m.: *Social Cost of Carbon* – This presentation describes how the President’s CO<sub>2</sub> plan relies on the “social cost of carbon” as part of its justification. The presentation will review the concerns about reliance on such a factor and the efforts that are being made by several national trade associations to challenge the use of this factor in setting public policy.

■ Jim Hamilton, Managing Director, *FTI Consulting*, Washington, DC

#### 12:30 – 1:00 p.m. **Update on U.S. Coal Export Terminal Development**

The 2013 Winter Workshops devoted significant time to the problems impacting coal exports. Karen Bennet will discuss the many controversial issues impacting domestic coal port development projects. An overview of East, Gulf and West coal export activities will be presented, along with a look at the contentious litigation issues and federal-state tensions that are extending project development schedules, increasing costs and having a significant impact on securing agency approvals.

■ Karen C. Bennett, *Hunton & Williams LLP*, Washington, DC

1:00 p.m. **Adjourn**

6:00 – 7:00 p.m. **Hosted Cocktail Reception — Fountainview Lobby**

## **Tuesday, February 11, 2014**

7:00 a.m. **Coffee and Registration**

#### 7:30 – 8:15 a.m. **Open for Business in the Illinois Basin**

The old saw instructs us that behind every cloud there is a silver lining. In today’s regulatory, political and economic environment, the clouds continue to gather for the coal industry as a whole. This session will discuss the silver lining that is the Illinois Basin, which is bucking the national trend by bringing on new production, and explore from a legal perspective the confluence of circumstances creating these opportunities.

■ Charles A. Compton, General Counsel, *White Oak Resources LLC*, McLeansboro, IL

#### 8:15 – 9:00 a.m. **New Mining Innovations**

This session discusses implementation of OSM experimental practice integrated with upfront mine planning and reclamation to reduce conductivity and improve profitability.

■ Richard C. Warner, Ph.D., Extension Professor, Biosystems and Agricultural Engineering Department, *University of Kentucky*, Lexington, KY

9:00 – 9:50 a.m. **Brunch for Speakers, Registrants and Guests**

#### 9:55 – 10:55 a.m. **OSM Bonding Initiatives and Challenges to Primacy States**

The Federal Office of Surface Mining has been pressuring the Kentucky Regulatory Authority for quite some time to completely revamp their method for calculating bond amounts for mining permits. These bonds are performance bonds guaranteeing that a permittee will mine and reclaim in accordance with statutes, regulations and permit conditions. After lengthy debate and numerous approaches, the Commonwealth has a new bond program in place which significantly impacts the industry. Bill Adams will discuss how and why Kentucky created this new program and the potential for the controversial concepts to spread to other coal producing states. Greg Conrad of the Interstate Mining Compact Commission will address some of the challenges that primacy states under the Surface Mining Control and Reclamation Act are facing with respect to other aspects of their bonding programs, including financial requirements associated with self-bonds and corporate guarantees, trust funds for long-term treatment scenarios, bond forfeitures associated with bankruptcies, and innovative approaches for meeting bonding obligations.

■ Bill Adams, President, *Cumberland Surety Co.*, Lexington, KY

■ Gregory E. Conrad, Executive Director, *Interstate Mining Compact Commission*, Herndon, VA

10:55 – 11:55 a.m.    **Litigation Update**

This session will provide an overview and analysis of some of the most significant cases either currently pending or recently resolved in the courts that affect the regulatory contours and/or liability risks for the energy sectors (coal, natural gas, utilities, renewables), with a focus on new litigation frontiers involving climate change/ greenhouse gas regulation, the “war on coal,” hydraulic fracturing, and endangered species.

- Kirsten L. Nathanson, Moderator, *Crowell & Moring*, Washington, DC
- Katie Sweeney, Senior Vice President, Legal Affairs & General Counsel, *National Mining Association*, Washington, DC
- Chet Thompson, *Crowell & Moring*, Washington, DC
- Daniel W. Wolff, *Crowell & Moring*, Washington, DC

11:55 a.m. – Noon    **5-minute Break**

Noon – 1:00 p.m.    **Professional Ethics Update 2014**

This session will explore current developments in professional responsibility, focusing on recent ethics opinions and amendments to the ABA Model Rules, based on recommendations of the Ethics 20/20 Commission. It will include technology and confidentiality, division of fees, social networking, and more.

- David G. Ries, *Clark Hill Thorp Reed*, Pittsburgh, PA

1:00 p.m.            **Adjourn**

## *Upcoming programs*

- April 22-23, 2014  
Mine Safety and Health Law  
Washington, D.C.
- June 1-3, 2014  
EMLF 35th Annual Institute  
The Greenbrier  
White Sulphur Springs, WV
- October 2014  
Kentucky Mineral Law Conference  
Lexington, KY



## Yes, I want to attend the Winter Workshops

EMLF full conference registration fee includes all educational sessions and materials, Sunday and Monday cocktail receptions, Tuesday mid-morning brunch and refreshment breaks. CD with all PowerPoint presentations and written materials will be provided. Guest registration includes Sunday and Monday cocktail receptions and Tuesday mid-morning brunch.

Registration fees.....	Through Jan. 17	After Jan. 17
Non-member Registration Fee.....	\$995	\$1,095
EMLF Member Fee.....	\$895	\$995
Government Attorney Fee.....	\$500	\$600
Guest .....	\$125	\$125

First Name \_\_\_\_\_ M.I. \_\_\_\_\_ Last Name \_\_\_\_\_ Badge Name \_\_\_\_\_

Organization/Firm \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Daytime Phone \_\_\_\_\_ Fax # \_\_\_\_\_

Email Address \_\_\_\_\_

State(s) for CLE Credits \_\_\_\_\_ Do you need AAPL Credit? \_\_\_\_\_

Guest's full name \_\_\_\_\_ Badge name \_\_\_\_\_

### Mandatory CLE and Professional Credit

Conference accreditation is pending from states with mandatory Continuing Legal Education. The conference consists of 585 minutes, including 60 ethics minutes (9.75 hours in 60-minute states and 11.7 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.

Fees:

Conference Registration	\$ _____
Guest Registration	\$ _____
Total	\$ _____

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

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

Signature \_\_\_\_\_ CVV code (security code) \_\_\_\_\_

### Accommodations

The conference is being held at Lago Mar Resort, 1700 South Ocean Lane, Fort Lauderdale, Florida 33316. Lago Mar is just five miles north of the Fort Lauderdale airport (about a ten minute ride), about 15 minutes from downtown Fort Lauderdale and about 45 minutes from Palm Beach and Miami. Directions for driving from the Fort Lauderdale airport and directions for driving from I-95 can be found on the resort's website at <http://www.lagomar.com/findus/index.php>. We have a room block at a rate of \$235 for a one-bedroom suite plus tax, available February 8-14. Rooms at that rate are available through January 8 or sellout. Be sure to ask for the Energy & Mineral Law Foundation room block. The direct number for the reservations department is 954.523.6511 or 800.LAG.OMAR. Individual reservations may be canceled without penalty seven days or more prior to the confirmed arrival date. Cancellations occurring less than seven days prior to arrival date shall be charged a one night's room occupancy and tax.

### Three ways to register

- If registering online, go to [www.emlf.org](http://www.emlf.org)
- 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 17. No registration refunds will be made thereafter, but substitutions can be made without charge. Persons who must cancel their registration after January 17 may claim a \$400 credit toward any future EMLF educational program.