



FORT LAUDERDALE

Our Brave New Energy World

**Winter Workshops
on Energy Law**

Lago Mar Beach Resort

February 28-March 1, 2016

Fort Lauderdale

Florida



& Mineral Law Foundation

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

2016 Winter Workshops Program Committee

- Chair, Jerry M. Eyster, Senior Vice President, Investment Strategy, *GE Financial Services*, Stamford, CT
- Bruce D. Reed, *Berwind Natural Resources*, Philadelphia, PA
- G. Brian Wells, *Wyatt, Tarrant & Combs LLP*, Lexington, KY
- Daniel W. Wolff, *Crowell & Moring LLP*, Washington, DC

Energy & Mineral Law Foundation ***Our Brave New Energy World*** **Winter Workshops on Energy Law**

February 28-March 1, 2016

Lago Mar Resort, Fort Lauderdale, Florida

Sunday, February 28, 2016

6:00 – 7:00 p.m.

Hosted Cocktails and Registration

Monday, February 29, 2016

7:00 a.m.

**Registration and Continental Breakfast
Lakeview Lobby**

8:00-8:15 a.m.

Welcome and Introductions

- Brian Wells, EMLF President

8:15-9:30 a.m.

What Does the Future of US Energy Look Like Under the Clean Power Plan?

The presentation will address the domestic energy picture, with an emphasis on the electricity demand, the generation mix, and the outlook for fossil fuel production. The final Clean Power Plan rule and other recent policy changes including extended tax credits for renewable electricity generation and the removal of restrictions on crude oil exports will be incorporated in the U.S. Energy Information Administration's (EIA) 2016 Annual Energy Outlook. The implications of these developments for U.S. energy markets will be discussed using a combination of published information and analyses from EIA and other sources, insights from EIA's current work, and lessons drawn from recent history.

- Howard K. Gruenspecht, Deputy Administrator, U.S. Energy Information Administration (EIA), *U.S. Department of Energy*, Washington, DC

9:30-9:45 a.m.

Break

9:45-11:15 a.m.

What Is the Clean Power Plan (CPP) and What Does It Do?

What Is the CPP and What Does It Call For?

- Tauna M. Szymanski, *Hunton & Williams LLP*, Washington, DC

How EPA's Targets Affect Compliance

The targets set by EPA in its Clean Power Plan (CPP) may limit how many states can comply with it. What are the real, cost-effective levers available to states to achieve their EPA targets? This presentation will review how various compliance options interact and emphasizing one approach creates or limits other options.

- Jerry M. Eyster, Senior Vice President, Investment Strategy, *GE Energy Financial Services*, Stamford, CT

What Is the Rule's Legal Challenge Vulnerability?

This session will examine the core legal issues that the Clean Power Plan raises: whether EPA may simultaneously regulate existing power plants under section 111(d) and section 112; whether the rule impinges on the States' assigned roles under the existing source provision; whether the rule oversteps by mandating generation-shifting and "beyond-the-fenceline" measures to reduce CO₂ emissions from existing power plants; and whether the rule is impermissible because the standards it sets cannot be met by any technological or operational measure that can be implemented at an individual source.

■ Thomas A. Lorenzen, *Crowell & Moring LLP*, Washington, DC

11:15-11:30 a.m. **Break**

11:30 a.m.-1:00 p.m. **Can Renewables Meet EPA's Expectations?**

Technology Update for Renewables

Lauren Thirer will discuss the historical and present costs of wind and solar energy, as well as the key factors driving the recent decline – wind resource improvements, technology improvements, etc. She will also present some emerging technologies that will continue to drive the cost of Renewables down over time.

■ Lauren Thirer, Product Strategy Leader, *GE Renewables*, Schenectady, NY

What Transmission Additions Are Needed for Renewables and What Does It Take to Get Them Built?

There is no dispute that access to reasonably priced transmission is key to ensuring access to renewables because renewable resources so often are located in areas remote from load centers. But numerous challenges in developing timely and efficient transmission solutions must be overcome. Among these is the significant mismatch between the time needed to construct a renewable generation project and the time needed to construct the supporting transmission infrastructure. Accordingly, planning transmission only after specific generation needs are identified will not provide timely transmission solutions. And while regional planning requirements in the FERC's Order No. 1000 and other important initiatives hold the potential to identify the most efficient transmission support for renewables, its construction might not occur unless the cost/benefit analysis associated with these options takes into account key externality and opportunity costs, including the avoided costs of whatever reduction in carbon would be realized from the new transmission. In addition, even where there isn't a need for long distance transmission projects to support renewables connected to distribution lines near load centers, the interconnection rules and transmission operations associated with these projects also will need to be changed to ensure the most efficient use of those resources.

■ Lawrence F. Eisenstat, *Crowell & Moring LLP*, Washington, DC

Can Renewables Meet EPA's Expectations?

The EPA is projecting that renewables will play a principle role in fulfilling the mandates of the CPP. The cost of renewable energy is not expected to be a key impediment. In fact the cost of utility-scale wind and solar power has been dropping and is expected to continue doing so, rivaling the cost of conventional fossil-fueled resources. This session will focus on other impediments to the successful integration of additional renewable power to the U.S. power markets.

■ Michael Zenker, Managing Director, *NextEra Energy Resources*, Juno Beach, FL

6:00 -7:00 p.m. **Hosted Reception**

Tuesday, March 1, 2016

8:00-9:20 a.m. **What Is the Future of Gas Supply and Markets?**

Update on Gas Supply and Demand Outlook

Andrew Bradford will discuss the BTU Analytics current view on the North American oil and natural gas markets. Topics will include supply/demand balances, new infrastructure development, production economics, producer behavior and impacts of changing capital markets on energy companies. In addition, he will discuss production breakevens by play and by operator and a discussion of how much drilling inventory at various well head price levels exist by play. The North American market in 2014 and 2015 has also developed a backlog of drilled but uncompleted wells (DUCs) and the pace at which this inventory is worked off will impact the number of rigs, wells to sales and ultimately production and price levels going forward.

■ Andrew Bradford, CEO, *BTU Analytics, LLC*, Denver, CO

Does the Clean Power Plan Really Favor Natural Gas?

This session will be an analysis/discussion of the Clean Power Plan and its potential impact, positive or negative (or both) on development of natural gas use, especially for power generation.

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

9:20-10:30 a.m. **Brunch**

10:30-11:50 a.m. **Will Coal Be a Phoenix and Rise Again?**

Update on the Supply/Demand Outlook for Coal

■ Seth Schwartz, President, *Energy Ventures Analysis*, Arlington, VA

Outlook for Upcoming UMW Contract Negotiations and Miner Benefits

2016 will prove to be a pivotal year in labor relations in the coal fields. The national UMWA collective bargaining agreement expires at the end of the year and will need to be re-negotiated, the union's multi-employer pension plan is drastically underfunded and bankruptcies of major coal companies dot the landscape. Combined with a convergence of adverse circumstances including lower oil and gas prices, reduced demand for coal and an aggressive anti-coal political environment, the expected events in 2016 will make collective bargaining a challenge for both labor and management. This presentation will focus on the status of the various events as of March, the bargaining choices, both legal and practical, available to the union and companies and what might happen to the pension plan and health care benefits provided by the current contract.

■ Gregory B. Robertson, *Hunton & Williams LLP*, Richmond, VA

11:50 a.m.-Noon **Closing – Brian Wells, EMLF President**

Noon-1:00 p.m. **Professional Ethics Update 2016**

This session will explore current developments in ethics and professional responsibility from recent rules amendments, ethics opinions, and court cases, including competence in technology and e-discovery, safeguarding client data and funds, missed deadlines, and more.

■ David G. Ries, *Clark Hill PLC*, Pittsburgh, PA

Adjourn



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. Flash drive with all PowerPoint presentations and written materials will be provided. Guest registration includes Sunday and Monday cocktail receptions and Tuesday mid-morning brunch.

<i>Registration Fees</i>	<i>Through Feb. 12</i>	<i>After Feb. 12</i>
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 475 minutes, including 60 ethics minutes (7.9 hours in 60-minute states and 9.5 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.

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 \$250 for a one-bedroom suite plus tax, available February 26-March 3. Rooms at that rate are available through January 28 or sellout. Be sure to ask for the Energy & Mineral Law Foundation room block. The direct number for the reservations department is 855-829-2923. 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
- 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 February 19. No registration refunds will be made thereafter, but substitutions can be made without charge. Only EMLF members who must cancel their registration after January 19 may claim a \$400 credit toward any future EMLF educational program.