

The National Regulatory Research Institute
in association with
the Utah Public Service Commission
presents

The Changing Fundamentals of Electricity Law

*Now with Climate-Change Topics: Renewable Energy
Tariffs, Smart Grid, Demand Response, and the
Expanding "Public Interest" Universe*

and including

a special section on
*Preside or Lead? The Attributes and Actions of Effective
Regulators*

A Law and Policy Seminar with
Scott Hempling, Attorney at Law

January 31-February 1, 2012 · Salt Lake City, UT

[Register Now](#)

Join us for this intensive 1.5-day (9-hour) seminar for practitioners and decisionmakers whose effectiveness depends on mastering the legal principles underlying the electric industry's transition.

Market structure, power sales, transmission service (*including FERC's new Order 1000*), corporate structure, climate change -- find out how the fundamentals of electricity law are changing.

After taking this seminar, you will know:

- How to distinguish "monopolies" from "monopolizers"
- How to set rates without violating the U.S. Constitution
- Why electricity regulation is so darn complicated -- its actors, actions, and agencies
- The entire alphabet soup of ISOs, RTOs, IPPs, EWGs, ICTs, RSCs, and Transcos
- Why "deregulation" is a misnomer
- Why "transmission" now means *regional transmission*, due to FERC's massive *Order 1000*
- How FERC's wholesale competition efforts are changing how states do their jobs
- The legal sources of market-power analysis
- How the repeal of the 1935 Public Utility Holding Company Act is reshuffling corporate structure and market structure
- Why a 75-year-old statute makes state-FERC relations so awkward
- Why "electricity law" is a jumble of legal sources, including state regulatory statutes, federal statutes (the Federal Power Act, the just-repealed Public Utility Holding Company Act, the

Public Utility Regulatory Policies Act, the Energy Policy Act of 1992, and the 2005 Energy Bill), constitutional law, contract law, property law, and negligence law

- How **climate-change** concerns are affecting utility regulation, especially in the form of renewable energy tariffs, "smart grid," and demand response actions
- What it takes to be an effective regulator -- starting with purposefulness, education, independence, and decisiveness
- The expanding meaning of "public interest" in utility regulation -- from environmental protection to labor stability and even to civil rights

...and much more!

These are just some of the subjects you'll master when you attend NRRI's winter seminar "The Changing Fundamentals of Electricity Law."

Whether competition replaces regulation or coexists with it, participants in the debate over and implementation of both competition and regulation must have a complete understanding of these principles. This intensive 1.5-day seminar will help you get there.

Who Should Attend

Whether you're an attorney, economist, engineer, commissioner, legislator, or manager of a public or private entity -- beginner or veteran -- this seminar will strengthen your decisionmaking.

Join the ranks of thousands of professionals from all 50 states and every industry sector, many of whom have returned repeatedly to hear NRRI's seminars on the electricity industry. You'll gain the insights you need to better grasp the industry's ever-changing landscape.

What's more, you'll have plenty of opportunities to find new colleagues, share ideas, build your network, and strengthen your organization. Find out what your colleagues are doing -- or will do -- as they anticipate and adapt to the changing electric industry.

Praise for Scott Hempling's Presentations

"Probably the best combination of content and teaching skills I have seen since I joined the corporate world."

"Your attention to detail and rigorous presentation requirements make for the most effective and well-done programs being presented at the numerous energy seminars."

"Brilliant mix of depth, patience, and humor -- thank you!"

"Clarity of explanation was pitch-perfect."

"Fantastic learning opportunity with an engaging seminar and rich take-home text."

Program Information

Here's an outline of the topics we'll cover during this comprehensive 1.5-day workshop:

Day One

I. Part One: Monopolies, Competition, or Both? The Law of Market Structure

- A. Retail Monopolies under State Law: The Seven Straws in a Utility's Rights-and-Obligations Bundle
- B. Market Structure Conversion: From Monopoly to Competition at Wholesale and Retail

II. Part Two: Sales and Pricing of Power

- A. Cost-Based Pricing under Federal and State Law
- B. Market-Based Pricing under Federal Law
- C. Legal Principles Unique to the Federal Power Act

III. Sales and Pricing of Transmission Service

- A. "Comparable" Transmission Service under Order No. 888
- B. "Regional Transmission" under Order 2000 and the new Order 1000
- C. Transmission Cost Allocation
- D. Transmission Siting
- E. "Incentive" Pricing

Day Two

IV. Who Can Own What? The Law of Corporate Structure

- A. The Role and Repeal of the Public Utility Holding Company Act of 1935
- B. Surviving and New Features of the Federal Regulatory Infrastructure
- C. State Options for Regulating Corporate Structure

V. Climate Change Comes to Utility Regulation

- A. Renewable Energy Tariffs: Can States "Set" Wholesale Rates?
- B. "Smart Grid": Seven Jurisdictional Challenges for FERC, FCC and the States
- C. Demand Response: Cost-Effectiveness Requires Coordinated State-Federal Actions

VI. Effective Regulators and the Expanding Public Interest Universe

- A. Preside or Lead? The Attributes and Actions of Effective Regulators
- B. The Expanding "Public Interest" Universe: Regulations' Growing Political Challenges

Date/Time

Tuesday, January 31: 9:30 a.m. - 5:15 p.m. (*Please arrive by 9 a.m. to register.*)
Wednesday, February 1: 9:15 a.m. - 12:30 p.m.

Location

Salt Lake City Library, Main Branch
Conference Room Level 4
210 E. 400 St.
Salt Lake City, UT 84111-2804

Hotel Accommodations

Salt Lake City Marriott City Center

220 S. State St.
Salt Lake City, UT
801-961-8700

Little America Hotel

500 S. Main St.
Salt Lake City, UT
801-596-5700

Cost

\$495 government and nonprofit organizations

\$995 all others

* Includes a 250-page coursebook with a detailed outline and other materials.

CLE Credit

Attendees apply for credit on their own. All prior in-person seminars by Scott Hempling or NRRI have been approved for CLE credit. We will provide proof of attendance, résumé, class schedule, and all other materials traditionally required for CLE credit. This seminar is designed to offer 9 hours of CLE credit.

How to Register

[Click here](#) to register. For more information, please email nrri.seminars@nrri.org.

Seminar Leader

Scott Hempling is an expert witness, legal advisor, and teacher focusing on excellence in public-utility regulation. From 2006 to 2011, Hempling was the Executive Director of the National Regulatory Research Institute. His legal and policy research includes mergers and acquisitions, the introduction of competition into formerly monopolistic markets, corporate restructuring, ratemaking, utility investments in nonutility businesses, and state-federal jurisdictional issues.

Hempling has taught, advised, and represented utility regulators and practitioners throughout the United States and in Canada, Central America, India, Jamaica, and Nigeria. He has appeared numerous times before committees of the U.S. Congress and before state legislative committees in Arkansas, California, Maryland, Minnesota, Nevada, North Carolina, South Carolina, Vermont, and Virginia. He has published articles in *The Electricity Journal*, *Public Utilities Fortnightly*, and other professional publications.

Hempling received a B.A. *cum laude* in economics and political science and music from Yale University, where he was a recipient of a Continental Grain Fellowship and a Patterson research grant. He received a J.D. *magna cum laude* from Georgetown University Law Center, where he was the recipient of an *American Jurisprudence* award for Constitutional Law.

In October 2007, Hempling began a series of monthly essays on the principles of effective regulation, all posted at www.nrri.org. NRRI published the first three years of these essays in *Preside or Lead? The Attributes and Actions of Effective Regulators* (www.nrri.org). In 2011, he was appointed Adjunct Professor at the Georgetown University Law Center.

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The National Regulatory Research Institute's mission is to create new knowledge and democratize existing knowledge, thereby empowering utility regulators to make public interest decisions of the highest possible quality. NRRI exists through the voluntary payments of state commissions (or, in some cases, their regulated utilities).

The National Regulatory Research Institute (NRRI) is a section 501(c)(3) organization established by the National Association of Regulatory Utility Commissioners (NARUC).

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