



2017 Fall Legal Conference Draft Agenda

October 11-13 | Fairmont Copley Plaza | Boston, MA
Updated September 11, 2017

Wednesday, October 11

3:00 p.m. – 5:00 p.m.

General Counsel Forum

6:30 p.m. – 8:30 p.m.

Welcome Reception, Taj Boston (*Sponsored by Troutman Sanders*)
(*Guests Welcome*)

Thursday, October 12

7:30 a.m. - 8:30 a.m.

Breakfast

(*Guests Welcome*)

8:30 a.m. – 12:15 p.m.

Morning General Session (*WiFi Sponsored by Choate Hall & Stewart LLP*)

8:30 a.m. – 9:00 a.m.

Welcome

- William Marsan, American Transmission Company

9:00 a.m. – 9:30 a.m.

EEI Report

- Emily Fisher, Edison Electric Institute

Subcommittee on Corporate Issues

(*Chair: Elizabeth Moore; Vice-Chairs: Jay Dudley, Tamara Linde, Adam Umanoff*)

9:30 a.m. -10:15 a.m.

1. Cybersecurity

A panel will discuss a range of topics that could include board cyber oversight; increased cyber risk due to the increased penetration of DERs; and the current threat environment.

- Rich Mahler, Revolutionary Security
- Brittany Bacon, Hunton & Williams

10:15 a.m. – 11:15 a.m.

2. Responding to Environmental Shareholder Activism.

The 2017 proxy season marked a turning point for environmental shareholder activism. For the first time, shareholders of several major companies approved proposals calling for more disclosures about company policies related to climate change. Several of the world's most significant institutional investors supported these proposals. A panel including a company representative, a lawyer assisting companies to respond to shareholder actions and an institutional investor will discuss these issues.

- Matt DiGuseppe, State Street Global Advisors
- Maggie Peloso, Vinson & Elkins
- Joanne Raphael, PPL Corporation

11:15 a.m. – 11:30 a.m.

Break

11:30 a.m. – 12:15 p.m.

3. Corporate Mergers and Organizational Matters.

A panel or a speaker will discuss how the regulatory playing field has shifted with state regulatory approval now the primary driver/obstacle to acquisitions.

- George Bilicic, Lazard Freres & Co

12:15 p.m. - 1:15 p.m.

Nuclear Update (*Lunch will be provided.*)

NEI GC, Ellen Ginsberg, will update the group on nuclear developments including state, federal and FERC litigation and federal legislation addressing waste disposal.

- Ellen Ginsberg, Nuclear Energy Institute

1:15 p.m. – 4:30 p.m.

Afternoon General Session (*WiFi Sponsored by Choate Hall & Stewart LLP*)

1:15 p.m. – 2:00 p.m.

4. State Legalization of Marijuana.

The panel will focus on corporate risk and liability concerns and explore how companies can engage in the early development of new regulatory regimes.

- Kendall Cammermeyer, PSE
- Andrew Freedman, Freedman & Koski
- Donn Meindertsma, Connor & Winters

Subcommittee on Energy Supply & Environmental Issues

(*Chair: Sherry Quirk; Vice-Chairs: Marcus Brown, Natalie Hocken, Julie Janson, James Kerr, Wade Litchfield, Scott Mahoney, Catherine Reynolds*)

2:00 p.m. – 3:15 p.m.

1. Outlook for Environmental Litigation.

In light of the recent state tort/common law suit filed against energy producers by San Mateo County in California, the panel will discuss the potential for increased environmental litigation.

- Megan Berge, Baker Botts
- Ethan Shenkman, Arnold & Porter Kaye Scholer LLP

3:15 p.m. – 3:30 p.m.

Break

3:30 p.m. – 4:30 p.m.

2. The “California Waiver” Under the Clean Air Act and the Future of Electrification.

Clean Air Act Section 209 creates the ability for California to request and obtain from EPA a waiver of the preemption for any California automobile standards. California has a currently valid waiver for Model Years (MY) 2022-2025. This covers the state’s Zero Emission Vehicle (ZEV) program, which has been critical to increasing EV adoption in California and other states. EPA and NHTSA have announced their intent to revisit the vehicle standards for MY 2022-2025, which could include a revocation of California’s waiver and threaten the ZEV program. A panel will discuss the possible pathways and likely outcomes from this approach such as what a waiver revocation would mean for electrification and electric transportation.

- Joel Beauvais, Latham & Watkins
- James Campbell, Pacificorp
- Kellen Schefter, Edison Electric Institute

12:30 p.m. – 8:30 p.m.

Smart City Virtual Tour

(Guests Welcome)

Visit EEI’s Smart Community, where sustainability, economic development, efficiency, and innovation take the spotlight through the use of Virtual Reality. See what makes a smart community smart and how member companies play a vital role in creating the data-optimized smart communities of the future. The experience will take approximately 10 minutes per person.

6:30 p.m. – 7:30 p.m.

Evening Reception

(Guests Welcome)

7:30 p.m. – 9:30 p.m.

Dinner

(Guests Welcome)

Friday, October 13

7:30 p.m. – 8:30 p.m.

Breakfast

(Guests Welcome)

8:30 a.m. – 11:30 a.m.

General Session *(WiFi Sponsored by Choate Hall & Stewart LLP)*

Subcommittee on Energy Delivery and Retail Markets

(Vice-Chairs: Brian Buckham, Thomas O’Neil, Steven Secrist, Regina Speed-Bost, William Sultemeier, Mark Webb, Scott Wilensky)

8:30 a.m. – 9:00 a.m.

1. FERC Update

- Kevin McIntyre, *Invited*

2. Hot Topics.

A series of shorter discussions on emerging issues and timely concerns:

9:00 a.m. – 9:30 a.m.

a. Smart Cities.

What are the legal issues involved when working with municipalities and communities on smart city issues? What are the regulatory issues? Several members are working on smart city efforts and can provide an overview of the benefits and challenges.

9:30 a.m. – 10:00 a.m.

b. Blockchain.

What is it and how can energy companies use it? The focus will be on the technologies and applications for electric companies.

- Molly Suda, K&L Gates

10:00 a.m. – 10:30 a.m.

c. Suniva ITC Case.

Suniva, a domestic solar panel manufacturer, has sought relief at the U.S. International Trade Commission under the 1974 Trade Act that would impose worldwide tariffs on imported panels, potentially doubling their costs. What is the ITC, how could it rule and what would the impacts be for electric utilities?

- Kenneth Nunnenkamp, Morgan Lewis

10:30 a.m. – 10:45 a.m.

Break

10:45 a.m. – 11:30 a.m.

3. Lexicon Part II: The Language of Rate Design.

To follow up on research to the initial lexicon work that Michael Maslansky did for EEI, the group has studied how to talk about rate cases and how to build support from stakeholders for new rate structures. A panel will present the findings from this research.

- Michael Maslansky, Maslansky + Partners

11:30 a.m. – 1:00 p.m.

Ethics Forum (*Lunch will be provided.*)

Mr. Heineman was GE's Senior Vice President-General Counsel from 1987-2003, and then Senior Vice President for Law and Public Affairs from 2004 until his retirement at the end of 2005. He is currently Senior Fellow at Harvard Law School's Program on the Legal Profession and its Program on Corporate Governance, Senior Fellow at the Belfer Center for Science and International Affairs at Harvard's Kennedy School of Government. He has also been a lecturer at Yale Law School. A Rhodes Scholar, editor-in-chief of the Yale Law Journal and law clerk to Supreme Court Justice Potter Stewart, Mr. Heineman was assistant secretary for policy at the Department of Health, Education and Welfare and practiced public interest law and constitutional law prior to his service at GE. His new book, [The Inside Counsel Revolution: Resolving the Partner-Guardian Tension](#), was published in the Spring of 2016 by Ankerwycke, the trade imprint of the American Bar Association. His address will cover the issues raised by this book, which will be available at the conference.

- Ben Heineman, Harvard Law School