

Searle Center Conference on Federalism and Energy in the United States

Thursday, March 1—Friday, March 2, 2012

Co-sponsored by the Initiative for Sustainability and Energy at Northwestern University (ISEN)

Wieboldt Hall Room #147
340 E. Superior Street, Chicago, IL

Thursday, March 1st

12:00 p.m. **Lunch** (WB 540)

1:00 **Welcome and Introduction**

Daniel B. Rodriguez, Dean and Harold Washington Professor, Northwestern University School of Law
Max Schanzenbach, Director, Searle Center on Law, Regulation, and Economic Growth and Professor of Law, Northwestern University School of Law
David A. Dana, Stanford Clinton Sr. and Sylpha Kilbride Clinton Research Professor, Northwestern University School of Law

1:15-2:45

Session One: Electricity Grid, Transmission Siting, and Federalism

Moderator: Michael R. Barsa, Senior Lecturer and Co-Director of the Environmental Law Concentration, Northwestern University School of Law

David R. Hill, Partner, Sidley Austin LLP, Global Energy Practice

Howard Learner, President & Executive Director, Environmental Law and Policy Center

"Dynamic Energy Federalism and Regional Transmission Organizations"

Hari M. Osofsky, Associate Professor; 2011 Lampert Fesler Research Fellow, University of Minnesota Law School

Terry Harvill, Vice President of Grid Development, ITC Holdings Corporation

David Vitale, Chairman, ISO New England Board

2:45-3:15

Break

3:15-5:00

Session Two: Competition in Pricing and Delivery and Federalism

Moderator: Daniel F. Spulber, Elinor Hobbs Distinguished Professor of International Business and Professor of Management Strategy, Kellogg School of Management, Northwestern University and Research Director, Searle Center on Law, Regulation, and Economic Growth

James L. Connaughton, Executive Vice President of Corporate Affairs, Public and Environmental Policy at Constellation Energy and former chairman of the White House Council on Environmental Quality and Director of the White House Office of Environmental Policy

Howard Learner, President & Executive Director, Environmental Law and Policy Center

“Applying the Bell Doctrine in Electricity: Smart Grid Consumer Technology and Competitive Retail Markets”

Lynne Kiesling, Distinguished Senior Lecturer, Economics Department, Northwestern University

“Was Mr. Lincoln Right? Can A House Divided Against Itself Actually Stand?—The State of the Electricity Market Today”

Craig Glazer, Vice President of Federal Government Policy, PJM Interconnection LLC

Sherman J. Elliott, Commissioner, Illinois Commerce Commission (ICC)

5:00-6:15 **Cocktail Reception** (WB 440)

6:15-7:30 **Dinner** (WB 540)

Remarks by James L. Connaughton, Executive Vice President of Corporate Affairs, Public and Environmental Policy at Constellation Energy and former chairman of the White House Council on Environmental Quality and Director of the White House Office of Environmental Policy

Friday, March 2nd

8:30 a.m. **Continental Breakfast** (WB 112)

9:00-10:30 **Session Three: Hydro-Fracturing, State Regulation and the Federal Role**
Moderator: David A. Dana, Stanford Clinton Sr. and Sylpha Kilbride Clinton Research Professor, Northwestern University School of Law

“State and Local Regulation of Shale Oil and Gas Development: Adaptation, Experimentation, or Chaos?”

Hannah Wiseman, Assistant Professor, Florida State University College of Law

“Stakes”

Garrick B. Pursley, Assistant Professor of Law, The University of Toledo College of Law

“If State Regulators Build the House We Want, Will the Feds Allow Us to Live in It?”

Chris S. Kulander, Assistant Professor of Law, Texas Tech University School of Law

“Federalism and Regulatory Lags in the Face of Technological Change”

David B. Spence, Associate Professor, Law, Politics & Regulation, McCombs School of Business, University of Texas at Austin

“Respecting Boundaries: A Cooperative Model for Regulating Hydraulic Fracturing”

Joshua Paul Fershee, Associate Professor of Law & Associate Dean for Academic Affairs and Research, The University of North Dakota School of Law

10:30-10:45 **Break**

10:45-11:30 **Keynote Address: Benefits of the Smart Grid and Barriers to Deployment**
Rick Boucher, Partner, Government Strategies Group, Sidley Austin LLP and former 14 term Congressman, U.S. House of Representatives, Virginia’s 9th District

11:30 **Lunch** (WB 540)

12:30-1:45

Session Four: Preemption, Federalism, and Climate Change

Moderator: David Adelman, Harry Reasoner Regents Chair in Law, The University of Texas School of Law

"Climate Policy, Federalism, and Innovation Incentives"

William W. Buzbee, Professor of Law and Director, Environmental and Natural Resources Law Program and Director, Center on Federalism & Intersystemic Governance, Emory Law School

"Managing Climate Change Adaptation: Reallocations of Federalism and Other Government Roles"

Robert M. Glicksman, J. B. and Maurice C. Shapiro Professor of Environmental Law, The George Washington University Law School

"Interstate Transmission Challenges for Renewable Energy: A Federalism Mismatch"

Alexandra B. Klass, Professor of Law, Associate Dean for Academic Affairs, Solly Robins Distinguished Research Fellow, University of Minnesota Law School

1:45

Adjourn

Conference on Federalism and Energy in the United States

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Registered Attendees

1. **Asli Aksoylu**, *LLM Student*, Northwestern University School of Law
2. **Timothy J. Brennan**, *Professor of Public Policy and Economics and Senior Fellow, Resources for the Future (RFF)*, Department of Public Policy, University of Maryland
3. **Jerry D. Brown**, *Partner*, Quintairos, Prieto, Wood & Boyer, P.A.
4. **Coleen Burrus**, *Director of Corporate Relations, Office of Alumni Rels & Development*, Northwestern University
5. **R. Andrew Butters**, *Managerial Economics & Strategy, Phd. Candidate 2015*, Kellogg School of Management, Northwestern University
6. **James Cahan**, *Partner*, Sidley Austin LLP
7. **Bridget Calendo**, *Director of Outreach and Operations*, Northwestern Initiative for Sustainability and Energy (ISEN)
8. **Elizabeth Case**, *JD Candidate*, Northwestern University School of Law
9. **Gonçalo Miguel Banha Coelho**, *PhD Researcher, European University Institute, Florence*, Visiting Doctoral Researcher, New York University School of Law
10. **Paula Cotter**, *Energy & Environment Project*, National Association of Attorneys General
11. **Ashley Craig**, *Environmental Business Specialist*, Environmental Law and Policy Center
12. **Tom Cushing**, *Director, Strategic Partnerships and Policy*, Delta Institute
13. **Thomas J. Dawson**, *Assistant Attorney General*, Wisconsin Department of Justice
14. **Luciano I de Castro**, *Assistant Professor of Managerial Economics & Decision Sciences*, Kellogg School of Management, Northwestern University
15. **Diego Peña Diez**, *LL.M Candidate*, Northwestern University School of Law
16. **Matthew J. Dunn**, *Chief*, Environmental Enforcement/Asbestos, Litigation Division, Illinois Attorney General's Office
17. **Jeanne Elias**, *Special Counsel*, Vermont Department of Public Service, Public Advocacy Division
18. **Dino Falaschetti**, *Thomas F. Gleed Endowed Chair and Visiting Professor of Finance and Business Law, Albers School of Business and Economics, Seattle University*, Associate Professor of Law and Economics, College of Law, Florida State University
19. **David I. Fein**, *Vice President, Energy Policy-Midwest/Pennsylvania and Director of Retail Energy Policy*, Constellation Energy Group, Inc.
20. **Erin Fitzsimmons**, *Special Assistant for the Environment*, Maryland Office of the Attorney General
21. **J. Paul Forrester**, *Partner*, Mayer Brown LLP

22. **Michael Giberson**, Center for Energy Commerce, Rawls College of Business, Texas Tech University
23. **James P. Gignac**, *Environmental and Energy Counsel*, Illinois Attorney General's Office
24. **Montgomery Gim**, *JD Candidate*, Northwestern University School of Law
25. **Diana J. Hall**, *Adjunct Professor*, The University of Tulsa College of Law
26. **Joseph Halverson**, *MBA-JD Candidate*, Northwestern University School of Law
27. **Kelly N. Helgeson**, Initiative for Sustainability and Energy (ISEN), Northwestern University
28. **Brandon James Hofmeister**, *Assistant Professor of Law*, Wayne State University Law School
29. **Zhenyu Hou**, *ISEN Cluster student*, Northwestern Initiative for Sustainability and Energy (ISEN)
30. **Bruce Huber**, *Associate Professor*, Notre Dame Law School
31. **Ozge Islegen**, *Donald P. Jacobs Scholar and Assistant Professor of Managerial Economics and Decision Sciences*, Kellogg School of Management, Northwestern University
32. **Karin Lee**, *JD Candidate*, Northwestern University School of Law
33. **Laura L. Leonard**, Sidley Austin LLP
34. **Nancy C. Loeb**, *Director, Environmental Law Clinic*, Northwestern University School of Law
35. **Karen Lyons**, *Special Assistant Attorney General*, Rhode Island Department of Attorney General
36. **Benjamin Maline**, Northwestern University
37. **Anjna Mehta**, *Associate*, Kirkland & Ellis LLP
38. **Felix Mormann**, *Research Fellow*, Steyer-Taylor Center for Energy Policy and Finance, Stanford Law School
39. **Helen Morrow**, *Energy & climate change analyst*,
40. **Philip R. O'Connor**, *President*, PROActive Strategies, LLC,
41. **Robert M. Olian**, *Partner and co-head of Sidley and Austin National Environmental Practice*, Sidley Austin LLP
42. **Charles Orlowek**, Quebec Government Office
43. **Katherine E.C. Pitt**, *Coordinator of Marketing & Communications*, Argonne-Northwestern Solar Energy Research (ANSER) Center, Northwestern University
44. **Benjamin Porter**, *ISEN Development Director*, Northwestern Initiative for Sustainability and Energy (ISEN)
45. **Robert W. Pratt**, *Chief, Antitrust Bureau*, Office of the Illinois Attorney General
46. **D. Neil Price**, *Deputy Attorney General*, Idaho Public Utilities Commission
47. **Chetan R. R. Sardesai**, *MBA Candidate, President Energy & Environmental Leadership Club*, Kellogg School of Management, Northwestern University
48. **Nathan Richardson**, *Resident Scholar*, Resources for the Future
49. **Mitchell Robinson**, *JD Candidate*, Northwestern University School of Law
50. **William A. Spence**, Freeborn & Peters LLP and Committee Co-Chair, Chicago China Sister Cities
51. **James B. Speta**, *Associate Dean of Academic Affairs: Executive Degree Programs, Professor of Law*, Northwestern University School of Law
52. **Nicholas J. Switaneck**, *Visiting Assistant Professor*, Kellogg School of Management, Northwestern University
53. **Joseph P. Tomain**, *Dean Emeritus*, University of Cincinnati College of Law
54. **Jay Walsh**, *Vice President of Research, Office for Research*, Northwestern University

55. **Hua Wang**, *Associate*, Proskauer Rose LLP
56. **Shelley Welton**, *Deputy Director & Earth Institute Climate Law Fellow*, Columbia Law School Center for Climate Change Law
57. **Rob Whittier**, *Sustainability Manager*, Northwestern
58. **Elizabeth Wilson**, *Associate Professor of Energy and Environmental Policy*, Humphrey School of Public Affairs, University of Minnesota
59. **Mark Witte**, *Distinguished Senior Lecturer, Director of Undergraduate Studies, Director, Business Institutions Program*, Department of Economics, Northwestern University
60. **Kevin Wright**, *President*, Illinois Competitive Energy Association

Federalism and Energy in the United States

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