

Second Annual Searle Center Conference on Federalism and Energy

Thursday, November 14—Friday, November 15, 2013

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

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

Thursday, November 14th

- 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
David A. Dana, Kirkland & Ellis Chair in the Law School, Northwestern University School of Law
- 1:15-2:45 **Session One—Clean Air Act, Greenhouse Gasses, and Cooperative Federalism**
Moderator: Jonas J. Monast, Senior Lecturing Fellow, Duke Law
- David R. Wooley**, Of Counsel, Keyes, Fox & Wiedman LLP, Distributed Generation & Renewable Energy Law
- US EPA's Work with States to Develop Power Sector Carbon Standards*
Susan Hedman, Regional Administrator, Great Lakes National Program Manager, U.S. Environmental Protection Agency
- Henry Henderson**, Midwest Program Director, Natural Resources Defense Council (NRDC)
- Jonathan H. Adler**, Johan Verheij Memorial Professor of Law, Case Western Reserve University School of Law
- Sean Donahue**, Donahue & Goldberg, LLP
- 2:45-3:15 **Break**

3:15-4:45

Session Two—Federalism Issues In Electricity Production, Transmission, and Distribution

Moderator: Amy L. Stein, Associate Professor of Law, Tulane University Law School

"The Evolution of the Market for Wholesale Power"

Daniel F. Spulber, Elinor Hobbs Distinguished Professor of International Business, Professor of Management Strategy, Kellogg School of Management, Professor of Law, Northwestern University School of Law (Courtesy); Research Director, Searle Center on Law, Regulation, and Economic Growth
R. Andrew Butters, PhD Candidate, Kellogg School of Management, Northwestern University

"Takings and Transmission"

Alexandra B. Klass, Professor of Law, University of Minnesota Law School

David B. Spence, Professor, Law, Politics & Regulation and Co-Director, Energy Management & Innovation Center, McCombs School of Business, University of Texas at Austin

"Smart Grid Federalism: The Search For Appropriate Models"

Joel B. Eisen, Professor of Law, Austin Owen Research Fellow, University of Richmond School of Law

John Moore, Senior Attorney, The Sustainable FERC Project, Natural Resources Defense Council (NRDC)

5:00-6:00

Cocktail Reception (WB 440)

6:00-7:00

Conference Dinner (WB 540)

Keynote Address: Is the Federal Government Relevant to Energy & Climate Policy?

Jody Freeman, Archibald Cox Professor of Law and Director, Environmental Law Program, Harvard Law School

Friday, November 15th

8:30 a.m.

Continental Breakfast (WB 112)

9:00-10:30

Session Three—Federalism and the Rise of Natural Gas

Moderator: David Dana, Northwestern University School of Law

"The Federal Role in State Oil and Gas Policy Diffusion"

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

"Fracking and Federalism Choice"

Michael Burger, Associate Professor, Roger Williams University Law School

"The Shale Oil and Gas Revolution, Hydraulic Fracturing, and Water Contamination: A Regulatory Strategy"

"Four Questions About Fracking"

Thomas W. Merrill, Charles Evans Hughes Professor of Law, Columbia Law School

Joel F. Zipp, Senior Counsel, Holland & Knight

Joshua Paul Fershee, Associate Professor, Center for Energy and Sustainable Development, West Virginia University College of Law

10:30-10:45

Break

- 10:45-12:15 **Session Four—The Dormant Commerce Clause and Preemption As Limits on State Regulatory Innovation: California's Cap-and-Trade and Low-Carbon Standard Experiments**
Moderator: Lynne Kiesling, Distinguished Senior Lecturer, Department of Economics, Northwestern University
- Howard A. Learner**, President and Executive Director, Environmental Law and Policy Center (ELPC)
- David R. Hill**, Executive Vice President and General Counsel, NRG Energy, Inc.
- Felix Mormann**, Associate Professor of Law, University of Miami School of Law
- Steve Ferrey**, Professor of Law, Suffolk University Law School
- Jim Rossi**, Professor of Law, Vanderbilt University Law School
- 12:15 **Adjourn** (box lunch available)