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THE THIRTEENTH ANNUAL FERC BRIEFING

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THE THIRTEENTH ANNUAL FERC BRIEFING

*INFRASTRUCTURE
DEVELOPMENT
FOR THE NEXT GENERATION*

MARCH 7, 2007

WASHINGTON

RITZ-CARLTON PENTAGON CITY



THE THIRTEENTH ANNUAL FERC BRIEFING

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Learning Objective: Professional Growth.
Method of Presentation: Lecture, Panel Discussion.
Level of Learning: Overview.
Advance Preparation: None.
Requisite Knowledge and Experience: None.
Total recommended CPE credits: 7.0 hours.

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WASHINGTON

MARCH 7, 2007

RITZ-CARLTON PENTAGON CITY

8:30 **REGISTRATION**
9:00 **WELCOME AND INTRODUCTION**
Carmen L. Gentile
BRUDER, GENTILE & MARCOUX, L.L.P.

9:05 **KEYNOTE ADDRESS**
THE ELECTRIC INDUSTRY OF THE FUTURE
– AN RTO BUSINESS MODEL PERSPECTIVE

- How is SPP coordinating its relations with other RTOs, transmission organizations and neighboring utilities?
- What issues face SPP in creating a “Day-2” market?
- What is SPP’s recipe for promoting reliability and system expansion?

Nick Brown
President and CEO
SOUTHWEST POWER POOL

9:45 **INDEPENDENT GENERATION – A CUTTING**
EDGE SOURCE OF FUTURE ELECTRIC
SUPPLY?

- Why did many independent generators face economic hardships and bankruptcies?
- Are feast or famine economic cycles likely for the unregulated generation market and can the market survive them?
- Will major transmission expansions brighten or darken the future for independent generators?
- Are capital-intensive units viable options for merchant generators? Can new capital-intensive units be constructed for unregulated markets?

Tim Kingston
Managing Director
GOLDMAN, SACHS & CO.

10:15 **FERC’S REGULATION OF CONDUCT:**
THE RULES YOU NEED TO KNOW ABOUT

- What is FERC’s game plan for auditing and enforcing its ever-expanding “conduct rules” – Standards of Conduct, Code of Conduct, market manipulation rules and reliability standards?
- What are the implications of the D.C. Circuit opinion vacating the Order No.2004 Standards of Conduct for gas pipelines?
- Will FERC clarify the Standards of Conduct to address industry concerns about issues such as corporate governance and integrated resource planning?
- What key compliance issues should utilities be concerned about?

Antonia A. Frost
Robert T. Stroh
BRUDER, GENTILE & MARCOUX, L.L.P.

10:45 **REFRESHMENT BREAK**

11:00 **THE ELECTRIC INDUSTRY OF THE**
FUTURE: TRANSMISSION ORGANIZATIONS

- What are the principal challenges facing the transmission business?
- Are independent transmission service coordinators a viable alternative to RTOs?
- Are transcos best suited to construct transmission facilities?

Pauline Foley
Senior Regulatory Attorney
PINNACLE WEST CAPITAL
CORPORATION

Thomas L. Blackburn
BRUDER, GENTILE & MARCOUX, L.L.P.

11:40 **FERC’S TRANSMISSION TARIFF REFORM**
INITIATIVE

- What changes to the *pro forma* transmission tariff can we expect FERC to adopt?
- Will FERC require transmission providers to offer new services (e.g., conditional firm service)?
- What are the implications of FERC’s increased emphasis on regional transmission planning?
- What is the prognosis for proposals to require “open dispatch” or functional unbundling of generation dispatch in non-RTO markets?

Antonia A. Frost
Peter K. Matt
BRUDER, GENTILE & MARCOUX, L.L.P.

12:15 **LUNCHEON**
LUNCHEON ADDRESS: NEW COMMISSIONERS,
NEW DIRECTIONS

The Honorable Marc Spitzer
Commissioner
FEDERAL ENERGY REGULATORY
COMMISSION

1:30 **EVALUATING ALTERNATIVE DISPUTE**
RESOLUTION

- FERC has always placed great reliance on voluntary settlements to resolve disputes short of litigation, and in recent times has committed its Staff and Administrative Law Judge corps to the mediation process. Deputy Chief Judge Brenner has compiled a commendable record of accomplishment in successful negotiation of a variety of complex matters involving numerous parties with diverse interests. Speaking from this experience, he will explain the dynamics of the FERC dispute resolution process and the mechanics of bridge-building to reconcile seemingly intractable differences and optimize negotiation results.

The Honorable Lawrence T. Brenner
Deputy Chief Administrative Law Judge
FEDERAL ENERGY REGULATORY
COMMISSION

2:10 **WHAT FERC REALLY WANTS TO HEAR;**
CONFESSIONS OF A FORMER FERC
OPINION WRITER

- Is it what you say or how you say it?
- How can you be most effective in arguments to FERC?

Giuseppe Fina
BRUDER, GENTILE & MARCOUX, L.L.P.

2:30 **THE ELECTRIC INDUSTRY OF THE**
FUTURE: THE INEVITABLE WAVE OF
NEW TRANSMISSION CONSTRUCTION

- How will the “mega projects” be certificated, sited, owned and paid for?
- Will FERC’s backstop siting authority be necessary? Will it be effective?
- Transmission owners - will FERC really “show them the money”? How will FERC implement transmission incentive policies?
- Will license plate pricing give way to postage stamp pricing? Is participant funding still a viable concept?

David E. Goroff
William D. Booth
BRUDER, GENTILE & MARCOUX, L.L.P.

3:15 **REFRESHMENT BREAK**

3:30 **THE ELECTRIC INDUSTRY OF THE**
FUTURE: GENERATOR OPERATIONS
AND CONSTRUCTION

- Is “command and control” transmission planning compatible with market-driven generation choices?
- Will major transmission infrastructure development facilitate a wave of new coal-fired generation?
- Is demand-side management back in play?
- Can we really achieve an optimal supply mix without some sort of integrated resource planning?
- What are the rules for interconnecting small generation to distribution level facilities?
- Can we expect to see wholesale “must offer” obligations?
- What is the scope of a utility’s “must purchase” obligation under the new PURPA regulations?

Carmen L. Gentile
Thomas L. Blackburn
David Martin Connelly
BRUDER, GENTILE & MARCOUX, L.L.P.

4:15 **POWER SALES CONTRACTING**

- Has a regulatory morass replaced the “refreshingly simple” *Mobile-Sierra* rule?
- Do the new *Mobile-Sierra* interpretations prohibit binding contracts?
- Can contracts survive the new *Mobile-Sierra* interpretations; can market-based rates survive without contracts?

James H. McGrew
BRUDER, GENTILE & MARCOUX, L.L.P.

4:40 **NEGOTIATING A BINDING CONTRACT**
UNDER THE “REFRESHINGLY SIMPLE”
MOBILE-SIERRA GROUND RULES

BGM Players

5:00 **COCKTAIL RECEPTION**
HOSTED BY
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