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- Arnold & Porter LLP
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- Margaret M. Schaff PC
- Merrill Lynch Capitol Markets
- Native Networking Policy Center
- Navajo Nation
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- Tribal Strategies, Inc.
- US Senate
- Western Area Power Administration (WAPA)

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NV 11.5 CLE; CA 12.25  
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*A Comprehensive Two-Day Conference on*

# Tribal Energy Southwest

*Structuring energy resources for tribal facilities and commercial enterprises*

**April 7 & 8, 2005**  
**Las Vegas, Nevada**

Alexis Park Resort & Spa

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### Tribal Energy-Southwest Conference

April 7 & 8, 2005 • Las Vegas, Nevada  
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8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

**Karen J. Atkinson, Esq., President**  
*Program Co-Chair*

*Tribal Strategies, Inc. • Washington, DC*

**Jerome L. Levine, Esq., Program Co-Chair**  
*Holland & Knight LLP • Los Angeles, CA*

8:45 Political Dynamics and Implications of the Federal Energy Bill

Update on energy legislation in the 109<sup>th</sup> Congress

**The Hon. Ben Nighthorse Campbell (R-CO)**  
*US Senate (Retired) • Washington, DC*

9:45 FERC Licensing Issues in Tribal Energy

How FERC policies interact with tribal sovereignty; particulars on hydroelectric licensing

**Rollie Wilson, Esq., Tribal Liaison**  
*Federal Energy Regulatory Commission*  
Washington, DC

10:30 Break

10:45 Structuring Energy Projects

Unique considerations for structuring projects on Indian lands

**Karen J. Atkinson, Esq., President**  
*Program Co-Chair*

Tax issues

**Kathleen M. Nilles, Esq.**  
*Gardner Carton & Douglas LLP • Washington, DC*

12:15 Lunch (on your own)

1:30 Easement and Right of Way Issues

Existing rights of way management, negotiations for new and expiring rights of way, valuation of rights of way, and desirable legal provisions in easement documents

**Margaret M. Schaff, Esq.**  
*Margaret M. Schaff PC • Boulder, CO*

2:15 Financing Tribal Energy Projects

How tribes can use bonds, taxes, conduit funding, self-financing and other sources of fund energy projects

**Howard V. Golub, Esq.**  
*Nixon Peabody LLP • San Francisco, CA*

3:00 Break

3:15 The Renewables Option

Developing Biomass, Solar, Wind and Geothermal Resources for Energy and Economic Development; Generating seed money for renewables feasibility studies; case studies of successful tribal renewables projects; getting started with renewables; grant opportunities for evaluating renewable options; considerations for attracting private investment

**Douglas MacCourt, Esq.**  
*Ater Wynne LLP • Portland, OR*

4:15 Western Area Power Administration

WAPA's Role in Tribal Energy Projects; Regional Power Allocations; New Contracts

**Lyle Johnson, Public Utilities Specialist**  
*Western Area Power Administration (WAPA)*  
Salt Lake City, UT

5:00 Adjourn



About the Conference

LAW SEMINARS INTERNATIONAL

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*"Indian tribes own millions of acres of land containing large portions of our nation's untapped energy resources. For 20 years, Indian lands have contributed nearly 11% of the nation's onshore oil, natural gas and coal production. Given available fossil energy resources and potentially significant renewable energy resources on Indian lands, this level of contribution will likely continue or, more likely, increase. Indian tribes are exploring and evaluating energy resource potential for their own tribal facilities and commercial enterprises as well as developing tribally-based self-sufficient non-grid power generation for the wholesale market. Additionally, energy and utility companies are increasingly evaluating and forming strategic alliances or ventures with tribes to develop our nation's energy resources.*

*This conference will provide attorneys, program managers and industry representatives with key information on the issues in tribal energy development. It will cover in depth the roles of the Federal Energy Regulatory Commission and the Western Area Power Administration, tribal utility development, transmission issues, marketing (power, gas and more) in a deregulated environment, environmental development processes, partnership and grant opportunities, and joint venture opportunities as well as current legislative proposals and tools for developing energy on Indian lands."*

~ Program Co-Chairs: **Karen J. Atkinson, Esq.** and **Jerome L. Levine, Esq.**



- 8:00 Registration and Continental Breakfast
- 8:30 Introduction and Overview  
**Karen J. Atkinson, Esq., President**  
*Program Co-Chair*  
**Jerome L. Levine, Esq., Program Co-Chair**
- 8:45 Developing Successful Energy Partnerships  
 Joint ventures, partnerships and strategic alliances: What are the risks, advantages and mechanisms that work  
**Teresa Leger de Fernandez, Esq.**  
*Nordhaus Law Firm • Santa Fe, NM*
- 9:30 Tribal Self-Sufficiency—Tribal Exploration and Production of Oil and Gas Resources  
 Oil and gas as economic development potential; incorporating Tribal cultural considerations  
**Arvin Trujillo, Executive Director**  
*Division of Natural Resources*  
*Navajo Nation • Window Rock, AZ*
- 10:15 Break
- 10:30 Investing in Tribal Energy/Utility Development—Increasing Portfolio Diversity  
 Why outside financial interests, including Tribes, should be looking at ways to invest with Tribes in energy resource development  
**Jeffrey C. Carey, Managing Director Tribal Banking**  
*Merrill Lynch Capitol Markets • New York, NY*
- 11:15 Transmission Issues—Getting Electric Power to Market  
**Don Mundy, P.E., Senior Vice President**  
*Black & Veatch • Denver, CO*

- 12:00 Lunch (on your own)
- 1:15 Tribes and States Working Together—What Has to Happen to Succeed?  
**Jim Ham, Esq.**  
*Arnold & Porter LLP • Los Angeles, CA*  
**The Hon. Loretta Lynch, Esq.**  
*California Public Utilities Commission*  
 San Francisco, CA
- 2:15 Break
- 2:30 Setting Up a Tribal Utility, Initiation to Implementation  
 Dealing with existing utilities and power incumbents; solving transmission issues; the economics of a tribal utility  
**Robert M. Adler, Esq., President**  
*Tribal Energy Development, L.L.C. • Washington, DC*  
**Rosalind Allen, Esq.**  
*Holland & Knight LLP • Washington, DC*  
**Bill Bryan, Vice President**  
*Southern California Edison • Rosemead, CA*  
**Michelle L. Garcia**  
*Southern California Edison • Washington, DC*  
**Kade L. Twist, Co-Founder**  
*Vice President, Policy and Development*  
*Native Networking Policy Center • Tempe, AZ*
- 4:00 Adjourn

### Upcoming Related Conferences

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## Registration & Other Conference Information

### To Register:

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

**Tuition:** Regular tuition for this program is \$895 with a group rate of \$845 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$815. For students and people in their job for less than a year, our rate is \$447.50. For tribal members tuition is half price. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to *Law Seminars International*.

**Substitution:** You may substitute another person at any time.

**Continuing Education Credits:** We are an approved provider for

Washington, California, and Alaska and our programs qualify for CLE credits in all states with CLE requirements. *Law Seminars International* certifies that this activity has been approved for 12.25 MCLE credits by the State Bar of California, for 11.75 CLE credits by the State Bar of Washington and for 11.5 CLE credits by the State Bar of Nevada. We will apply in other states upon request. For more information, please call us at (800) 854-8009 or (206) 567-4490. **Cancellation:** We will refund tuition, less a \$50 cancellation charge, if we receive your cancellation by 5:00 p.m. on

Friday, April 1, 2005.

**Conference Location:** The conference will be held at the Alexis Park Resort & Spa at 375 E. Harmon Ave. in Las Vegas. Call the hotel directly for reservations at (800) 582-2228 and ask for the special negotiated rate of \$109. Rooms are on a first-come, first served basis.

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a VHS or DVD recording and the written course materials, is available for \$905. Course materials alone are \$100.

**Register Early:** Space is limited.



## Faculty: Tribal Energy-Southwest Conference

**Karen J. Atkinson**, *Program Co-Chair*, is President of *Tribal Strategies, Inc.*, a Washington D.C. consulting firm specializing in government relations, energy development and business development on behalf of tribal governments and companies that want to work with tribes. She was formerly Senior Counsel to United States Senator Daniel Inouye where she provided advice on tribal and renewable energy policy.

**Jerome L. Levine**, *Program Co-Chair*, is a partner with *Holland & Knight LLP*, a business and litigation attorney who has been involved in all aspects of Indian law for over seventeen years. He has been particularly active in the development of the firm's Indian gaming practice.

**Robert M. Adler** is a general partner with the Washington, D.C. law firm of *O'Connor & Hannan, LLP*, and President of *Tribal Energy Development L.L.C.*, which works with Tribes to explore the development of electric energy projects and to develop viable projects.

**Rosalind Allen**, a partner with *Holland & Knight LLP*, practices in the area of telecommunications law, development/deployment of spectrum-based technologies, privacy law and homeland security issues. She has held a number of key positions at the FCC, including Director of Legal Policy & Deputy Chief of the Wireless Telecommunications Bureau.

**Bill Bryan** is Vice President of the major customer division of *Southern California Edison's* customer service business unit. He oversees the company's relationships with major government, industrial, commercial and tribal customers.

**The Hon. Ben Nighthorse Campbell**, retired U.S. Senator from Colorado, was elected in 1992 and reelected in 1998 for the term ending January 3, 2005. He chaired the Senate Committee on Indian Affairs from 1997 to his retirement.

**Jeffrey C. Carey**, Managing Director Tribal Banking, is the senior banker covering American Indian tribal governments and their enterprises in Public Markets banking for *Merrill Lynch Capitol*

*Markets*. He is currently working on financings for numerous Tribal Nations, totaling over \$1.5 billion.

**Michelle L. Garcia**, (Iowa Tribe of Oklahoma) is a Washington Representative for *Southern California Edison*, working on public and governmental affairs and as the American Indian Liaison. She was previously Director of Development for the Iowa Tribe of Oklahoma.

**Howard V. Golub** is a partner with *Nixon Peabody LLP*, where he provides services to a wide range of clients in the energy industry nationwide including investor-owned and publicly owned utilities, independent power producers, and developers of energy technologies.

**Jim Ham** is a partner with *Arnold & Porter LLP*, where he has litigated a wide variety of complex business and commercial disputes, recently on behalf of the Hopi Tribe in California Public Utilities Commission proceedings regarding a \$1.2 billion dollar investment in the future of the 1580 megawatt Mohave Generating Station.

**Lyle Johnson** is a Public Utilities Specialist in *Western Area Power Administration's* Colorado River Storage Project Management Office. For the last three years he has been involved in the Post-2004 marketing program for the Salt Lake City Area Integrated Projects, the program that has made Federal electricity available to tribes.

**Teresa Leger de Fernandez** is a partner with the *Nordhaus Law Firm*, one of the country's largest firms dedicated to representing Native American tribes, entities, and businesses. She has worked with 3 different tribal utility entities on infrastructure, energy assets acquisitions, and financing. She helped found and advises the board of a Native American community development financial institution. In the last 18 months, she has served as counsel on over \$220 million in taxable and tax exempt bond and financing issues.

**The Hon. Loretta Lynch** served as President of the *California Public Utilities Commission* from 2000 through 2002. Her commission term expired in January, 2005. She is a member of the FCC's Joint Accounting Standards Board; she

serves as Chair of NARUC's Telecommunications Subcommittee on Service Quality; and is a co-chair of the Alliance to Protect Electricity Consumers.

**Douglas MacCourt** is a partner in the Portland, Oregon office of *Ater Wynne LLP* and for 16 years has represented public, private and tribal clients on land use, natural resources, environmental and energy matters with an emphasis on facility siting and agency permitting.

**Don Mundy**, Senior Vice President with *Black & Veatch*, has been involved in consulting, engineering and construction related activities associated with electric Transmission Lines, Substations, Distribution Systems and Power Generation projects for over 30 years.

**Kathleen M. Nilles** is a partner with *Gardner Carton & Douglas LLP* where she focuses her practice on tax and corporate issues for tax-exempt organizations. She also handles a wide range of federal legislative tax issues for both nonprofit and for-profit clients.

**Margaret M. Schaff** has 12 years experience as an attorney in the utility, oil and gas industries, and for tribal governments. Previously she was with the Office of General Counsel at Western Area Power Administration as a power marketing attorney and as Chief Lands Attorney.

**Arvin Trujillo** is Executive Director of the *Navajo Nation's* Division of Natural Resources, overseeing all aspects of natural resource management, compliance, and development within the Navajo Nation.

**Kade L. Twist** is Co-Founder and Vice President of the *Native Networking Policy Center (NNPC)*, a nonprofit organization whose mission is to ensure equitable and affordable access to telecommunications and information technology services in Indian Country.

**Rollie Wilson**, *FERC's* first tribal liaison, works closely with the Commission and Indian tribes at all levels to enhance tribal involvement in FERC proceedings, facilitate consideration of tribal resource issues, and increase tribal awareness of FERC's responsibilities.

April 7 & 8, 2005

Las Vegas, Nevada

Alexis Park Resort & Spa

375 E. Harmon Ave.

(800) 582-2228

### Who Should Attend?

Attorneys, tribal and governmental representatives, decision makers in energy, financial institutions and government.

### What Past Attendees have said...

"Great seminar"

"Speakers had a diversity of experience, making it very interesting and helpful"

"This is one of the best conferences I have ever attended. The content was excellent, as were presentations."

### This Conference Addresses:

- Political Dynamics and Implications of the Federal Energy Bill
- FERC Licensing Issues in Tribal Energy
- Structuring Energy Projects
- Financing Tribal Energy Projects
- The Renewables Option
- Western Area Power Administration
- Developing Successful Energy Partnerships
- Tribal Exploration and Production of Oil and Gas Resources
- Investing in Tribal Energy/Utility Development
- Transmission Issues—Getting Electric Power to Market
- Tribes and States Working Together—What Has to Happen to Succeed?
- Setting Up a Tribal Utility, Initiation to Implementation

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