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- Arizona Corporation Commission
- Ater Wynne LLP
- Council of Energy Resource Tribes
- Diné Power Authority
- Eastern Shoshone Business Council
- Havasupai Tribe
- Holland & Knight LLP
- Morgan Keegan & Co., Inc.
- National Congress of American Indians
- Native American Contractors Association
- Navajo Tribal Utility Authority
- Navajo-Hopi Land Commission Office
- New Mexico Public Regulation Commission
- Sacred Power Corporation
- Sandia National Laboratories
- Southern Ute Growth Fund
- Standard & Poors
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An advanced two-day conference on

# Tribal Energy in the Southwest

Structuring energy resources for tribal facilities and commercial enterprises

December 6 & 7, 2007

Albuquerque, New Mexico

Indian Pueblo Cultural Center

Credits: NM CLE 12 (call about others)

Quick when/where: 8:30 a.m., 2401 12th Street NW

### Tribal Energy in the Southwest Conference

December 6 & 7, 2007 | Albuquerque, New Mexico  
Indian Pueblo Cultural Center

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- 8:00 Registration and Continental Breakfast**
- 8:30 Welcoming Address**  
**Joe Garcia, President**  
National Congress of American Indians ~ Albuquerque, NM
- 8:45 Overview: Key Energy Issues Facing Tribes and Strategies for Taking Advantage of the Business Opportunities**  
Structuring corporations and minimizing taxes for native corporations; opportunities such as pipeline rights-of-way and maximizing renewable resources for energy development; inter-tribal cooperation to facilitate business opportunities  
**Karen J. Atkinson, Esq., Program Co-Chair**  
Native American Contractors Association ~ Washington, DC  
**Susan M. Williams, Esq., Program Co-Chair**  
Williams & Works, P.A. ~ Corrales, NM
- 9:15 Federal Tribal Policy Update**  
New legislative and regulatory proposals, initiatives and actions with an impact on energy development on tribal lands  
**Shenan Rae Atcitty, Esq.**  
Holland & Knight LLP ~ Washington, DC
- 10:00 Break**
- 10:15 State Policy Trends Towards Tribal Energy**  
New Mexico  
**The Hon. Carol K. Sloan, Commissioner, District 4**  
New Mexico Public Regulation Commission ~ Santa Fe, NM  
Arizona  
**Ernest Johnson, Director, Utilities Division**  
Arizona Corporation Commission ~ Phoenix, AZ
- 11:15 Research and Development Update: Sandia National Laboratories Tribal Energy Program**  
Partnerships with tribes and Sandia National Laboratories to develop commercially viable energy technologies based on solar, wind and geothermal resources  
**Sandra Begay-Campbell**  
Sandia National Laboratories ~ Albuquerque, NM
- 11:45 How Markets View Tribal Energy Resources**  
Key credit characteristics important for a bond rating; factors utilized to derive credit rating for Native American financings; case study of Southern Ute Tribe  
**Karl Jacob, Director, Public Finance Department**  
Standard & Poors ~ New York, NY

- 12:30 Lunch (on your own)**
- 1:45 Rights-of-Way Issues on Tribal Lands and Future Implications**  
Overview of the Department of Energy and Department of the Interior's Rights-of-Way Study mandated by Energy Policy Act Section 1813; the negotiation process  
**Karen J. Atkinson, Esq., Program Co-Chair**  
Update on the Navajo/El Paso dispute and its implications for other tribes  
**A. David Lester, Executive Director**  
Council of Energy Resource Tribes ~ Denver, CO
- 2:45 Transmission Issues on Tribal Lands**  
Status update on the various proposals with a focus on impacts on tribal lands; how various tribes are handling requests for right of way access for transmission facilities  
**Sharon I. Haensly, Esq.**  
Williams, Kastner & Gibbs PLLC ~ Seattle, WA
- 3:30 Break**
- 3:45 Taking Advantage of Opportunities for Tribes in Renewable Energy**  
Update on implementation of provisions in the EPA promoting renewable and tribal energy projects; the trend towards state renewable portfolio standards; best market opportunities for new tribal renewable energy generation  
**Douglas C. MacCourt, Esq.**  
Ater Wynne LLP ~ Portland, OR  
Practical aspects of renewable energy development for tribes  
**Ivan D. Posey, Chairman**  
Eastern Shoshone Business Council ~ Fort Washakie, WY
- 5:00 Access to Energy: Problems with Electrification of Remote Reservations**  
Update on what's being done to meet the energy challenges faced by remote reservations  
**Carletta Tilousi**  
Havasupai Tribe ~ Supai, AZ
- 5:30 Reception Sponsored by Williams & Works, P.A.**



### About the Conference

#### LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

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*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, tribal, government and industry representatives with key information on the issues in tribal energy development. It will cover in depth the status of the joint Departments of Interior and Energy Right-of-Way Study, tribal utility development, how to structure energy projects, 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 Susan M. Williams, Esq.,*



**8:00 Registration and Continental Breakfast**

**8:30 Structuring Energy Companies and Financing Tribal Projects**

Types of business structures; advantages and disadvantages of creating a separate company; getting the details right; alternative ways to finance

**Donald Clary, Esq.**  
Holland & Knight LLP ~ Los Angeles, CA

**Thomas Whitman, Partner**  
The Whitman Group LLC ~ Columbus, OH

Case study: Desert Rock coal-fired generation project and related transmission projects

**Steven C. Begay, General Manager**  
Diné Power Authority ~ Window Rock, AZ

**10:00 Break**

**10:15 Due Diligence and Environmental Compliance Issues for Tribal Energy Projects**

Project related due diligence and other issues, including arbitration clauses and limited sovereign immunity waivers, in connection with energy projects on and outside Indian reservations

**Michael P. O'Connell, Esq.**  
Stoel Rives LLP ~ Seattle, WA

**11:00 New Tribal Paradigms for Oil and Natural Gas Business**

Building tribal equity in natural resource exploration; how tribal businesses, oil and gas developers can work together off the reservation

**Brian McNiell, First Vice President**  
Morgan Keegan & Co., Inc. ~ Memphis, TN

**11:45 Lunch (on your own)**

**1:00 Opportunities for Tribal Entrepreneurs**

Native corporations doing business on-reservation

**Roman Bitsuie, Executive Director**  
Navajo-Hopi Land Commission Office ~ Window Rock, AZ

Native corporations doing business off-reservation

**David S. Melton, President/CEO**  
Sacred Power Corporation ~ Albuquerque, NM

**2:00 Tribal Utilities**

Update on who has been doing what in the formation of tribal utilities; primary challenges to overcome in becoming self-sustaining and lessons learned

**Sarah S. Works, Esq.**  
Williams & Works, P.A. ~ Corrales, NM

Case study: Tribal utility installation of solar facilities in remote areas of the reservation

**Larry Ahasteen, Renewable Energy Specialist**  
Navajo Tribal Utility Authority ~ Fort Defiance, AZ

**3:00 Evaluations and Adjourn**

### Upcoming Related Seminars:

Air Quality Regulation in the Northwest	Seattle, WA	Oct. 15-16, 2007
Alternative Fuels for Transportation	Seattle, WA	Oct. 18-19, 2007
Energy in the Northeast	Boston, MA	Oct. 18-19, 2007
Tribal Energy in the Northwest	Seattle, WA	Oct. 22-23, 2007
Energy in Alaska	Anchorage, AK	Nov. 12-13, 2007
Buying & Selling Electric Power in the West	Seattle, WA	Jan. 17-18, 2008
Development Agreements Easements and CCRs	Phoenix, AZ	Feb. 1, 2008
Tax Management for Tribes	Seattle, WA	Feb 4-5, 2008
Utility Rate Case Issues and Strategies	Las Vegas, NV	Feb. 21-22, 2008

See more at [www.lawseminars.com](http://www.lawseminars.com)



### Registration & Other Conference Information

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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 \$795 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695. For students and people in their job for less than a year, our rate is \$447.50. 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 & Cancellation:** You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, November 30, 2007. After

that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The conference will be held at the Indian Pueblo Cultural Center at 2401 12th Street NW in Albuquerque, NM 87104 USA. Sleeping accommodations are available by contacting ClubHouse Inn & Suites, 1315 Menaul Blvd., N.E., Albuquerque, NM 87107, 866-345-0010. Ask for the Law Seminars International rate of \$69. Rooms are on a first come, first served basis. Free shuttle service to the conference is available.

**Continuing Education Credits:** This program qualifies for 12 NM CLE credits. Upon request, we will apply for CLE credits in other states and other types of credits.

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a VHS or DVD recording and the written course materials, is available for \$905. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

## Faculty: Tribal Energy in the Southwest Conference

**Karen J. Atkinson**, *Program Co-Chair*, is Executive Director of the Native American Contractors Association. Previously, she was a partner at Dorsey & Whitney LLP and Deputy Director of the National Park Service and Senior Counsel to the United States Senate Indian Affairs Committee.

**Susan M. Williams**, *Program Co-Chair*, is a shareholder in Williams & Works, P.A., and focuses on legislative affairs, water law, litigation and business negotiations. She successfully argued the Big Horn case before the U.S. Supreme Court and is the national Co-Chair of the Tribal Sovereignty Initiative.

**Larry Ahasteen** is the Renewable Energy Specialist with Navajo Tribal Utility Authority.

**Shenan Rae Atcitty**, partner in Holland & Knight LLP's Federal Indian Law Practice Group, focuses on Indian tribal governments in litigation, business and economic development, energy and federal governmental relations.

**Steven C. Begay** is General Manager for the Diné Power Authority, an enterprise of the Navajo Nation in a business partnership to develop the Navajo Transmission Project and a partnership with Steag Power to develop a coal-fired power plant.

**Sandra Begay-Campbell**, Principal Member of the Technical Staff of Sandia National Laboratories, leads their technical efforts in the Renewable Energy Program to assist tribes with renewable energy development. Previously, she was a Regent for the University of New Mexico.

**Roman Bitsuie**, Executive Director of the Navajo-Hopi Land Commission Office, heads the Navajo entity responsible for dealing with Navajo and Hopi land-disputed matters.

**Donald Clary**, partner with Holland & Knight LLP, assists tribes and developers on utility related matters including formation of utilities, development of renewable energy projects and contractual negotiations with the utilities that serve them. He negotiated agreements for power projects such

as Hoover Dam and San Onofre Nuclear Generating Station.

**Joe Garcia** is President of the National Congress of American Indians. He was Governor of Ohkay Owingeh and is Chairman of the All Indian Pueblo Council.

**Sharon I. Haensly**, of counsel with Williams, Kastner & Gibbs PLLC's Tribal Law Practice Team, advises tribal governments and businesses in environmental, land use and natural resources and cultural resources protection. Previously, she was a staff attorney with the Swinomish Tribe and the U.S. Environmental Protection Agency.

**Karl Jacob**, director in the Standard & Poor's Public Finance Department, is a lead analyst and serves as sector leader for Native American tribal ratings for S&P's Public Finance Department.

**Ernest Johnson**, Utilities Director for the Arizona Corporation Commission, has over 20 years of public utility regulatory experience. Previously, he was Staff Attorney, Deputy General Counsel at the Oklahoma Corporation Commission.

**A. David Lester**, Executive Director of the Council of Energy Resource Tribes, is on the Board of Trustees with the Institute of American Indian Arts and a Board Member of Americans for Indian Opportunity.

**Douglas C. MacCourt**, partner at Ater Wynne LLP and Co-Chair of the firm's Tribal Business Practice, focuses on land use, natural resources, environmental and energy matters, emphasizing project development, facility siting, permitting and government relations. He is listed in *Chambers USA: America's Leading Lawyers for Business*.

**Brian McNiell**, First Vice President of Morgan Keegan & Co., Inc., was Chief Operating Officer for a hedge fund entity located in Memphis. Previously, he was principal in a boutique investment banking group specializing in transactions involving sovereign entities.

**David S. Melton**, President and CEO at Sacred Power Corporation and a Laguna Tribal member, was

elected Vice-Chair of Rebuild Central New Mexico. He was awarded the SBA Minority Business Small Business Person of the Year in 2006.

**Michael P. O'Connell**, partner at Stael Rives LLP, advises on permitting for energy and other projects on and outside Indian reservations, leases, construction contracts, and other business transactions with Indian tribes. Previously, he was General Counsel to the Hopi Tribe.

**Ivan D. Posey** is Chairman of the Eastern Shoshone Business Council, which governs affairs of the Tribe. He serves on several boards including the Central Wyoming College Foundation.

**Carol K. Sloan**, Commissioner of District 4, New Mexico Public Regulation Commission, focuses on Renewable Energy Standards and economic development in rural New Mexico. She works for strengthening government-to-government level relationships between tribes in New Mexico and the State of New Mexico.

**Carletta Tilousi** serves on the Tribal Council of the Havsupai Tribe and is involved in negotiations regarding electricity delivery and rights-of-way on Havasupai land. She was born and raised on the Havasupai Reservation and is a graduate of Arizona State University.

**Thomas Whitman**, founding partner of The Whitman Group LLC, specializes in tax-exempt and taxable bond financing for Native American Tribes, manufacturing companies and not-for-profit organizations.

**Sarah S. Works**, Managing Attorney at Williams & Works, P.A., specializes in tribal business law and tribal corporate affairs, including Indian gaming enterprises, reservation-based economic development and tribal energy and utilities development. She served as Attorney General for the Hualapai Nation and Yavapai-Apache Nation.

**December 6 & 7, 2007**  
Albuquerque, New Mexico

**Indian Pueblo Cultural Center**  
2401 12th Street NW  
(505) 843-7270

### Who Should Attend:

*Attorneys, tribal, industry and government representatives, energy decision makers, financial institution executives*

### You Will Learn About:

- Maximizing tribal business resources
- Developments in federal regulation
- New Mexico policy trends towards tribal energy
- The Sandia National Laboratories Tribal Energy Program
- Determining tribal bond and credit ratings
- Rights of way and transmission on tribal lands
- Tribal opportunities in renewable energy
- Electrification challenges for remote reservations
- Structuring and financing tribal energy projects
- Due diligence and environmental compliance
- New tribal paradigms in oil and natural gas
- Tribal entrepreneurial opportunities on and off reservations

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