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A Comprehensive Two-Day Conference on Today's

Utility Rate Case

Current Issues and Strategies
Featuring The Hon. Marc Spitzer of FERC

February 7 & 8, 2008

Las Vegas, Nevada
Excalibur Hotel & Casino

Credits: NV CLE 12.5 (call about others)

Quick when/where: 8:30 a.m., 3850 Las Vegas Boulevard South

Utility Rate Case Conference

February 7 & 8, 2008 | Las Vegas, Nevada
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8:00 Registration and Continental Breakfast

8:30 Introduction and Overview
Kirk H. Gibson, Esq., Program Co-Chair
 Ater Wynne LLP ~ Portland, OR
Frederick J. Schmidt, Esq., Program Co-Chair
 Hale Lane Peek Dennison and Howard ~ Carson City, NV

8:45 Special Opening Address: Update on recent FERC Initiatives and Decisions with an Impact on State Rate Cases
 FERC's current view of state and federal roles, new demand-side planning initiative and views on cost recovery mechanisms
The Hon. Marc Spitzer, Esq., Commissioner
 Federal Energy Regulatory Commission ~ Washington, DC

9:30 Update on Capital Markets: How Investors View Energy Players/Project Risks and Implications for Ratemaking Policies
 Cost of capital issues: Utility investment vs. independent producers; risk assessments for thermal and the interplay with environmental opposition and policies
Jonathan A. Lesser, Ph.D.
 Bates White, LLC ~ Washington, DC

10:15 Break

10:30 Prospects for Carbon Taxes and Mechanisms for Incorporating Green House Gas Costs into Prices
 Which states are trying what ideas; the resulting changes in the political environment for rate setting; limits on regulatory discretion
James A. Holtkamp, Esq.
 Holland & Hart LLP ~ Salt Lake City, UT
 The growth of cap and trade programs: How do the programs work? What are the issues that are likely to come up in rate cases?
David Harrison, Jr., Ph.D., Senior Vice President
 NERA Economic Consulting ~ Boston, MA
 Regulatory perspective on carbon issues and solutions
Audrey Chang, Staff Scientist
 Natural Resources Defense Council ~ San Francisco, CA

12:00 Lunch (on your own)

1:15 Implementing Renewable Portfolio Standards: Cost Recovery for Renewables and Demand-Side Programs
 Designing alternative regulatory structures that align utility profit-making incentives with energy efficiency programs: Economist's perspective on dealing with the utility's natural reluctance to reduce sales and rate base
Leonardo R. Giacchino, Ph.D.
 Bates White LLC ~ Washington, DC
 Legal perspective on alternative methods for cost recovery and their impact on the utility's natural reluctance to reduce sales
Michael J. Bradley, Esq.
 Moss & Barnett ~ Minneapolis, MN
 Regulatory policy perspective
The Hon. Jason A. Marks, Chairman
 New Mexico Public Regulation Commission ~ Santa Fe, NM

3:15 Break

3:30 Utility-scale Solar Project Case Studies
 What deals and projects have been done; key legal and regulatory issues; maximizing cost recovery; what does the future look like?
Todd G. Glass, Esq.
 Heller Ehrman LLP ~ Seattle, WA

4:15 Construction and Cost Recovery for Transmission
 Update on DOE designation of National Interest Corridors; what the FERC is and is not doing; consistency between state policies to encourage new transmission; what is happening on the ground
James K. Mitchell, Esq.
 Thelen Reid Brown Raysman & Steiner LLP ~ Washington, DC
 Methods for cost allocations at wholesale and retail levels
James Drzemiecki, Vice President
 CRA International, Inc. ~ Cambridge, MA

5:30 Reception for Attendees and Faculty Sponsored by Ater Wynne LLP and Hale Lane Peek Dennison and Howard



About the Conference

LAW SEMINARS INTERNATIONAL

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Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

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With rising fuel costs and increased investment in generation, transmission and distribution infrastructure, many utilities are facing rate case and regulatory issues that directly impact the bottom line. The rules of the game are different. It's no longer just about cost of service and rate design.

Technological advancements and cost reductions are making it possible for utilities to offer demand response and innovative pricing products. Regulators and customers are demanding these programs along with performance and generation portfolio standards.

This conference will help energy professionals understand the new rate case environment and how to manage it in order to bring about win-win results for shareholders and customers.

~ Program Co-Chairs: Kirk H. Gibson, Esq. and Frederick J. Schmidt, Esq.



8:00 Registration and Continental Breakfast

8:30 Resource Planning, Performance Based Ratemaking, and Incentive Rates of Return

Trends among the states; issues involving the presumption of prudence for cost recovery, especially as state policies change during project development (e.g. some states now simply prohibit coal) and the possibility of orphan projects

Ronald J. Amen, Vice President
Concentric Energy Advisors ~ Marlborough, MA

Industry perspective on the best approaches to incentives, performance standards and measurements and ways to avoid unintended consequences

Eric Ackerman, Senior Manager of Regulatory Policy
Edison Electric Institute ~ Washington, DC

10:00 Break

10:15 Rate Design: The Coming Clash Among the Customer Classes as Utilities Begin New Long Term Construction Projects

Current issues in balancing rate design with cost of service considerations; whether it should be part of the resource planning process; whether pressure to keep residential rates low is likely recreate the pressure for retail competition for large users

Frederick J. Schmidt, Esq., Program Co-Chair, Moderator

Current economic issues

Hethie Parmesano, Ph.D., Senior Vice President
NERA Economic Consulting ~ Los Angeles, CA

Residential customer perspective: Rising generation and transmission construction costs and uncertainties about carbon regulation at the federal and state level

Charles Benjamin, Ph.D., Esq., Director, Nevada Office
Western Resource Advocates ~ Carson City, NV

Retail competition and industrial customer perspective

Daniel W. Douglass, Esq.
Douglass & Liddell ~ Woodland Hills, CA

12:15 Lunch (on your own)

1:30 Alternative Dispute Resolution and Settlement Strategies: Effective Strategies for Stakeholders

FERC's new ADR initiative

Richard Miles, Esq., Director, Office of Administrative Litigation
Federal Energy Regulatory Commission ~ Washington, DC

Typical state procedures; achieving settlement with a broad range of interest groups; partial settlements (just some issues or just some parties); extent to which cases settle at a discount, and whether that is advantageous

Ashley C. Brown, Esq., Ph.D., Executive Director
Harvard Electricity Policy Group ~ Cambridge, MA

Utility perspective

Kendrick R. Riggs, Esq.
Stoll Keenon Ogden PLLC ~ Louisville, KY

Intervener perspective

Greg Patterson, CPA, Director
Arizona Competitive Power Alliance ~ Phoenix, AZ

State agency perspective: What commissions like and don't like to see

Thomas C. Frantz, Director - Electric Division
New Hampshire Public Utilities Commission ~ Concord, NH

3:30 Evaluations and Adjourn

Upcoming Related Seminars:

Table with 3 columns: Seminar Title, Date, Location. Includes: Buying & Selling Electric Power (Jan 14-15, 2008, Seattle, WA), Electric Energy (Mar 3-4, 2008, Washington, DC), Climate Change Regulation (Apr 14-15, 2008, Washington, DC)

See more at www.lawseminars.com



Registration and Other Conference Information

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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, February 1, 2008.

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 Excalibur Hotel & Casino at 3850 Las Vegas Boulevard South in Las Vegas, NV 89109. For reservations call the hotel reservation department at (800) 937-7777. Use Group Code XRATE for the special negotiated rate of \$101-131/night and specify that you are attending a Law Seminars International workshop. Rooms are on a first come, first served basis. For other

inquiries call the hotel directly at (877) 750-5464.

Continuing Education Credits: This program qualifies for 12.5 NV 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 DVD recording and the written course materials, is available for \$1005. 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: Utility Rate Case Conference

Kirk H. Gibson, *Program Co-Chair*, partner with Ater Wynne LLP and Chair of their Energy Practice, advises business organizations and public entities on economic, strategic, and legislative policy issues. He focuses on energy, including electric and gas utilities, industrial customers, independent power producers, oil pipeline operators, and alternative energy project development.

Frederick J. Schmidt, *Program Co-Chair*, shareholder at Hale Lane Peek Dennison and Howard, practices administrative and regulatory law. He is a former two term Commissioner on the Nevada Public Service Commission and was Nevada's Consumer Advocate for customers of public utilities. He has presided over and litigated many utility rate cases.

The Hon. Marc Spitzer, *Special Address*, is a Commissioner at the Federal Energy Regulatory Commission. Previously he was Chairman of the Arizona Corporation Commission where he focused on policies encouraging expansion of natural gas infrastructure, enhancing the ACC's renewables standard, and advancing consumer privacy concerns in telecommunications.

Eric Ackerman, Senior Manager of Regulatory Policy at Edison Electric Institute, chief strategist for retail energy services, leads the Sustainable Businesses project and co-leads the Investing in America's Electric Future project. Previously he was on the technical staff of the MITRE Corporation.

Ronald J. Amen, Vice President of Concentric Energy Advisors, provides financial, regulatory, strategic, operation and litigation support to his energy clients.

Charles Benjamin, Ph.D., Director of the Nevada Office for Western Resource Advocates, represents WRA and others in proceedings before the Nevada Public Utilities Commission to promote Nevada's renewable energy and energy efficiency potential.

Michael J. Bradley, shareholder at Moss & Barnett, focuses on utility and telephone regulation. Previously he was manager of the Minnesota Office of Attorney General Residential Utilities Division. He is listed in *Best Lawyers in America* as one of the top lawyers in Energy/Public Utility Law.

Ashley C. Brown is the Executive Director of the Harvard Electric Policy Group at Harvard's John F. Kennedy School of Government and instructor in Harvard's Executive Program

on Infrastructure in Market Economy. He is a contract attorney at Dewey & LeBoeuf LLP and was commissioner of the Public Utilities Commission of Ohio.

Audrey Chang, Staff Scientist with the Natural Resources Defense Council's energy program, works on energy and utility regulation issues, promoting clean energy and effective climate change policies through research and advocacy in local, state and regional forums.

Daniel W. Douglass, principal of Douglass & Liddell, focuses on regulatory and transactional work for marketers and large consumers of energy. He founded the Direct Access Alliance and co-founded Alliance for Retail Energy Markets, Direct Access Customer Coalition and Western Power Trading Forum.

James Drzemiecki, Vice President at CRA International, Inc., is a recognized expert at the senior executive and board levels in the electric power and natural gas industries, including experience in generation, transmission, and distribution cost and price analysis.

Thomas C. Frantz, Director of the Electric Division of the New Hampshire Public Utilities Commission, is experienced in cost-of-capital, alternative regulation, rate design, energy efficiency and special contract pricing. He is a member of the New Hampshire Energy Planning Advisory Board.

Leonardo R. Giacchino, Ph.D., partner at Bates White, LLC, works on energy-related economic and regulatory issues in over 25 countries and provides testimony in U.S. and international courts. He is the co-author of *Fundamentals of Energy Regulation*.

Todd G. Glass, shareholder at Heller Ehrman LLP, chairs the firm's Energy Practice Group and co-chairs the Energy and Clean Technology Practice. He focuses on energy law and represents electric utilities.

David Harrison, Jr., Ph.D., Senior Vice President of NERA Economic Consulting, heads its global Environment Group and directs projects in environmental economics and policy, climate change, natural resource damage assessment energy policy, economic impact assessment and transportation.

James A. Holtkamp, Manager of the Environmental Compliance Group at Holland & Hart LLP, focuses on energy, environmental and climate

change, including carbon credit trading and carbon capture and sequestration, in the U.S. and abroad.

Jonathan A. Lesser, Ph.D., partner in Bates White, LLC's Energy Practice, focuses on economic and regulatory policy issues affecting electric and natural gas utilities including capital investment decision strategies in the presence of market and regulatory risk. He is co-author of *Fundamentals of Energy Regulation*.

Jason A. Marks, Chairman of the New Mexico Public Regulation Commission, drafted and sponsored Qwest's AFOR II regulatory order. In 2007, he sponsored and passed renewable energy rules creating diversity targets for solar energy and distributed generation.

Richard Miles, Director of Office of Administrative Litigation at the Federal Energy Regulatory Commission, manages trial staff's participation in oil, gas and electric cases set for hearing. He is also Director of Dispute Resolution Service and facilitator and mediator in oil, gas, electric, pipeline and hydroelectric cases.

James K. Mitchell, partner in Thelen Reid Brown Raysman & Steiner LLP's Utility and Energy Services Practice Group, focuses on federal regulation of electric utilities including transmission service.

Hethie Parmesano, Ph.D., Senior Vice President of NERA Economic Consulting, focuses on costing, pricing and regulation of the electric, gas and water utility industries. She directs NERA's Marginal Cost Working Group, a group of utility companies sharing research and ideas on marginal costing and its use.

Greg Patterson, CPA, Director of the Arizona Competitive Power Alliance, worked for Coopers and Lybrand and as an accounting teacher. He was a member of the Arizona House of Representatives and Director of the Residential Utility Consumer Office.

Kendrick R. Riggs, member at Stoll Kennon Ogden PLLC, Vice Chair of the firm's Management Committee, Practice Group Leader for the Utility and Energy Practice Group, focuses on advising and representing utilities before state regulatory commissions. He is listed in *Chambers USA* and *The Best Lawyers in America* and has a Martindale- Hubbell AV rating.

February 7 & 8, 2008

Las Vegas, Nevada

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Who Should Attend:

Representatives of utilities, merchants and intervenor groups, public and private attorneys, in-house counsel and governmental officials, including regulatory agency representatives

You Will Learn About:

- FERC initiatives and decisions with an impact on state rate cases
- How investors view energy players/project risks and implications for ratemaking policies
- Carbon taxes and greenhouse gas costs
- Implementing RPSs: Cost recovery for renewables and demand-side programs
- Utility-scale solar project case studies
- Construction and cost recovery for transmission
- Resource planning, performance based ratemaking and incentive rates of return
- Rate design and utilities' new long term construction projects
- Alternative dispute resolution and settlement strategies

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