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# Legal & Regulatory Conference

October 7-10, 2018  
Charleston, South Carolina



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# AGENDA AT A GLANCE

## Sunday, Oct. 7

### PRECONFERENCE SEMINARS

- 8:30 am – Noon     ■ Small Cell Wireless Pole Attachment and Deployment Issues
- 1:30 – 5 pm        ■ Blockchain Technology
- Environmental Issues Roundtable
- 5:30 – 7 pm        Welcome Reception

## Monday, Oct. 8

- 7 – 8:15 am        Women in Public Power Breakfast
- 7:30 – 8:30 am    Networking Continental Breakfast
- 8:30 – 9:30 am    Welcome, Board Chair Address & Keynote Address
- 9:45 – 10:45 am   Distributed Energy Resources in Wholesale Electric Markets
- 11 am – Noon      The Importance of Energy Market Compliance
- 1:30 – 2:30 pm    **BREAKOUT SESSIONS**
  - Grid Resilience
  - Managing Cyber Risk
- 2:45 – 3:45 pm    **BREAKOUT SESSIONS**
  - Antitrust Liability
  - Why Public Power is Joining the EIM
- 4 – 4:45 pm        **BREAKOUT SESSIONS**
  - A+ NERC Compliance
  - The Return of Climate Tort Cases
- 5 – 6:30 pm        Reception

## Tuesday, Oct. 9

- 7:30 – 8:30 am    Networking Continental Breakfast
- 8:30 – 9:30 am    Federal Regulatory and Legislative Update
- 9:45 – 10:45 am   Managing Supply Chain Risk
- 11 am – Noon      **BREAKOUT SESSIONS**
  - Federal Power Act Section 206
  - Water, Water Everywhere
- 1:30 – 2:30 pm    Transmission Planning and Construction
- 2:45 – 3:45 pm    Public Power and the Attorney-Client Privilege

## Wednesday, Oct. 10

- 7:30 – 8:30 am    Networking Continental Breakfast
- 8:30 – 9:30 am    **BREAKOUT SESSIONS**
  - Battery Storage Contracts
  - Hot Employment Issues
- 9:45 – 10:45 am   **BREAKOUT SESSIONS**
  - Drones
  - FERC Order No. 1000
- 11 am – Noon      Ethics Rules in Multijurisdictional Practices

# Sunday, October 7

8 am – 6:30 pm • Registration & Information Desk • @ **REGISTRATION BOOTH**

## Preconference Seminars

Preconference seminars require separate registration and fees. Sign in at the beginning of each seminar for CLE credit.

8:30 AM – NOON

### Small Cell Wireless Pole Attachment and Deployment Issues: Federal and State Legal and Regulatory Developments Impacting Public Power Utilities

CAROLINA A

Over the next five years, the wireless broadband industry is projecting a rapid increase in the deployment and installation of new small cell wireless facilities and associated fiber on utility poles, streetlights, ducts, conduits, and “street furniture” in an effort to support robust broadband requirements for 5G implementation and other technologies. The wireless broadband industry, the Federal Communications Commission (FCC), Congress, and state legislatures are increasingly pushing for ways to streamline and lower the cost of access to publicly-owned infrastructure, including public power utility poles.

Learn the facts and myths about 5G and discuss other small cell wireless deployment issues. Explore the latest actions the FCC, Congress, and the states have taken to facilitate broadband deployment, and how these developments may affect public power utilities. This workshop includes a dive into the final recommendations from the FCC’s Broadband Deployment Advisory Committee on model federal, state, and local laws and regulations.

**Jim Baller**, President, Baller Stokes & Lide, Washington, D.C.; **Joanne Hovis**, President, CTC Technology and Energy, Columbia, Maryland; and **Sean Stokes**, Principal, Baller Stokes & Lide, Washington, D.C.

1:30 – 5 PM

### Blockchain Technology: What Is It and What Should Your Utility Know?

CAROLINA A

Blockchain—the technology behind Bitcoin and other cryptocurrencies—is increasingly seen as a disruptive technology. Utilities and third-party vendors are examining how to use the distributed ledger technology for “back-room” settlement operations, peer-to-peer or utility-to-customer transactions, and wholesale power trading. Vendors are approaching distribution systems with potential blockchain applications and other systems are seeing dramatic load increases due to cryptocurrency mining.

This workshop will cover what blockchain is, what it can do, and how utilities are using the technology. Learn what practical and legal questions to ask if your utility, your customers or third-party vendors want to implement a blockchain project and what regulation exists around blockchain at federal and state levels.

**Lisa Dowden**, Partner, Spiegel & McDiarmid, LLP, Washington, D.C.; **Casey Lamont**, Resource Planning Analyst, Burlington Electric Department, Vermont; **Caroline Lynch**, Founder and Owner, Copper Hill Strategies, LLC, Phoenix, Arizona; and **Milton Whitfield**, Principal, DiMuro Ginsberg PC, Alexandria, Virginia



**1:30 – 5 PM**

## **Environmental Issues Roundtable**

**CAROLINA B**

*This roundtable is not eligible for CLEs or other continuing education credit. This event is open only to direct employees of APPA member utilities, joint action agencies, or state/regional associations.*

Participate in an informal roundtable discussion on the latest environmental regulations affecting public power utilities. Meet with other environmental professionals to talk about hot topics, regulatory issues, and current projects happening in public power. Topics will include the Clean Power Plan, effluent limitation guidelines for steam electric generators, coal ash, and more.

**Susan Jackson**, Manager, CCP & Waste Management, Santee Cooper, Moncks Corner, South Carolina; **Amy E. McDonnell**, Of Counsel, Duncan & Allen, Washington, D.C.; and **Carolyn Slaughter**, Director, Environmental Policy, American Public Power Association

**5:30 – 7 PM**

## **Welcome Reception**

**GOLD BALLROOM**

Enjoy hors d'oeuvres and drinks while you reconnect with old friends, meet new people, and network with public power lawyers and professionals from across the nation.



## CONFERENCE AGENDA

# Monday, October 8

7 AM – 6 PM • REGISTRATION & INFORMATION DESK • @ REGISTRATION BOOTH

7 – 8:15 AM

### Women in Public Power Breakfast

CALHOUN

Grab your continental breakfast and get to know some of your fellow attendees. Enjoy a lively panel discussion on how you can help women strengthen their positions at your organization. Make connections, share challenges and opportunities, and ignite conversations.

**Shawn Aronow**, Assistant General Counsel, Snohomish County PUD, Everett, Washington; **Sarah Davis**, EIM Program Manager and Strategic Advisor, Seattle City Light, Washington; and **Sara McCoy**, Director – EIM Implementation, Salt River Project, Phoenix, Arizona

7:30 – 8:30 AM

### Networking Continental Breakfast

CAROLINA FOYER

Get energized for the day ahead with your peers at this informal breakfast.

8:30 – 9:30 AM

### Opening General Session

CAROLINA BALLROOM

## Welcome

**Sue Kelly**, President & CEO, American Public Power Association



Sue Kelly



Coleman Smoak

### APPA Board Chair Address: Public Power Matters

Public power has unique strengths and advantages, but do we remember and leverage them adequately? Are we still committed to ensuring reasonable rates? Are we staying on top of new trends and technologies? Are we prepared for new generations entering the workforce? Are we advocating and telling our story? A veteran public power leader helps you focus on what really matters. Get a refresher on public power's inspiring history and commit to being a positive part of its bright future.

**Coleman F. Smoak, Jr.**, Chair, American Public Power Association, and General Manager, Piedmont Municipal Power Agency, Greer, South Carolina

### Keynote Address: A New CEO and a New FERC

Cyber threats are on the rise and the electricity industry as well as regulatory bodies are under tight scrutiny from legislators, the media and a concerned public. How is Washington responding in this high-pressure situation? How are industry and government working together to monitor threats and help utilities assess their vulnerabilities and shore up cyber resilience? Get the answers and take an inside look at how new faces at FERC and NERC are shaping our cyber posture.

**Charles Berardesco**, Senior Vice President and General Counsel, North American Electric Reliability Corporation, Washington, D.C.

Presiding: **Andrew Neuman**, Chair, American Public Power Association Legal Section, and Assistant General Counsel, New York Power Authority, White Plains, New York



Charles Berardesco

9:30 – 9:45 AM  
**Break**

9:45 – 10:45 AM  
**Distributed Energy Resources in Wholesale Electricity Markets: Three Perspectives**

CAROLINA BALLROOM

As the Federal Energy Regulatory Commission looks to remove barriers to wholesale market participation for aggregated distributed energy resources, it faces a number of legal and practical issues in the rulemaking process. This panel will discuss these hot-button issues, including: who has authority to regulate DERs; the terms and conditions of their interconnection and operation; simultaneous participation by DERs in both retail compensation programs and wholesale markets; and coordination among DER aggregators, distribution utilities, and RTOs.

**Jeffery S. Dennis**, General Counsel for Regulatory Affairs, Advanced Energy Economy, Washington, D.C.; **William S. Huang**, Partner, Spiegel & McDiarmid, LLP, Washington, D.C.; and **Chris Norton**, Director of Market Regulatory Affairs, American Municipal Power, Inc., Columbus, Ohio  
Presiding: **Andrew Neuman**, New York Power Authority

10:45 – 11 AM  
**Break**

11 A.M. – NOON  
**The Importance of Energy Market Compliance**

CAROLINA BALLROOM

If you transact in today's complex wholesale energy markets, a compliance program is a must. But are you doing everything you can to meet compliance obligations? FERC has extensive regulations for wholesale energy transactions. As markets evolve, regulators are scrutinizing your every move. Learn what is required to set up a compliance program and review areas that need special attention to help avoid a violation.

**Thomas L. Rudebusch**, Shareholder, Duncan, Weinberg, Genzer & Pembroke, P.C., Washington, D.C.; and **William Rust**, Director, Energy Marketing Compliance, The Energy Authority, Jacksonville, Florida

Presiding: **Andrew Neuman**, New York Power Authority

NOON – 1:30 PM  
**Lunch** (on your own)

1:30 – 2:30 PM  
**BREAKOUT SESSIONS**

**What's All This Talk About Resilience?**

CAROLINA BALLROOM

The gamut of natural disasters in 2017 and the continued closing or retirement of coal and nuclear plants helped to make resilience of the electric grid a priority discussion at FERC, DOE, NERC, the RTOs, and in the states. From the Notice of Proposed Rulemaking filed by the DOE in FERC Docket No. RM18-1 to FERC's ensuing consideration of issues in RTO markets in Docket No. AD18-7, and potential emergency action under the Federal Power Act and the Defense Production Act of 1950 — fuel security is in focus at the federal level. Get a handle on the statutory authority under which DOE and FERC are being asked to act and the roles that RTOs, NERC, and the states will play in the reliability oversight discussion.

**Denise Goulet**, Partner, McCarter & English, Washington, D.C.; and **Jonathan Schneider**, Partner, Stinson Leonard Street LLP, Washington, D.C.

Presiding: **Andrew Neuman**, New York Power Authority

**Managing Cyber Risk from a Legal Perspective**

GOLD BALLROOM

Electric utilities face an array of potential cyber threats, from power outages to service disruptions, ransomware, denial of service attacks, malware, theft of sensitive operational and business information, and breaches of employee or customer personal information. Discuss what utility lawyers should be doing to minimize cybersecurity risk, who to share cybersecurity information with, and what to do in the event of an incident. Learn how to incorporate risk management into policies, plans, third-party and vendor contracts, and insurance coverage.

**Kevin Jones**, Partner, and **Paul Tiao**, Partner, Hunton Andrews Kurth LLP, Washington, D.C.

Presiding: **Derek Bertsch**, Vice Chair, American Public Power Association Legal Section, and Staff Attorney, Missouri River Energy Services, Sioux Falls, South Dakota

2:30 – 2:45 PM

## Break

2:45 – 3:45 PM

## BREAKOUT SESSIONS

### Antitrust Liability: Public Power Is Not Immune

GOLD BALLROOM

Public power utilities have been sued under antitrust laws, exposing them to millions of dollars in litigation costs and draining on personnel. This session will discuss the role of antitrust counseling and the nature of litigation risks that may still be unavoidable for public power. Learn what types of conduct constitute possible antitrust violations, and if you can ask an appellate court to decide the immunity question before you are forced to litigate.

**Harvey Reiter**, Partner, Stinson Leonard Street, LLP, Washington, D.C.

Presiding: **Andrew Neuman**, New York Power Authority

### Why Public Power is Joining the EIM

CAROLINA BALLROOM

In 2019, public power systems will enter the real-time organized markets in the West. Hear from a panel of public power utilities joining the CAISO energy imbalance market about the operational and organizational benefits, challenges, legal and regulatory issues, and overall future of market participation in the West. Discuss why these utilities believe joining the EIM makes sense, and how this participation can pave the way for future public power market participation.

**Tony Braun**, Partner, Braun Blasing Smith Wynne, Sacramento, California; **Sarah Davis**, EIM Program Manager and Strategic Advisor, Seattle City Light, Washington; **Sara McCoy**, Director – EIM Implementation, Salt River Project, Phoenix, Arizona; and **Jim Shetler**, General Manager, Balancing Authority of Northern California, Sacramento, California

Presiding: **Derek Bertsch**, Missouri River Energy Services

3:45 – 4 PM

## Break

4 – 4:45 PM

## BREAKOUT SESSIONS

### A+ Compliance: What NERC Wants

CAROLINA BALLROOM

Get tips for updating your entity's internal compliance program to align with NERC and the regional entities' expectations for what makes a robust program. In other words, learn what to include in your internal compliance program to get "extra credit" from your regional entity and NERC. Also get a handle on the most current (and most confusing) NERC initiatives.

**Lisa Gast**, Partner, Duncan, Weinberg, Genzer & Pembroke, P.C., Washington, D.C.

Presiding: **Derek Bertsch**, Missouri River Energy Services

### The Return of Climate Tort Cases

GOLD BALLROOM

Suits brought against power companies alleging that the carbon dioxide emissions associated with their normal operations constituted a tort have come and gone the past few administrations. Under Bush, the Supreme Court reviewed American Electric Power Co. v. Connecticut, and during the Obama administration, it was perceived that climate regulation would be achieved through the Environmental Protection Agency. This administration, the tort suits are back with new legal theories, including state common law of nuisance and product liability claims. Explore these new cases and the legal theories on which they are based.

**Allison D. Wood**, Partner, Hunton Andrews Kurth LLP, Washington, D.C.

Presiding: **Andrew Neuman**, New York Power Authority

5 – 6:30 PM

## Reception

COLONIAL

Make connections, relax with your colleagues and have a drink with the experts.



## CONFERENCE AGENDA

# Tuesday, October 9

7 AM – 4 PM • REGISTRATION & INFORMATION DESK • @ REGISTRATION BOOTH

7:30 – 8:30 AM

### Networking Continental Breakfast

CAROLINA FOYER

Make the most of your time away with this informal breakfast. All conference participants are welcome.

8:30 – 9:30 AM

### Federal Regulatory and Legislative Update

CAROLINA BALLROOM

Hear an overview of the latest FERC regulatory issues of interest to public power, including energy and capacity market matters and recent proposed rulemakings and orders. Discuss the implications from recent significant court decisions and get an update on issues of importance to public power in the 115th Congress.

**John McCaffrey**, Regulatory Counsel, and **Desmarie Waterhouse**, Vice President of Government Relations & Counsel, American Public Power Association

Presiding: **Derek Bertsch**, Missouri River Energy Services

9:30 – 9:45 AM

### Break

9:45 – 10:45 AM

### Managing Risk in the Supply Chain

CAROLINA BALLROOM

Cyber threats can come from many sources, including and often through the supply chain. FERC and NERC are taking steps to address those risks at the national level, and helping utilities manage their own risk. Drawing on the white paper from the American Public Power Association and the National Rural Electric Cooperative Association, developed at the request of the NERC Board of Trustees and submitted to NERC and FERC in early 2018, get a legal foundation for the cyber risks associated with global supply chains and bring back effective practices and useful tools to help mitigate the risk of cyber threats arising from the supply chain.

**Cindy Bogorad**, Partner, and **Latif Nurani**, Senior Associate, Spiegel & McDiarmid LLP, Washington, D.C.

Presiding: **Derek Bertsch**, Missouri River Energy Services

10:45 – 11 AM

### Break

11 AM – NOON

## BREAKOUT SESSIONS

### Allowed Return on Equity and Federal Power Act 206

GOLD BALLROOM

Get an update on where things stand with return on equity - or allowed profit - from how estimates are determined in specific RTOs, to the reduction complaints brought under Federal Power Act Section 206 proceeding through FERC and judicial review. Discuss why the legal and economic standards surrounding ROE estimates are in flux, and what impact this topic can have on cost-based rates for non-competitive services like transmission.

**David Pomper**, Partner, Spiegel & McDiarmid, LLP, Washington, D.C.

Presiding: **Andrew Neuman**, New York Power Authority

### Water, Water Everywhere: Coal Ash Impoundments, The Clean Water Act and Water Rights – The Implications for Public Power

CAROLINA BALLROOM

Recent Clean Water Act and water rights litigation poses potentially tremendous risks for public power – from possible liability for groundwater seepage to uncertain access to water supplies. Recent cases have asserted that coal ash impoundments or landfills are “point sources” and that discharges of pollutants through groundwater to waters of the United States violate the CWA. The stakes became even higher with the D.C. Circuit’s recent rejection of key aspects of the Coal Combustion Residuals rule that applied to existing coal ash impoundments. Concurrently, judicial challenges to ownership of the water are increasing risks associated with water resource planning and acquisition, and even clouding title to existing supplies. Review the key issues from recent litigation and what strategies could minimize the risk of liability or an interrupted water supply.

**Karl Karg**, Partner, Environment, Land & Resources, Latham & Watkins LLP, Chicago, Illinois; **Robert S. Lynch**, Robert S. Lynch & Associates, Phoenix, Arizona; and **Claudia O’Brien**, Partner, Latham & Watkins LLP, Washington, D.C.

Presiding: **Derek Bertsch**, Missouri River Energy Services

NOON – 1:30 PM

## Lunch (on your own)

1:30 – 2:30 PM

### Transmission Planning and Construction: Who’s Really Calling the Shots?

CAROLINA BALLROOM

Open, transparent, and coordinated transmission planning was a hopeful outcome of FERC’s Order Nos. 890 and 1000. However, implementation of the rules has instead brought on challenges and disagreements. Explore the details and impact on public power of some of those challenges in the various RTO and ISO regions, including the status of the transmission planning process, continued disputes over local planning in the PJM and CAISO regions, allocation of costs for large-scale transmission projects in support of wind facilities, and the impact of disputes such as zonal integration on transmission planning.

**Adrienne Clair**, Partner, Thompson Coburn LLP, Washington, D.C.; and **Lisa McAlister**, Senior Vice President and General Counsel, American Municipal Power, Inc., Columbus, Ohio

Presiding: **Derek Bertsch**, Missouri River Energy Services

2:30 – 2:45 PM

## Break

2:45 – 3:45 PM

### Public Power and the Attorney-Client Privilege

CAROLINA BALLROOM

Public power attorneys communicate with various stakeholders while advising their agencies. Some, but not necessarily all, of these communications are protected by attorney-client privilege. Learn who is covered, what special considerations exist for attorneys representing public power entities, how open records laws affect the privilege, and steps you can take to preserve the privilege.

**Hance Price**, Staff Attorney, Frankfort Electric & Water Plant Board, Kentucky

Presiding: **Derek Bertsch**, Missouri River Energy Services

## CONFERENCE AGENDA

# Wednesday, October 10

7:30 – 8:30 AM

### Networking Continental Breakfast

CAROLINA FOYER

Take this opportunity to make some more connections so you can keep the conversations going after the conference at this final, informal breakfast.

8:30 – 9:30 AM

## BREAKOUT SESSIONS

### Essential Elements for Battery Storage Contracts

CAROLINA BALLROOM

The rapid development of variable renewable energy resources due to technological improvements, more competitive pricing and customer demand for "green power" has created a growing demand for energy storage to accommodate the variable output of these new resources. Each of these storage technologies has its own unique characteristics and challenges, which must be addressed in the contracts involving the development, operation, interconnection, or sale of the output from these storage technologies. Review key drafting points and legal and commercial considerations involved in these agreements, and sample language that can address the unique characteristics and challenges of many of these technologies, with emphasis on battery energy storage systems.

**Gregg D. Ottinger**, Partner, and **Jon R. Stickman**, Partner, Duncan & Allen, Washington, D.C.

Presiding: **Andrew Neuman**, New York Power Authority

### Hot Employment Issues: What You Need to Know

COLONIAL BALLROOM

In-house counsel need to be aware of significant labor and employment developments affecting operations in the coming year. Review the latest hot-button issues, from the Equal Employment Opportunity Commission's new 2018-2022 strategic enforcement plan and new harassment guidance to the Department of Labor's self-audit plan for wage violations and emerging Fair Labor Standards Act issues. Discuss ways to address disability accommodations for leave, telework, and rotating shifts, and appropriate measures for dealing with legal marijuana use and the opioid emergency in the workplace.

**Jonathan R. Mook**, Partner, DiMuro Ginsberg, P.C., Alexandria, Virginia

Presiding: **Derek Bertsch**, Missouri River Energy Services

9:30 – 9:45 AM  
**Break**

9:45 – 10:45 AM

## BREAKOUT SESSIONS

### Are Drones a Threat to Utility Critical Infrastructure?

COLONIAL

The use of Unmanned Aircraft System, or drone, technology is increasing exponentially. Commercial drones are increasing worker safety, efficiency, and cost savings for utilities and other industries. However, the easy access to drones, coupled with the current regulatory environment, raises security and safety questions for critical or sensitive facilities. Discuss recent hostile uses of drones, the new defensive technology that is available to counter aggressive drones, and dive into the laws governing the use of such technology and the legal measures that utilities should be taking now to protect critical infrastructure.

**Kelly Daly**, Partner, Stinson Leonard Street, LLP, Washington, D.C.

Presiding: **Derek Bertsch**, Missouri River Energy Services

### Transmission Competition Under FERC Order No. 1000 at a Crossroads: Reinforce or Repeal?

CAROLINA BALLROOM

FERC Order No. 1000 intended to promote competition in transmission development. Results have been mixed, with full implementation still a work in progress. Has competition produced too little benefit for too much regulatory burden? Should Order 1000 be dramatically revised or scrapped altogether? Do results show that increased competition delivers customer savings and better projects, meaning the real problem is too few bidding opportunities and unnecessarily cumbersome procedures? These are critical questions in an era of rising wholesale transmission rates with few opportunities for public power utilities to offset the cost with transmission investment. This panel will explore where competition has and has not worked, and perspectives on revisiting, reforming, or discarding the competitive transmission provisions of Order No. 1000.

**Justin Campbell**, SVP, Chief Development Officer, GridLiance, Irving, Texas; **John McClure**, Vice President Government Affairs & General Counsel, Nebraska Public Power District, Columbus, Nebraska; **Hannes Pfeifenberger**, Principal, The Brattle Group, Boston, Massachusetts; and **Andrea Spring**, Policy Advisor, Federal Energy Regulatory Commission, Washington, D.C. (moderator)

Presiding: **Andrew Neuman**, New York Power Authority

10:45 – 11 AM

## Break

11 – NOON

### Uncharted Waters: Navigating Ethics Rules in Multijurisdictional Practice

CAROLINA BALLROOM

Since the American Bar Association amended Model Rule 5.5 in 2002, a rule that removed barriers to temporary practice across state lines, nearly every jurisdiction in the United States has adopted some form of the multijurisdictional practice rule. However, ethics codes and decisional law vary from state to state, making room for missteps. Explore the risk areas for lawyers engaged in multijurisdictional practice, including unauthorized practice, restrictions on statements to the media, conflicts of interest, limits on pre-litigation investigation, and regulation of law firm marketing. Also discuss procedural issues, including state bar jurisdiction, choice of law, and reciprocal discipline.

**Barbara Seymour**, Attorney, Clawson & Staubes, LLC, Columbia, South Carolina

Presiding: **Andrew Neuman**, New York Power Authority

NOON

## Adjourn

# 2018 – 2019 OFFICERS LEGAL SECTION

The American Public Power Association's Legal Section sponsors this annual meeting. We thank the officers who have been instrumental in planning and presenting this event.



## **Chair**

Andrew Neuman  
Assistant General Counsel  
New York Power Authority  
White Plains, New York



## **Vice Chair**

Derek Bertsch  
Staff Attorney  
Missouri River Energy Services  
Sioux Falls, South Dakota



The American Public Power Association is the voice of not-for-profit community-owned utilities that power 2,000 towns and cities nationwide. We represent public power before the federal government to protect the interests of the more than 49 million people that public power utilities serve, and the 93,000 people they employ. Our association advocates and advises on electricity policy, technology, trends, training and operations. Our members strengthen their communities by providing superior service, engaging citizens, and instilling pride in community-owned power.



The American Public Power Association's Academy is public power's complete resource for professional education and certification, helping electric industry employees stay abreast of rapidly evolving technologies, regulations, and customer needs. Learn more about our conferences, webinars, special events, continuing education and custom in-house trainings at: [www.PublicPower.org/Academy](http://www.PublicPower.org/Academy).



# TIPS & REMINDERS

## Badges

Please wear your badge to all conference and social events.

## Cell Phones

Please silence all mobile devices when in sessions so they do not interrupt speakers and distract the audience.

## Conference Evaluation

Please leave your conference evaluation at the registration desk before you depart. We appreciate your feedback.

## Conference Presentations

Copies of the speakers' presentations are available on the American Public Power Association's website, [www.PublicPower.org/legal](http://www.PublicPower.org/legal) under "past conference presentations," and through the conference app.

## Dress

The attire for the conference is business casual. Since meeting room temperatures vary, please prepare to dress for cool conditions.

## Grateful Appreciation

We are grateful to the officers, speakers and sponsors who help plan, present, and support this conference.

## Guest Activities

Conference registrants may bring a guest to the evening receptions.

## Restricted Sessions

The Association reserves the right to designate any meeting or session open only to APPA regular members (public power utilities, joint action agencies and state/regional associations), or to close any session to members of the press. Please inquire at the registration desk if you have any questions.

## Antitrust Statement

We remind all those attending the Legal & Regulatory Conference that various state and federal laws prohibit the exchange of information among competitors regarding matters pertaining to price, refusals to deal, markets division, tying relationships and other topics that might infringe upon antitrust laws and regulations. No such exchange or discussion will be tolerated during the meeting. A copy of APPA's Statement of Compliance with the Antitrust Laws is available upon request.

# ACCREDITATION

## Continuing Legal Education (CLEs)

APPA will apply for Continuing Legal Education accreditation in the following mandatory CLE states: Alabama, Alaska\*, Arkansas, California\*, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine\*, Minnesota, Mississippi, Missouri, Montana\*, Nebraska, Nevada, New Hampshire, New Jersey\*, New Mexico, New York\*, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

States denoted by an asterisk (\*) will accept CLE credit hours for courses or activities held in and approved by other MCLE jurisdictions. APPA may not explicitly apply for CLE accreditation in these states if they have reciprocity with the state in which the meeting is being held.

The number of CLE credits varies by state and is decided by each state CLE authority. APPA will provide any necessary documentation to receive CLE credit in these states.

To receive CLE credits for conference sessions, you must complete the CLE Attendance Record form (available at the registration desk). Turn in the top (white) form before you leave; the bottom (yellow) copy is for your records. APPA will report your attendance to the CLE authorities that require sponsor reporting based on these records, and will email Certificates of Attendance after the meeting.

If you have any questions, please contact [LegalConference@PublicPower.org](mailto:LegalConference@PublicPower.org) or 202/467-2976.

## Other credits

Attendees can also earn other types of educational credits (CEUs, PDHs or CPEs) for your participation in this conference. To receive a certificate for these credits, complete the CLE Attendance Record form, and write "OTHER" at the top of the form. Turn in the form after the conference; APPA will send you a certificate listing the total CEU, PDH, and CPE value of all the sessions you attended.



## Continuing Education Units (CEUs)

The American Public Power Association is accredited by the International Association for Continuing Education and Training (IACET) and is authorized to issue the IACET CEU. One CEU = 10 hours (600 minutes) of instruction time.

## Professional Development Hours (PDHs)

APPA educational practices are consistent with the criteria for awarding Professional Development Hours (PDHs) as established by the National Council of Examiners for Engineering and Surveying (NCEES). Course eligibility and number of PDHs may vary by state. One PDH = 60 minutes of instruction time.



## Continuing Professional Education (CPE) Credits

The American Public Power Association is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Ave. N., Suite 700, Nashville, TN 37219-2417. Website: [www.nasbaregistry.org](http://www.nasbaregistry.org).

One CPE = 50 minutes of instruction time. Participants can earn up to 16.5 CPE credit hours for attending the conference (not including the preconference seminars). All sessions are intermediate-level, group-live offerings. There are no prerequisites, and no advance preparation is necessary. All CPE-eligible sessions fall into one of these Areas of study: Business Law; Management Services; Regulatory Ethics; or Specialized Knowledge. For more information regarding administrative policies, such as clarification of requirements, complaints, and refunds, contact [EducationInfo@PublicPower.org](mailto:EducationInfo@PublicPower.org).



## Reliable Public Power Provider (RP3) Designation

Participating in conferences and seminars offered by the American Public Power Association's Academy is an easy way to earn points toward the Reliable Public Power Provider (RP3®) designation. RP3 is the Association's program to recognize and reward public power utilities that demonstrate basic proficiency in four important disciplines: reliability, safety, workforce development, and system improvement. For more information, visit [www.PublicPower.org/RP3](http://www.PublicPower.org/RP3).

# MARK YOUR CALENDAR



## **2019 Legal & Regulatory Conference**

Oct. 20-23, 2019 • Portland Marriott Downtown Waterfront • Portland, Oregon



## **2020 Legal & Regulatory Conference**

Oct. 11-14, 2020 • The Broadmoor • Colorado Springs, Colorado