



Sunday, October 15

8:30 am – Noon

Facilitating Order to Create Productive Utility Board Meetings

As a utility attorney, you are the default parliamentarian for utility boards and city councils, but parliamentary procedure is not taught in law school (or, really, anywhere). Get an in-depth orientation to Robert's Rules of Order — the most common authority for parliamentary procedure — and how you can apply these rules to making board and city council meetings more productive and equitable. Get guidelines, tips, and tools to navigate common challenges around board meetings. Hone your procedural skills through hands-on exercises and scenarios in a dynamic and enjoyable presentation. Learn how to transform your board meetings (and utility/board interactions) through the system of “Precedence of Motions,” and work through common challenges in small groups. Attendees will also receive a complimentary copy of *Mastering Council Meetings* as a resource.

Topics include:

- Robert's Rules of Order and how to use them effectively
- Working with “Precedence of Motions”
- Applying the correct authority of the chair, members, and staff dealing with inappropriate remarks
- Challenging motions like reconsider, rescind, suspend the rules, and censure
- Board/staff relations at meetings
- Handling public comments

Who should attend

This course is geared towards attorneys who work with and advise electric utility boards, as well as utility staff and policymakers.

Ann G. Macfarlane, Professional Registered Parliamentarian, Jurassic Parliament

1:30 – 5 pm

Creating Proactive Pole Attachment and Conduit Access Policies

As the effort to expand and accelerate broadband deployment continues, there has been increased focus at the federal and state level on facilitating access to utility poles and conduit. From the Federal Communications Commission to the National Telecommunications and Information Administration and Congress, far-ranging policy changes and regulations could affect pole replacement costs and access to rights-of-way, utility poles, and conduit. Explore the status of these initiatives and the potential implications for public power utilities as well as proactive measures that you might consider with respect to your pole attachment and conduit policies and practices.

Topics include:

- Current pole and conduit regulations
- Federal and state efforts to revise pole attachment regulations
- The relationship between access and broadband deployment
- Best practices and policy recommendations

Jim Baller and Sean A. Stokes, Partners, Keller and Heckman, LLP

5 – 6:30 pm

Welcome Reception

Monday, October 16

- 7:30 – 8:30 am Networking Breakfast
- 7:30 – 8:30 am Newcomers Networking Breakfast
- 8:30 – 9:30 am Opening General Session (no CLEs):
- **Welcome** (10 minutes)
 - **CEO Address**
 - **Scott Corwin**, *President & CEO, American Public Power Association* (20 minutes)
 - **Keynote Address** (30 minutes)
 - **John Hairston**, *Administrator and CEO, Bonneville Power Administration*
- 9:30 – 9:45 pm Break
- 9:45 – 10:45 am Breakout Sessions
- **Meeting Aggressive Greenhouse Gas Goals: A View From the West (Regulatory Topic)**

Hear how three large public power entities are addressing stringent greenhouse gas goals put forth in their states. From exploring new frontiers in hydrogen and nuclear to leveraging tools like virtual power plants and distributed energy resources, discuss what strategies each organization is exploring – and what is proving difficult to incorporate into planning – amid a strict state regulatory environment looking to move from fossil generation to future generation.

***Javier Camacho**, Director of Public and External Affairs, Strategic Communications and Social Marketing, Platte River Power Authority, Fort Collins, Colorado; **Kiyomi Keckemet**, Climate Mitigation Strategic Advisor, Seattle City Light, Washington; and **Lawrence Luong**, Federal Affairs Manager, Sacramento Municipal Utility District, California*
 - **Don't Be a Facebook Fool (In-House topic)**

Public entities with social media pages often see troubling comments on their posts. If the first instinct is to delete, be careful. Recent federal cases have held that organizations – and maybe the individuals managing the accounts – could be liable for damages for a federal civil rights violation. Hear from an attorney on what best practices every public organization should use to keep their social media activities out of court.

***Mark Weaver**, Owner, Communications Counsel, Inc.*

10:45 – 11 am Break

11 am – Noon **Crisis Communications for Utility Attorneys and Their Clients (General Session)**

An organization's most important uninsured asset – its reputation – can be significantly damaged when tried in the court of public opinion, perhaps more so than in any court of law. Since most controversies are settled prior to trial, hear what you can do to properly manage this battleground, not only for good will and market share, but also for legal bargaining and settlement negotiations. Learn how to communicate and maintain "control of the message," enabling you to mount a defense against a sudden onslaught from traditional or social media.

Bruce Hennes, Chief Executive Officer, Hennes Communications

Noon – 1:30 pm Lunch on your own

1:30 – 2:30 pm Breakout Sessions

- **Redefining Just and Reasonable Rates (Regulatory Topic)**
When all costs are considered, zero carbon energy is expensive – and will cost billions of dollars. It follows, then, that examining what is “just and reasonable” should not look simply at the cost of a system improvement when those improvements are happening due to policy changes. In light of the massive costs to fund policies around the energy transition, is it time for regulators to reevaluate their interpretation of statutory just and reasonable rates?

Jane Luckhardt, General Counsel, Northern California Power Agency, Roseville, California; and **Latif M. Nurani**, Partner, Spiegel & McDiarmid, LLP

- **Exploring Options for Renewable Resources (In-House topic)**
Historically, public power utilities have turned to PPAs in order to build their renewable portfolios. The creation of direct payment as a substitute for tax credits in the Inflation Reduction Act provides nonprofit utilities greater financial incentive to directly own/operate renewable projects. Explore options for the PPA model, and compare options for direct ownership, including the use engineering procurement and construction agreements and build transfer agreements.

James J. Bertrand, **Dwight Larson**, and **John McCaffrey**, Partners, Stinson, LLP

2:30 – 2:45 pm Break

2:45 – 3:45 pm

Breakout Sessions

- **How Public Power Can (Finally) Access Clean Energy Credits (In-House topic)**

Get a detailed look at the status of implementation of the clean energy credits enacted as part of the Inflation Reduction Act, and the elective pay option that makes the credits available to public power. Review common questions about the implementing guidance that has been issued to date and discuss the remaining "known unknowns."

John Godfrey, Senior Government Relations Director, American Public Power Association; and Mark E. Warren, Shareholder, Brownstein Hyatt Farber Schreck, LLP

- **The State of Play for Advanced Reactors (Regulatory Topic)**

As public power utilities consider embarking on advanced nuclear projects, there are many key questions surrounding the decision. Examine some of the key legal aspects to review, from the ramifications of dealing with nuclear waste to licensing concerns and potential supply issues. Get perspective on how to adequately weigh the potential risks against the benefits of adding this carbon-free resource to a utility's mix.

Wendy Simon-Pearson, Associate, McCarter & English, LLP

3:45 – 4 pm

Break

4 – 5 pm

Breakout Sessions

- **Electric Reliability Trends and Predictions (Regulatory Topic)**

Address recent trends in the electric reliability space, including North American Electric Reliability Corporation standards development and strategies in inverter-based resources, extreme weather conditions, and physical security. Hear expert predictions on what's to come, such as how significant shifts in the NERC Rules of Procedure could alter industry input into future standards development.

Lisa S. Gast and Sean M. Neal, Shareholders, Duncan, Weinberg, Genzer & Pembroke, P.C.

- **Environmental Justice in Energy (In-House topic)**

As environmental justice continues to change, it's critical to keep up with the fundamentals behind what's driving the environmental

justice movement, learn the key terms, and become familiar with the relevant legal authorities. Get an updated look at the related regulations and laws most relevant to utilities and discuss how each could affect your work.

Hilary T. Jacobs, Associate and **Julius M. Redd**, Principal, Beveridge & Diamond, P.C.; and **Jen-Ann Lee**, Attorney, Braun Blaising & Wynne, P.C.

Tuesday, October 17

- 7:30 – 8:30 am Women in Public Power Networking Breakfast
- 7:30 – 8:30 am Networking Breakfast
- 8:45 – 10:15 am **Federal Regulatory and Legislative Update (General Session)**
Get a rundown of the latest regulations and federal legislative action, and how each could affect public power operations now and in the future. Learn what issues APPA is focused on in Washington, D.C., and our intel on what might be coming down the road.

Desmarie Waterhouse, Senior Vice President, Advocacy & Communications & General Counsel, American Public Power Association
- 10:15 – 10:45 am Break
- 10:45 am – Noon **Keeping Pace with Employment Law (General Session)**
New employment laws and recent decisions include everything from the new Pregnancy Fairness Act, the Supreme Court's recent expansion of the rights of religious employees to reasonable accommodation and using AI in the workplace. If ensuring compliance with those was not enough, the Equal Employment Opportunity Commission is now expected to implement a slew of worker-friendly priorities. Address the significant labor and employment law developments that are, and will be, affecting your operations and the landscape of employment law.

Jonathan R. Mook, Partner, DiMuro Ginsberg, P.C.
- Noon – 1:30 pm Lunch on your own
- 1:30 – 2:30 pm Breakout Sessions
- **Negotiating Against Unacceptable Contract Language (In-House topic)**
More and more, companies are inserting unacceptable (and in some cases, illegal) provisions into contracts with public power — examples include low limitations of liability, indemnification obligations, risk-shifting provisions, and foreign choice of law. Discuss major issues in these contracts of adhesion, including when you can and can't negotiate the terms, and get tips and advice on how to overcome or work through these issues so that your utility can move ahead.

Jason Carter, General Counsel, Arkansas Municipal Power Association; Cynthia J. Fee, Esq., First Vice President, Casualty Broking Lead, Alliant Insurance Services, Inc.; and Jennifer

Hammitt, Director of Legal Affairs, Platte River Power Authority, Fort Collins, Colorado

- **NEPA Reform Implications for New Energy Infrastructure (Regulatory Topic)**

When the Fiscal Responsibility Act of 2023 passed, it included substantive changes to the National Environmental Policy Act, or NEPA. These changes aim to simplify and streamline the environmental reviews required for permitting large infrastructure projects, with an eye toward greenlighting the electric infrastructure necessary to support and advance the power sector's transition to lower-emitting and clean energy. Discuss how the legislative and regulatory amendments to NEPA could affect public power projects, whether new or ongoing.

Amy McDonnell, Of Counsel, Duncan & Allen LLP

2:30 – 2:45 pm Break

2:45 – 3:45 pm Breakout Sessions

- **The Impact of New Technologies on Customer Privacy and the Legal Process (In-House topic)**

Hear some of the privacy concerns as it relates to new technologies and the use of data, including data from smart meters, how AI can be used to analyze data, the future of drones and AI-powered cameras, and other privacy concerns that may impact public power utilities. Review the legal implications and the steps within the legal process for providing customer data, whether in the form of records, usage, or other requests – such as in requests from law enforcement agencies, with and without subpoena.

Allison Jetton, Partner, Dentons, LLP; and Jay Stanley, Senior Policy Analyst, ACLU Speech, Privacy and Technology Project

- **The Future of Resource Adequacy (Regulatory Topic)**

In the face of a rapid resource transition and extreme weather events, grid operators and utilities are overhauling their resource adequacy constructs to manage current and future reliability risks. Review and discuss the key drivers for evolution and ongoing reform efforts from across the country.

Lea Fisher, Senior Project Manager, and Matt King, Director, Markets & Analytics, GDS Associates, Inc.

3:45 – 4 pm Break

4 – 5 pm

Dear Ethics Lawyer, from Public Power (Ethics Session)

In his popular column, Dear Ethics Lawyer, legal ethics expert Mark Hinderks answers interesting legal ethics and professional responsibility questions with concise, to-the-point responses. Join Mark for this live Q&A, following the "Dear Ethics Lawyer" format, to gain advice and guidance on emerging and common issues in public power. Issues covered could include generative AI, conflicts arising from lawyer pitches to clients, confidentiality obligations, inadvertent disclosures, joint representation and advance waivers, limitations on communications, discovering additional information post-settlement, obligations to an entity under Rule 1.13, and other similar topics.

Mark D. Hinderks, Partner, Stinson, LLP

5 – 6:30 pm

Reception

Wednesday, October 18

- 7:30 – 8:30 am **Networking Breakfast**
Network with your peers at this informal breakfast.
- 8:30 – 9:30 am **Is Chevron Dead (General Session)**
The Supreme Court agreed to hear next term *Loper Bright Enterprises v. Raimondol*, to address: "Whether the Court should overrule [the Chevron doctrine] or at least clarify that statutory silence concerning controversial powers expressly but narrowly granted elsewhere in the statute does not constitute an ambiguity requiring deference to the agency." It is expected that the Court will consider these two issues: whether agencies have too much deference under Chevron and whether the "major questions doctrine" means agencies cannot address matters absent express statutory delegation. Examine the importance of the Chevron doctrine in federal administrative law, specifically the focus on its application in major FERC and environmental appeals. Explore how the major questions doctrine has limited the scope of the Chevron doctrine, and what the demise of the doctrine would mean going forward.

***Randolph L. Elliott**, Partner, McCarter & English, LLP; and **Dennis Lane**, Partner and **Kelsey L. Robinson**, Associate, Stinson, LLP*
- 9:30 – 9:45 am Break
- 9:45 – 10:45 am **Recent RPC Amendments and Common Ethical Dilemmas (Ethics Session)**
Explore how recent amendments to the Rules of Professional Conduct could affect every practitioner, from how to communicate about professional liability insurance and how to engage in solicitation. Also discuss newly published Advisory Opinions and common ethical dilemmas, such as conflict and confidentiality issues, which Ms. Schilling has addressed on the Washington State Bar Association Ethics Line.

***Sandra Schilling**, Professional Responsibility Counsel, Washington State Bar Association*
- 10:45 am Adjourn