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October 20 - 23, 2019

Portland, Oregon
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### Agenda at a Glance

#### Sunday, Oct. 20

**PRECONFERENCE SEMINARS**
- 8:30 am – Noon: Pole Attachments
- 1:30 – 5 pm: EIM in the West, Environmental Issues Roundtable
- 5:30 – 7 pm: Welcome Reception

#### Monday, Oct. 21

- 7 – 8:15 am: Women in Public Power Networking Breakfast
- 7:30 – 8:30 am: Networking Continental Breakfast
- 8:30 – 9:30 am: CEO Address & Keynote Address
- 9:45 – 10:45 am: Employment Law Update

#### Tuesday, Oct. 22

- 7:15 – 8:15 am: Networking Continental Breakfast
- 9:30 – 10:45 am: Transmission Report
- 11 am – Noon: Understanding Cyber Risk Implications, Municipal Securities

#### Wednesday, Oct. 23

- 7:30 – 8:30 am: Networking Continental Breakfast
- 8:30 – 9:30 am: Crisis Communications, How States Are Addressing Climate Change
- 9:45 – 10:45 am: Politics at the Water Cooler
- 11 am – Noon: One-Client Lawyers
Preconference Seminars

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

8:30 am – Noon

**Pole Attachments: Navigating New Federal and State Rules**

**SALONS G-H**

Public power utilities have faced a wave of new federal and state pole attachment rules and regulations during the past two years. In its Small Cell Order, the Federal Communications Commission has, for the first time, sought to grant wireless providers access to public power utility poles for the installation of small cell equipment at regulated rates and subject to shot clocks, but otherwise subject to the terms and conditions of the utility’s pole attachment agreement. In addition, several states have enacted wireless siting requirements and Congress has introduced legislation to restrict local control over utility infrastructure. Join our experts as they review what these developments mean for public power, including practical considerations regarding the application of the FCC’s “shot clock” deadlines and restrictions on fees and rates. Learn about the Association’s appeal of the FCC’s Small Cell Order. See how other public power utilities are responding to these significant new developments, including lessons learned and questions yet to be resolved by the growing body of public power utilities that have had experience with negotiating agreements with the wireless industry.

**Jim Baller**, President, Baller Stokes & Lide, Washington, D.C.; **Gabriel Garcia**, Director and Senior Counsel, CPS Energy, San Antonio, Texas; and **Sean Stokes**, Principal, Baller Stokes & Lide, Washington, D.C.

1:30 – 5 pm

**EIM in the West: Regulatory Framework, Operations and Practice**

**SALONS G-H**

Explore all aspects of the Western energy imbalance market operated by CAISO – from why it was established to how it works. Hear where utilities and other stakeholders see the EIM headed as it continues to expand. Understand the expected benefits and potential challenges for public power and other utilities that participate in the EIM. Learn about the estimated impact on costs and CO2 emissions. Review changes being considered to the governance and markets themselves. Join the discussions between public power and other EIM stakeholders.

1:30 – 5 pm
Environmental Issues Roundtable
SALON I

This roundtable is not eligible for CLEs or other continuing education credit. This event is open only to direct employees of member utilities, joint action agencies, or state/regional associations; no outside counsel, consultants, or vendors may attend.

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 in public power. Topics include the final Affordable Clean Energy rule, New Source Review reforms, Endangered Species, Applicability of Clean Water Act 316(b) to hydropower facilities and more.

**Felicia H. Barnes**, Associate, Beveridge & Diamond, PC, Seattle, Washington

**Moderator: Carolyn Slaughter**, Director, Environmental Policy, American Public Power Association

5:30 – 7 pm
Welcome Reception
MT. HOOD

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.
Monday, October 21

7 – 8:15 am
Women in Public Power Networking Breakfast
MT. HOOD

Creating Influence by Stepping into Your Authentic Leadership Style

Spend any amount of time in an organization and you’ll quickly realize that authority and influence are not the same thing. This is actually a great opportunity for the majority of us who need to influence a change in our departments, teams, or organizations - regardless of our title. Creating influence is a hallmark of successful leaders and something that can be learned and developed as you define your unique leadership style. Hear strategies and practical tips for building your authentic leadership style and influencing positive change no matter where you sit in your organization.

Amanda Leese, Chief of Staff, Bridgewater Associates and Professional Speaker; and Kate Leese, Managing Partner, Kinetics Consulting. Amanda and Kate Leese are both co-founders of the Ambitious Women Association.

7:30 – 8:30 am
Networking Continental Breakfast
BALLROOM FOYER

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

8:30 – 9:30 am
Opening General Session
SALON F

CEO Address: State of Public Power
Sue Kelly, President & CEO, American Public Power Association

Keynote Address
Elliot Mainzer, Administrator & CEO, Bonneville Power Administration, Portland, Oregon

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

9:30 – 9:45 am
Break

9:45 – 10:45 am
Employment Law Update
SALON F

Get up to speed on legal developments that impact your utility as an employer. Discuss current and anticipated developments from the U.S. Supreme Court, the Equal Employment Opportunity Commission, and the Department of Labor. Examine state laws and trends on the legalization of marijuana, the use of CBD oil, and paid leave. See how you can educate and engage employees, ensure compliance, and prepare for what lies ahead.

Stacie L. Caraway, Partner, Miller & Martin, PLLC, Chattanooga, Tennessee

Presiding: Derek Bertsch, Missouri River Energy Services
10:45 – 11 am
Break

11 a.m. – Noon
Compensation for Customer-Owned Transmission Challenges and Emerging Solutions
SALON F

Do a deep dive into how owners of integrated network transmission facilities can claim due compensation for a transmission provider’s use of those facilities under open access. Review compensation eligibility standards for different types of customer-owned facilities, alternative revenue requirement calculation methods, and recent case law. Learn how older facilities and joint owners can overcome challenges in securing compensation. Discuss emerging business models to compensate existing and new transmission projects.

Brett Hooton, President, GridLiance High Plains, LLC, Irving, Texas; Gary Newell, Member, Jennings, Strouss & Salmon, PLC, Washington, D.C.; and Jim Pardikes, Vice President, MCR Performance Solutions, Deerfield, Illinois

Presiding: Derek Bertsch, Missouri River Energy Services

Cybersecurity: Managing Supply Chain Risks and Contracts
SALONS G-I

Many recent cyber threats and incidents have resulted from the vulnerabilities of third-party vendors in the supply chain. Join us to discuss how to manage third-party risks and improve your over all cyber preparedness. You’ll learn how to update your utility’s cybersecurity governance and policies, shape vendor contractual requirements, get vendors to deploy hardware and software information security tools, comply with CIP-13 mandates, strengthen insider threat programs, reduce financial exposure, update your incident response plans and conduct tabletop exercises.


Presiding: Lawrence Luong, SMUD

1:30 – 2:30 pm
BREAKOUT SESSIONS

Managing Utility Liability in Health Claims
SALON F

Electric utilities often confront health claims about electric and magnetic fields from power lines and radio frequency fields from smart meters. Customers, homeowners, and activist groups continue to raise claims about alleged health risks, interference with property use, and damage to property values. Addressing these claims (however meritless) can take considerable utility time and resources. Get an overview of EMF/RF trends — scientific research, regulatory policy, and litigation. Evaluate how to manage your exposure to liability from these claims.

Curtis S. Renner, Partner, Watson & Renner, Washington, D.C.

Presiding: Lawrence Luong, SMUD

Clearing the Air on Regional Haze
SALONS G-I

The Clean Air Act’s “regional haze” program seeks to reduce visual impairment of scenic vistas in national parks and wilderness areas caused by emissions from sources such as natural gas and coal-combusting facilities. The program’s next phase includes a 2021 deadline for states to submit implementation plans to the U.S. Environmental Protection Agency. Learn about key issues that generators and states face as they prepare and the impact on your utility.

Norman Fichthorn, Partner, Hunton Andrews Kurth LLP, Washington, D.C.

Presiding: Derek Bertsch, Missouri River Energy Services

2:30 – 2:45 pm
Break

Noon – 1:30 pm
Lunch (on your own)
BREAKOUT SESSIONS

Managing the Impact of the #MeToo Movement
SALON F

Examine the impact of one of the most prominent campaigns against sexual harassment on workplaces everywhere. Recognize that the perception of impropriety is not easily avoided in an ever-evolving work setting. Witness and discuss the live presentation of trial testimony. Explore best practices to avoid issues and claims at your utility. Understand what works and what doesn’t. Discuss how to build a safe and comfortable environment for all.

John R. Bode, Member, Miller & Martin PLLC, Chattanooga, Tennessee

Presiding: Lawrence Luong, SMUD

Changing Perspectives on Federalism: Protecting State Environmental-Energy Policy
SALONS G-I

29 states and the District of Columbia have implemented renewable portfolio standards in an effort to decarbonize their electric generation. Some state policies sustain nuclear units that would otherwise retire, and foster new quasi-baseload offshore wind farms. Review the legal challenges — federal preemption litigation, dormant commerce clause challenges, and regulatory action before FERC. See how New York defended its Zero Emissions Credit program. Preview what’s in store as state and local governments step up environmental regulation.

Peter Hopkins, Partner, Spiegel & McDiarmid, LLP, Washington, D.C., and Jonathan D. Schneider, Partner, Stinson LLP, Washington, D.C.

Presiding: Derek Bertsch, Missouri River Energy Services

3:45 – 4 pm

Break

4 – 5 pm

BREAKOUT SESSIONS

California Wildfires: Feeling the Heat
SALON F

With an increase in the frequency and severity of wildfires in California and other parts of the country, electric utilities must deal with greater regulation and scrutiny to prevent and mitigate the risks. Liability exposures challenge the economic outlook of utilities and the communities they serve. Explore the critical legal, regulatory, and economic issues the industry faces in this new normal and see how other public power utilities are responding.

Tara Kaushik, Partner, Holland & Knight, San Francisco, California; Laura Manz, Director – Energy, Navigant, Folsom, California; Joy Mastache, Senior Attorney, SMUD, Sacramento, California; Anne Selting, Analytical Manager & Head of North American P3 and Project Ratings, Standard & Poors Global Infrastructure Ratings, San Francisco, California; and Justin Wynne, Attorney, Braun Blasing Smith Wynne, Sacramento, California

Presiding: Lawrence Luong, SMUD

Renewables Projects: Structures and Issues to Consider
SALONS G-I

What's the best model for expanding your utility’s renewables portfolio — ownership or long-term power purchase agreements? Examine the legal considerations of both models and possible contract structures to be considered with respect to each. Dive into project development, funding, tax credits, and other incentives. Assess the legal, regulatory, market, and performance risks that drive decision-making.

Tammie Ptacek, Partner, and Guy Smith, Partner, Stinson LLP, Minneapolis, Minnesota

Presiding: Derek Bertsch, Missouri River Energy Services

5 – 6:30 pm

Reception
MT. HOOD

Make connections, relax with your colleagues, and have a drink with the experts.
7:15 – 8:15 am
Networking Continental Breakfast
BALLROOM FOYER
Make the most of your time away with this informal breakfast. All conference participants are welcome.

8:15 – 9:15 am
Washington Report: Key Issues and Public Power Impact
SALON F
Wholesale markets, transmission rates, environmental issues, infrastructure, and more — see how deliberations in the nation’s capital impact what’s happening in your state and community. Get an insider view on FERC regulatory issues of interest to public power. Discuss the implications of recent significant court decisions. Learn the latest on issues before Congress.
John McCaffrey, Regulatory Counsel, Delia Patterson, SVP Advocacy & Communications and General Counsel, and Desmarie Waterhouse, Vice President, Government Relations & Counsel, American Public Power Association
Presiding: Lawrence Luong, SMUD

9:15 – 9:30 am
Break

9:30 – 10:45 am
Transmission Report: FERC Impact on Costs and Infrastructure
SALON F
Multiple recent FERC filings and issuances could significantly impact transmission costs and infrastructure development. Get the highlights and gauge the impact on transmission incentive rates, return on equity, and transmission planning and cost allocation. Evaluate the potential impact of FERC’s actions vis-à-vis the Federal Power Act’s intent to protect consumers from excessive rates and charges. See how public power is responding to keep costs down and the infrastructure adequate.
Presiding: Derek Bertsch, Missouri River Energy Services

10:45 – 11 am
Break
Tuesday, October 22

11 am – Noon

BREAKOUT SESSIONS

Not If, But When: Understanding Cyber Risk Implications and Covering Your Assets

Managing cyber risks — both from an operational perspective and a compliance perspective — is a priority for all public power utilities, regardless of size. Review the growing cybersecurity threats and see how you can protect your utility. Get up to speed on NERC compliance and CIP standards enforcement. Learn how effective monitoring and compliance programs can help you start managing the risk. Examine broader mitigation strategies and best practices in cyber hygiene.


Presiding: John McCaffrey, American Public Power Association

Municipal Securities: The Backstory and Compliance Tips


Anna Lee, Partner, Matt Hughey, Partner and James P. Martin, Of Counsel, Norton Rose Fulbright US LLP, New York, New York

Presiding: Derek Bertsch, Missouri River Energy Services

1:30 – 2:30 pm

BREAKOUT SESSIONS

Critical Energy Infrastructure: Define It to Protect It

Keeping critical infrastructure secure while practicing open governance is often a challenge for public power utilities. Learn how critical infrastructure information is defined by legislative, regulatory, and industry practices and the limitations of such designations under the Freedom of Information Act and state public records acts. See if existing definitions can be extended to evolving technologies and cybersecurity assets. Discuss potential legislative and regulatory solutions to address gaps in protecting sensitive information.

Robert S. Lynch, Robert S. Lynch & Associates, Phoenix, Arizona; and Sean Neal, Partner, Duncan, Weinberg, Genzer & Pembroke, P.C., Sacramento, California

Presiding: John McCaffrey, American Public Power Association

Financing for Utilities Serving Rural Areas

Low federal interest rates and an expanded definition of qualifying utilities mean utilities serving rural areas need to take a second look at historically underutilized financial assistance programs under the USDA’s Rural Utility Services program. Join us to review four RUS programs and the level of assistance and see if your utility and projects qualify. Get an overview of the RUS application, review, and approval processes and learn the unique terminology.


Presiding: Derek Bertsch, Missouri River Energy Services

Noon – 1:30 pm

Lunch (on your own)
2:45 – 3:45 pm
Recent and Forthcoming Revisions to Ethics Rules
SALON F

Learn from a former member of the Ethics Committee for the American Bar Association’s Section of Environment, Energy and Resources about recent changes and proposed reforms to the ethics rules for lawyers and judges. Topics will include communication about services, non-lawyers’ ownership of law firms, and ethical duties to address environmental concerns. See how these changes could impact attorneys representing public utilities and how you can be prepared.

*Tom Lininger*, Orlando John and Marian H. Hollis Professor, University of Oregon School of Law, Eugene, Oregon

**Presiding:** Derek Bertsch, Missouri River Energy Services
Wednesday, October 23

7:30 – 8:30 am
Networking Continental Breakfast
BALLROOM 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
Crisis Communications: The Court of Public Opinion
SALON F
From sexual misconduct and data breaches to billing errors and environmental events, controversies today are tried first in the Court of Public Opinion, preceded by social media. These reputational crises can tarnish your brand and public opinion can frame legal bargaining and settlement negotiations. Learn what law school didn’t teach you about managing the public response to a crisis that puts your utility in the hot seat.

Bruce Hennes, CEO, Hennes Communication, Cleveland, Ohio
Presiding: Derek Bertsch, Missouri River Energy Services

How States Are Addressing Climate Change
SALONS G-I
Regardless of how you feel about the climate change debate, real change is occurring in state legislatures across the country. Learn about the measures multiple state legislatures have taken to integrate clean energy resources into their generation mix through renewable energy standards, emissions credit programs, and emissions goals and caps. Explore the impact on public power and see how other utilities like yours are preparing to meet state mandates and protect their communities.

Craig N. Johnson, Deputy General Counsel, Platte River Power Authority, Fort Collins, Colorado
Presiding: John McCaffrey, American Public Power Association

9:30 – 9:45 am
Break

9:45 – 10:45 am
Politics at the Water Cooler: What’s NSFW?
SALON F
Join us for a lively discussion about the basic dos and don’ts for how to handle politics in the workplace. Can you give your employees time off to vote? What about a ride to the polls? And how can you communicate about policy goals, host candidate forums, or endorse a candidate — all without getting in trouble? Find the answers now, as election fever starts to pick up steam.

William A. Powers, Partner, Nossaman LLP, Washington, D.C.
Presiding: Derek Bertsch, Missouri River Energy Services

10:45 – 11 am
Break

11 – Noon
One-Client Lawyers: Avoiding the Consigliere Dilemma
SALON F
Increasingly, lawyers are employed or engaged exclusively by a single client, through an in-house legal department, a legislative or government post, a judicial or quasi-judicial position, or otherwise. Explore how lawyers whose career and income are entirely dependent on a single client are impacted by Rules of Professional Conduct around impartiality, objectivity, and professional independence for lawyers. Discuss a range of challenges from conflict of interest to multijurisdictional practice and withdrawal from judgment.

Lisa D. Hardie, Attorney, and Arden J. Olson, Shareholder, Harrang Long Gary Rudnick, P.C., Portland, Oregon
Presiding: Derek Bertsch, Missouri River Energy Services

Noon
Adjourn
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.

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. The 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.

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

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Lawrence Luong
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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.

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