

Three Essentials of the Electric Grid: Legal Essentials -- SYLLABUS

June 2019

Environmental Law Center, Vermont Law School
Summer Session I, Three Essentials of the Electric Grid, Module B, Legal Essentials,
ENV5512

Class sessions: June 3- 6, 2019, 1-4 pm, 208 Oakes Hall

Instructor

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Course Overview - This one-credit course is one of three modules in *Three Essentials of the Electric Grid*, a three-part overview of the business, engineering, and law and policy dimensions of the U.S. electricity grid. Students may enroll in this module even if they have not taken the other two modules. With the climate crisis, we have the need to sharply reduce greenhouse gas emissions and transition to a low-carbon economy. This module will examine how in practice we can use the power of law and policy to make progress on our climate goals through clean energy advocacy. Through classroom discussion and exercises, this course will use real case studies related to “hot” issues for today’s electricity regulators, stakeholders and market participants to explore both substantive policy and skills-based knowledge on how to advance clean energy policies on the national, regional, state and local levels in order to provide the clean energy momentum needed to meet our climate goals.

The course will have four three-hour sessions, Monday, June 3 – Thursday, June 6, from 1- 4 pm. There will be a take-home final due by on Sunday, June 9th at 5:00 pm ET (to be submitted by uploading your completed exam on TWEN).

Course Objectives:

To have students understand:

- At a basic level, bedrock laws that shape the U.S. electricity grid and electricity policy decisionmakers at the federal, state and city level
- Key legal and policy challenges facing regulators and stakeholders in today's electricity markets
- The varying perspectives and concerns of electricity sector stakeholders and market participants
- The advocacy skills necessary for these stakeholders to navigate and influence electricity regulation and markets

Requirements and Grading – A text book and other readings will be supplemented by real world practical cases. Class sessions will be organized around lectures, discussion, exercises and simulations. A class presentation will represent 25% of the grade. A take-home final exam will account for 50% and class participation will count for the final 25%. Preparation for, attendance at and active, collegial participation in every class session is expected. *Please read the assigned readings for each class in advance of that class.*

Texts and Readings

1. Lazar, J. (2016) *Electricity Regulation in the US: A Guide, Second Edition*, Montpelier, VT: The Regulatory Assistance Project, available online at <http://www.raponline.org/knowledge-center/electricity-regulation-in-the-us-a-guide-2>
2. Tomain and Cudahy, *Energy Law in a Nutshell*, 3rd Edition.
3. Various short readings, listed below, which are available online.

Monday, June 4, Class One (Note: Please read the materials for Class One in advance of the class)

The Basics of Electricity Policy and Electric Utility Regulation: – This class will introduce the basics of electricity law in the U.S., the traditional framework for electric utility regulation in the U.S. and how it has evolved. We'll discuss the role of the federal government, states and cities in shaping climate and clean energy policy. As an example of new, evolving models, we'll look at how New York

State's Reforming the Energy Vision (REV) initiative is reshaping utility regulation and the role of utilities.

Readings:

- *Electricity Regulation in the US* –Chapters 1-3 (pp. 3-24)
- *Energy Law in a Nutshell* – Chapter 3, Sections F and G only, pp. 142-157 (OK to skim)
- *About the New York State Reforming the Energy Initiative*
<http://www3.dps.ny.gov/W/PSCWeb.nsf/All/CC4F2EFA3A23551585257DEA007DCFE2?OpenDocument> (give the REV webpage a quick scan)
- *New York Utilities Show Utilities and Managers How to Manage Change* (Utility Dive, March 3, 2016, Eleanor Stein)
<http://www.utilitydive.com/news/new-york-rev-shows-utilities-and-regulators-how-to-manage-change/415002/>
- New York City Sets Ambitious Climate Rules for Its Biggest Emitters: Buildings (Inside Climate News, April 18, 2019, Nicholas Kusnetz)
<https://insideclimatenews.org/news/18042019/new-york-city-climate-solutions-buildings-energy-efficiency-jobs-low-income-greenhouse-gases>

Tuesday, June 5, Class Two

Is the U.S. on the Road to 100% Renewables? This class will examine U.S. renewable and clean electricity trends, the factors that have driven growth in the clean tech sector, including renewables and energy efficiency and the policy stumbling blocks to further grid decarbonization that still stand in the way. We will use the newly launched U.S. offshore wind industry as a case study to show how stakeholders are influencing the debate over renewables from multiple perspectives. [Jim Murphy](#), Senior Counsel for the National Wildlife Federation's Climate and Energy Program and a VLS LLM alum, will join us as a guest lecturer for the offshore wind discussions.

Readings:

- *Electricity Regulation in the US: A Guide*, Chapters 17 (Energy Efficiency) and 18 (Renewable Energy), pp. 120-140
- *100% Clean and Renewable Wind, Water and Sunlight (WWS) All-Sector Energy Resources for the 50 United States*, M. Jacobson et al, *Energy Environ Science*, 2015, 8, 2093 (read only Sections 1-4, pp. 2093-98)
<http://web.stanford.edu/group/efmh/jacobson/Articles/I/USStatesWWS.pdf>
- *Scientists Sharply Rebut Influential Renewable-Energy Plan* (James Temple, MIT Technology Review, June 2017)
<https://www.technologyreview.com/s/608126/in-sharp-rebuttal-scientists-squash-hopes-for-100-percent-renewables/>
- *From Coast to Coast: Offshore Wind Energy Expands in the United States* (C2ES, April 2019, Fatima Maria Ahmad),
<https://www.c2es.org/document/from-coast-to-coast-offshore-wind-energy-expands-in-the-united-states/>

Wednesday, June 3, Class Three

Nuclear Power, Zero Emission Credits and the Clean Energy Standard: This class will examine the role of legal and policy advocacy on nuclear power issues in the larger context of future of the future of U.S. nuclear power in a carbon-constrained world. We will discuss the legal and policy debates around state policies aimed at supporting the continued operation of nuclear power plants that are uneconomic in today's wholesale electricity markets.

Readings:

- *Energy Law in a Nutshell*, Chapter 9, Nuclear Energy: Read only: Introduction and Section A (Industry Overview), Section B (Regulatory Overview) and Section G (Future of Nuclear Energy), pp. 445-461, 488-493
- *Transitioning Away from Uneconomical Nuclear Power Plants: Protecting Consumers, Communities, Workers and the Environment* (NRDC, November 2018), <https://www.nrdc.org/sites/default/files/transition-away-uneconomical-nuclear-plants-ib.pdf> (OK to skim).

- *How To Save The Failing Nuclear Power Plants That Generate Half Of America's Clean Electricity* (Vox, May 2018, David Roberts), <https://www.vox.com/energy-and-environment/2018/5/10/17334474/nuclear-power-renewables-plants-retirements-us>
- *Do Coal and Nuclear Generation Deserve Above-Market Prices?* (Electricity Journal, July 2017, Amory Lovins), https://rmi.org/wp-content/uploads/2017/07/EIJ6May2017_preprint.pdf

Thursday, June 4, Class Four

Federal Energy Policy: Competing Visions for the Future -- plus Class Exercise

In the first half of this class, we will discuss the Trump administration's approach to climate and energy, including the process of unwinding the Obama administration's climate and clean energy policies and resulting litigation. We will also discuss Rep. Ocasio-Cortez's Green New Deal resolution and the various presidential candidates' climate agendas. The second half of the class will be devoted to class presentations on a clean energy advocacy topic, to be assigned during the first class.

Readings:

- *Trump and the Environment: Can the Green Lobby's Victories Continue?* (Financial Times, May 23, 2019, Leslie Hook), <https://www.ft.com/content/5c7bf918-7af6-11e9-81d2-f785092ab560>
- *HR 109, Recognizing the duty of the Federal Government to create a Green New Deal* (Feb 27, 2019), <https://www.congress.gov/116/bills/hres109/BILLS-116hres109ih.pdf>
- *Jay Inslee Promised Serious Climate Policy And He Is Delivering*, (Vox, May 4, 2019, David Roberts), <https://www.vox.com/energy-and-environment/2019/5/4/18527458/climate-change-jay-inslee-for-president-2020>