

Three Essentials of the Electric Grid, Module 3: Legal Essentials SYLLABUS

Vermont Law School Summer Session, Term 1

Three Essentials of the Electric Grid, Module 3: Legal Essentials, ENV5512 01

Class sessions: June 8-11, 2020, 10:30am-2:30pm ET (includes 1-hr lunch break)

Class location: Online (MS Teams) – see class Teams channel [here](#)

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.

With the rise in urgency to address the climate crisis, the US will need to sharply reduce greenhouse gas emissions and transition to a carbon-free economy. This legal essentials module will examine the transition in the power sector, exploring in practice how the power of law and policy can be brought to bear through clean energy advocacy to make much-needed progress on our climate goals. 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; and explore substantive policy and skills-based knowledge, demonstrating how practitioners in the field are advancing clean energy policies at the national, regional, state and local levels.

The course will include four three-hour sessions, Monday, June 8 – Thursday, June 11, from 10:30-2:30pm ET (includes 1-hour lunch break). There will be a take-

home final due by Sunday, June 14th 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 the key decisionmakers influencing electricity policy at the federal, state and city level;
- Key legal and policy challenges facing regulators and stakeholders in today's electricity markets, particularly given the transition to a carbon-free power sector;
- The varying perspectives and concerns of electricity sector stakeholders and market participants; and
- 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 applications. Class sessions will be organized around lectures, discussion, and exercises. Student presentations during Class 4 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 materials in advance of that class.*

General Texts and Readings:

1. Lazar, J. (2016) *Electricity Regulation in the US: A Guide, Second Edition*, Montpelier, VT: The Regulatory Assistance Project, available on the class Teams channel under "Files" [here](#), or 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 are available online, listed below.

Note: Please read the materials for Class 1 in advance of the class

Monday, June 8 – Class 1

The Basics of Electricity Policy and Electric Utility Regulation: This class will introduce the basics of electricity law and 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, and the basics of utility regulatory practice.

Readings:

- *Electricity Regulation in the US* – Chapters 1-3 (pp. 3-24) (Purpose of Utility Regulation, A Brief History of Regulation, Industry Structure)
- *Energy Law in a Nutshell* – Chapter 3, Sections F and G only, pp. 142-157 (Administration of Energy Law, FERC and Energy Regulation by States)

Tuesday, June 9 – Class 2

The Road to a Carbon-Free Electric Grid: This class will examine U.S. renewable and clean electricity trends, including renewables, energy efficiency, and energy storage policies. We will discuss the recent wave of 100% renewable and net-zero power commitments, and the opportunities and challenges with achieving that vision—the central debate in the electric utility industry today. We will use the recently-enacted New York Climate Leadership and Community Protection Act as a case study on how stakeholders are influencing the debate over renewables from multiple perspectives, and the policy tradeoffs of an ambitious energy policy. [Cullen Howe](#), Senior Renewable Energy Advocate, Climate & Clean Energy Program, NRDC (*VLS Class of '99*) will join us as a guest lecturer for the New York discussions.

Readings:

- *Electricity Regulation in the US: A Guide*, Chapters 17 (Energy Efficiency) and 18 (Renewable Energy), pp. 120-140
- *2020 Outlook: 10 Trends Driving the US Power Sector* (Utility Dive, Jan 13, 2020, Larry Pearl), <https://www.utilitydive.com/news/2020-outlook-10-trends-driving-the-us-power-sector/570189/>

- *Podcast: The Age of 100% Clean Energy* (The Interchange, Sept 20, 2019, Stephen Lacey), <https://www.greentechmedia.com/articles/read/the-age-of-100-clean-energy-podcast>

Reference Materials: (not required reading)

- *Progress Toward 100% Clean Energy in Cities & States Across the U.S.* (UCLA, Luskin Center for Innovation, Nov 2019), <https://innovation.luskin.ucla.edu/wp-content/uploads/2019/11/100-Clean-Energy-Progress-Report-UCLA-2.pdf>
- *Story Map: Race to 100% Clean* (Natural Resources Defense Council, April 16, 2020), <https://www.nrdc.org/resources/race-100-clean>

Wednesday, June 10 – Class 3

Natural Gas and Nuclear Power: What is Their Role in a Zero-Carbon Future?

This class will build upon the active debate of the opportunities and challenges with achieving a carbon-free electric grid, examining the other perspective: the role of traditional resources like gas and nuclear power. We will touch upon the technical modeling that is shaping the debate for policymakers, as well as the dominance of gas-fired power in today's electric power generation. We will cover the waning era of the US nuclear fleet, and discuss the legal and policy debates in states that are seeking to keep nuclear power plants operating despite strong market headwinds.

Readings:

- *Podcast: The Best Route to Net-Zero Emissions* (EnergyTradeOffs.com, Feb 21, 2019, Jesse Jenkins), https://www.energytradeoffs.com/2019/05/12/jesse_jenkins/
- *The Climate Crisis Requires We Move Away From Gas* (Natural Resources Defense Council, June 2019, Sheryl Carter), <https://www.nrdc.org/experts/sheryl-carter/climate-crisis-requires-we-move-away-gas>

- *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
- *A Beginner's Guide to the Debate Over Nuclear Power and Climate Change*, (Vox, Dec 19, 2019, David Roberts), <https://www.vox.com/energy-and-environment/2019/9/6/20852313/december-democratic-debate-nuclear-power-energy>

Thursday, June 11, Class 4

Federal Energy Policy: What is the Path Forward? -- plus Class Exercise

In the first half of this class, we will discuss the prospects for federal action on climate and energy policy as we head into the 2020 Presidential Election. We will also discuss the latest on COVID-19 stimulus policies that could provide relief for the clean energy workforce, as well as a path forward on a clean energy economy recovery package. The second half of the class will be devoted to a mock legislative session with student presentations that build on the hot topics discussed throughout this module.

Readings:

- *Businesses, lawmakers urge \$22B in federal clean energy investment as sector job losses top 600K* (Utility Dive, June 3, 2020, Robert Walton), <https://www.utilitydive.com/news/businesses-lawmakers-urge-22b-in-federal-clean-energy-investment-as-secto/579102/>
- *Donald Trump's Record on Climate Change* (InsideClimateNews, Jan 2, 2020, Stacy Feldman, Marianne Lavelle), <https://insideclimatenews.org/news/19122019/trump-climate-policy-record-rollback-fossil-energy-history-candidate-profile>
- *Bernie-Friendly DNC Panel Pushes Biden to Back \$16T Climate Plan* (Politico, June 4, 2020, Zack Colman), <https://www.politico.com/news/2020/06/04/bernie-friendly-dnc-panel-pushes-biden-to-back-16t-climate-plan-299978>