

## **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

**Class sessions:** June 7-10, 2021, 1:00-4:00pm ET (includes 15-min break)

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

### **Instructor:**

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### **Course Overview:**

This one-credit course is a module 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 electric 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 tackling the climate crisis. 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 7 – Thursday, June 10, from 1-4pm ET. There will be a take-home final due by Sunday, June 13<sup>th</sup> 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 policy at the federal, state and city levels;
- 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 textbook 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" (Teams link forthcoming), 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*, 3<sup>rd</sup> Edition.
3. Various short readings and podcasts are available online and posted on Teams, listed below.

## Reference Material:

Bloomberg New Energy Finance, *2021 Sustainable Energy in America Factbook*, <https://bcse.org/factbook/>

## **Class 1: Monday, June 7**

**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 in the last century. 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 legal practice. Class will wrap with a small group exercise that illustrates stakeholder perspectives and common issues that arise in state utility regulatory cases.

### **Assigned Materials:**

- *Electricity Regulation in the US* – Intro, and Chapters 1-3 (pp. 1-24) (Purpose of Utility Regulation; A Brief History of Regulation; Industry Structure)
- *Energy Law in a Nutshell* – Chapter 3, excerpts of Sections F and G (Federal Energy Regulation; Energy Regulation by States): pp. 142-145, 147-152 (sub-section 3); 153-157

## **Class 2: Tuesday, June 8**

**The Road to a Clean Power Grid:** This class will examine U.S. clean power trends, including renewables, energy efficiency, carbon, and energy storage policies. We will discuss the recent wave of 100% renewable and net-zero power commitments, and the opportunities and barriers to achieving that vision—the central debate in the electric utility industry today. We will use the 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 tradeoffs of an ambitious energy policy.

### **Assigned Materials:**

- *Electricity Regulation in the US*
  - Chapter 17 – Energy Efficiency, pp. 120-125, 127-128 (skip 17.6 - Cost Benefit Tests)
  - Chapter 18 – Renewable Energy, pp. 130-140
- *Podcast: A 90% Clean Grid Can Be Achieved Quickly. What's Holding It Back?* (The Energy Gang, June 19, 2020, Katherine Hamilton, Jigar Shah and Stephen Lacey), <https://www.greentechmedia.com/articles/read/a-90-clean-grid-is-possible-fast-whats-holding-it-back> (first 28 minutes is

assigned listening, but feel free to listen to the 2<sup>nd</sup> half for a discussion of public perception on the intersections between climate and social justice policies).

- *Quick-take Politico Energy podcasts:*
  - 10 min: *Wind Power: Turning Blue and Red Into Green*, March 10, 2021, <https://politico-energy.simplecast.com/episodes/wind-power-turning-blue-and-red-into-green-cTTpDMhO>
  - 8 min: *Where the Sun's Power is Rising*, March 18, 2021, <https://politico-energy.simplecast.com/episodes/where-the-suns-power-is-rising-QIXX3KVI>
- *2021 Outlook: 10 power sector trends to watch* (Utility Dive, Jan. 13, 2021, Catherine Morehouse), <https://www.utilitydive.com/news/2021-outlook-10-power-sector-trends-to-watch/593191/>

Reference Materials: (not required reading)

- *Story Map: Race to 100% Clean* (Natural Resources Defense Council, updated April 16, 2021), <https://www.nrdc.org/resources/race-100-clean>
- *Using Electricity at Different Times of Day Could Save Us Billions of Dollars* (Vox, October 24, 2019, David Roberts), <https://www.vox.com/energy-and-environment/2019/8/7/20754430/renewable-energy-clean-electricity-grid-load-flexibility>

### **Class 3: Wednesday, June 9**

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

Class will kick off with a Q&A with Allison Clements, newly appointed Commissioner of the Federal Energy Regulatory Commission (FERC), focusing on FERC's role in the clean energy transition. We will then build upon the active debate of the opportunities and challenges with achieving a carbon-free electric grid, examining another perspective: the role of traditional resources like gas and nuclear power. 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 pressures.

Assigned Materials:

- *Energy Law in a Nutshell*

- Chapter 6, Natural Gas – Read only: Section E, pp. 317-323
- Chapter 9, Nuclear Power – Read only: Introduction and Section A (Industry Overview), Section B (Regulatory Overview), pp. 445-461
- *The Controversial Future of Nuclear Power in the U.S.* (National Geographic, May 4, 2021, Lois Parshley), <https://www.nationalgeographic.com/environment/article/nuclear-plants-are-closing-in-the-us-should-we-build-more> (pdf will be posted to Teams)
- *Taking Charge: Commissioner Clements on FERC's 'make or break' role amid the energy transition* (Utility Dive, March 16, 2021, Catherine Morehouse), <https://www.utilitydive.com/news/taking-charge-commissioner-clements-on-fercs-make-or-break-role-amid-th/596736/>

Reference Material: (not required reading)

- *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>

#### **Class 4: Thursday, June 10**

##### **Federal Energy Policy: What is the Path Forward? – plus Class Exercise**

In the first half of this class, we will discuss the various infrastructure, climate, energy, and social justice policies that are under development by the Biden Administration and Congress. The second half will be devoted to mock legislative sessions with student presentations that build on the hot topics discussed throughout this module.

##### Assigned Materials:

- *Podcast: Biden's Climate Plan Could Reshape America* (A Matter of Degrees, Ep 12, May 13, 2021, Dr. Leah Stokes, Dr. Katharine Wilkinson, Julian Brave NoiseCat), <https://a-matter-of-degrees.simplecast.com/episodes/bidens-climate-plan-could-reshape-america-live-w-julian-noisecat>
- *It's Crunch Time and Biden's Climate Gambit Faces Steep Hurdles* (New York Times, May 22, 2021, Lisa Friedman),

<https://www.nytimes.com/2021/05/22/climate/clean-electricity-climate.html> (*pdf will be posted to Teams*)

- *The Green Schism Threatening Biden's Climate Plan* (Politico, May 13, 2021, Michael Grunwald), <https://www.politico.com/news/2021/05/13/green-schism-biden-climate-plan-488037> (*pdf will be posted to Teams*)