

ENERGY LAW & POLICY SEMINAR
PROFESSOR AMY STEIN
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2018 SYLLABUS – LAW 6936 – 2 CREDITS

Professor Amy L. Stein
Holland Hall Office 311
Office Phone: (352) 273-0953
Email: stein@law.ufl.edu
Office Hours: Tuesdays, 4-5 p.m.; or by appointment.

Meeting Time and Location: Tuesdays 1:00 p.m. – 2:40 p.m., Room 350

Course Description:

This introductory course lies at the crossroads of energy and environmental law. It covers legal and policy concepts important to understanding U.S. energy law, particularly electricity, and, to a lesser extent, transportation. It will expose students to important fundamentals of public utility law, cost of service, and restructured electricity markets. The primary focus of the course, however, is on the environmental impacts and legal challenges associated with different sources of energy supply, both traditional and alternative (e.g., coal, natural gas, nuclear, wind, solar, geothermal, oil, and alternative fuels), as well as demand-side strategies (e.g., energy efficiency, demand response). Grading will be based on participation, weekly assignments, and a 25-page legal analysis (not a research paper) that satisfies the writing requirement.

Course Objectives/Learning Outcomes:

At the end of this course, students should be able to perform the following:

- Recognize and comprehend the terminology and major issues related to energy generation and transmission, and be able to communicate them to others;
- Compare and contrast the use of regulation vs. competitive markets for electricity pricing and start to understand the implications for resource choice;
- Identify and analyze the environmental impacts of U.S. energy sources, and demonstrate an understanding of the legal challenges associated with them;
- Critically evaluate the leading policy options associated with the nation's movement toward less dependence on carbon-based energy sources, assess their efficacy and limitations.
- Craft a persuasive legal argument using a discrete legal question.

Required Reading Materials:

- No textbook required. Materials available on Westlaw, the Internet, or TWEN. You must register for TWEN and you must have the materials with you in print or easily accessible electronic form in class.

Optional Resources:

- Energy Law in a Nutshell
- Eisen, et al., Energy, Economics and the Environment (4th ed.)
- Energy Information Administration, available at <http://www.eia.doe.gov/>
- EIA, Electricity Primer, <http://www.eia.gov/electricity/archive/primer/>

Class Attendance:

Students are expected to attend and participate in class. I am assuming that each student that enrolls in this course is committing to attend every class to the best of their abilities, and class attendance is required by both the ABA and the Law School.

- Nevertheless, to allow for exigencies in life, **students are permitted two unexcused absences during the semester** without impacting their final grade. This allowance is designed to accommodate for illness, job interviews, family emergencies, and life. Please budget accordingly so that you are not left at the end of the semester with a needed absence and your budget depleted. As a courtesy, please let me know when you are going to be absent from class.
- If students incur a third unexcused absence, a student's final grade will be reduced by one-third of a grade (e.g., A- to B+).
- If students miss a fourth class, the professor has the discretion to render the student ineligible to receive credit for the course.
- Excused absences, including observance of religious holidays, are consistent with University policies, <https://catalog.ufl.edu/ugrad/1617/regulations/info/attendance.aspx>, and require appropriate documents and/or notification before or shortly after class about your absence.
- This policy starts on the first day of classes, not the end of the drop/add period.

Participation:

For the time we are together, you owe yourself, your classmates, and me your focused attention. Laptops are allowed in class for note taking, but please check e-mail and text messages, the Gator highlights, and your shopping order before or after – not during – our time in the classroom. If I find that you cannot resist the temptation of having the Internet available, I reserve the right to revise my policy on laptops in the classroom at any time during the semester. Your participation grade includes having completed the readings and proactively participating in class discussions.

Weekly Assignments:

Your assignment grade will assess both the quality and timeliness of your submissions. Some weeks, you will be asked to perform a short legal research or writing task. Some weeks, you will be asked to research and find an article on a hot topic related to that week's subject matter. All assignments are due to me by email by 9am on the day of class (Tuesday). Be prepared to discuss your findings with the class. This assignment requirement begins on the first Tuesday of the semester.

Grading Evaluation:

Students will be evaluated based upon participation, assignments, and a longer analysis that satisfies the writing requirement subject to any adjustment for attendance. There is no exam for this class.

Class Component	Percent of Grade
Participation	15%
Weekly Assignments	15%
Draft of Final Paper	20%
Final Paper (25 pages)	50%
TOTAL	100%

Information on UF Law Grading Policies:

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

Student Course Evaluations

Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Policy related to make-up exams or other work:

The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12>.

University Policy on Accommodating Students with Disabilities: To receive accommodations, students should contact the Disability Resource Center, located in 0020 Reid Hall. You may reach Disability Resources at 392-8565 or accessuf@dso.ufl.edu. Once the appropriate documentation is evaluated by Disability Resources, a recommendation is then made and forwarded to the College of Law Dean of Students (Dean Rachel Inman). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

University Policy on Academic Misconduct: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Weekly Course Schedule of Topics and Assignments: This syllabus is offered as a guide to the direction of the course, and it will be updated on TWEN with specific reading assignments. Our pace will depend in part on the level of interest and the level of difficulty of each section, but I try hard to keep us on track so you should try hard not to fall behind. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Energy Law and Policy law has 2 “classroom hours” of in-class instruction each week, requiring at least four hours of preparation outside of class. Accordingly, you will have about 60 pages of reading each week, with some variation depending on the texts we will rely upon each week (e.g., cases, statutory, policy documents, news articles).

PART 1: INTRODUCTION	
<p>1 8/14</p>	<p>INTRODUCTION & COURSE OVERVIEW: INTRODUCTION TO ELECTRIC POWER SYSTEMS AND PUBLIC UTILITY LAW</p> <ul style="list-style-type: none"> • EISEN, ET AL., CHAPTER 1 OF ENERGY, ECONOMICS AND THE ENVIRONMENT, TWEN • UTILITY DIVE, TEN TRENDS SHAPING THE UTILITY SECTOR, https://www.utilitydive.com/news/10-trends-shaping-the-power-sector-in-2018/515235/ • CHARLES RIVER BRIDGE, 36 U.S. 420 (1837) • MUNN V. ILLINOIS, 94 U.S. 113 (1877) • FLORIDA PUBLIC SERVICE COMMISSION (PSC), MISSION http://www.psc.state.fl.us/AboutPSC/PSCMission <p>ASSIGNMENT: FIND THE FLORIDA CODE PROVISION DISCUSSING THE DUTIES OF THE FLORIDA PSC REGARDING ELECTRICITY</p>
<p>2 8/21</p>	<p>GRID PRIMER AND JURISDICTION</p> <ul style="list-style-type: none"> • DOE, ELECTRICITY INDUSTRY PRIMER, https://www.energy.gov/sites/prod/files/2015/12/f28/united-states-electricity-industry-primer.pdf, pp. 1-7; 43-45 • BRIEF AMICUS CURIAE OF ELECTRICAL ENGINEERS, ENERGY ECONOMISTS AND PHYSICISTS, NEW YORK V. FERC, 535 U.S. 1 (2002) (PP. * 4-*18 STARTING WITH ARGUMENT), TWEN • ATTLEBORO, 273 U.S. 83 (1927) • FEDERAL POWER ACT (FPA) , https://www.law.cornell.edu/uscode/text/16/chapter-12/subchapter-II <ul style="list-style-type: none"> • SECTION 201, 16 U.S.C. § 824 • SECTION 205, 16 U.S.C. § 824d • SECTION 206, 16 U.S.C. § 824e • FPC V. SOUTHERN CA ED, 376 U.S. 205 (1964) • FPC V. FLP, 404 U.S. 453 (1972) <p>ASSIGNMENT: IDENTIFY AN UPCOMING FERC JURISDICTIONAL BATTLE</p>
<p>3 8/28</p>	<p>ELECTRICITY MARKETS: TRADITIONAL REGULATION (RATEMAKING) AND COMPETITION (DEREGULATION AND RESTRUCTURING)</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p> <ul style="list-style-type: none"> •
PART 2: GENERATION OF ELECTRICITY	
<p>4 9/4</p>	<p>RESOURCES FOR ELECTRICITY: COAL</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p>

<p>5 9/11</p>	<p>RESOURCES FOR ELECTRICITY: NATURAL GAS</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p>
<p>9/12</p>	<p>THREE POTENTIAL PAPER THESIS PROPOSALS DUE (3 PAGES) VIA EMAIL AT 12:00 P.M. NOON. PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN “PAPER GUIDELINES”</p>
<p>6 9/18</p>	<p>RESOURCES FOR ELECTRICITY: NUCLEAR AND RENEWABLE POLICY TOOLS</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p> <ul style="list-style-type: none"> •
<p>7 9/25</p>	<p>RESOURCES FOR ELECTRICITY: SOLAR AND DERS</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p> <ul style="list-style-type: none"> •
<p>9/26</p>	<p>ONE THESIS MUST BE SELECTED AND DUE VIA EMAIL AT 12:00 P.M. NOON. PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN “PAPER GUIDELINES”</p>
<p>8 10/2</p>	<p>RESOURCES FOR ELECTRICITY: WIND</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p>
<p>9 10/9</p>	<p>RESOURCES FOR ELECTRICITY: HYDROPOWER, HYDROKINETICS, GEOTHERMAL POWER</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p>
<p>PART 3: TRANSMITTING ELECTRICITY AND DEMAND-SIDE MANAGEMENT</p>	
<p>10 10/16</p>	<p>TRANSMISSION</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p>
<p>10/17</p>	<p>PAPER THESIS AND OUTLINE MUST BE APPROVED BY PROF. STEIN BY THIS DATE PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN “PAPER GUIDELINES”</p>

11 10/23	<p>CONSERVATION, EFFICIENCY, SMART GRID, AND DEMAND RESPONSE</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p>
12 10/30	<p>ELECTRICITY: DISTRIBUTED CHALLENGES, RELIABILITY, AND ENERGY STORAGE</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p> <ul style="list-style-type: none"> •
PART 4: ENERGY IN MOTION	
13 11/6	<p>OIL: PIPELINES, SPILLS, AND OFFSHORE</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p>
11/7	PAPER DRAFT DUE VIA EMAIL AT 12:00 P.M. NOON. PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN "PAPER GUIDELINES"
14 11/13	<p>ALTERNATIVE FUELS, FUEL EFFICIENCY, AND PUBLIC TRANSPORTATION</p> <ul style="list-style-type: none"> • [TBA] <p>ASSIGNMENT: [TBA]</p>
11/23	FINAL PAPER DUE AT 5 PM (25 PAGES DOUBLE-SPACED). PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN "PAPER GUIDELINES"