

**ENERGY LAW & POLICY SEMINAR**  
**PROFESSOR AMY STEIN**  
**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**  
**FALL 2022 SYLLABUS – LAW 6936 – 2 CREDITS**

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**Meeting Time:** Tuesdays, 3:00 p.m. – 5:00 p.m.

**Location:** HH 285A

**Office Hours:** Tuesdays, 5-6 p.m. HH311; Thursdays, 4-5pm on Zoom (Canvas) or by appt.

**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 advanced 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, transmission, and distribution, 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 is required. Instead, you are required to read and prepare materials that will be posted on Canvas, or available on Westlaw or the Internet. Please be sure to register for the Canvas course and have the materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments. Please see Canvas for each session's assignments. Optional resources will be provided on Canvas should you want to explore deeper than we can dive in the time allotted.

**Optional Paper Resources:**

- Energy Law in a Nutshell
- Energy Information Administration, available at <http://www.eia.doe.gov/>
- EIA, Electricity Primer, <http://www.eia.gov/electricity/archive/primer/>
- UtilityDive, [www.utilitydive.com](http://www.utilitydive.com)

**Course Expectations:**

Each class session will involve a mix of lecture, exercises, and discussion, all focusing on the week's assigned material. The requirements for the seminar are as follows:

- *Preparation, Attendance, and Engagement:* Each class session will require you to read and/or view materials. You are expected to read and view those materials before class, so that you are prepared to discuss them in the seminar. Readings and viewings will be posted on Canvas. Many class periods will involve an in-class exercise that will be nearly impossible to perform well if you have failed to do the readings for that week.
- *Weekly Work Product:* As this is a writing seminar, there will be weekly written assignments, increasingly focused on your paper as the semester progresses. A few weeks will require you to submit a 700-900 word critical analysis (around one page) related to the readings for the week or a specific assignment due on Tuesday by 12:00 pm so I have time to review them before class. The majority of the weekly work products will be paper-related submissions and will be due on Fridays at 11:59pm. Please submit all your work as a PDF document, 12 pt font, Times New Roman, single-spaced on Canvas. Instructions will be provided on Canvas.
- *One "discussion leader" day:* For one week during the semester, you will be required to serve as a discussion leader. A sign-up sheet is available on Canvas. For that week, in addition to your Weekly Work Product, please also (1) write a 700-900 word critical analysis (around one page) related to the readings for the week, including a discussion of the legal or policy questions you would like to focus on for future research; and (2) include a hot topic or supplemental article or link distinct from that week's readings and be prepared to lead your colleagues in a discussion of such issues during class. This assignment is due to me on Tuesday by 12:00 pm before class.
- *One-on-one meeting with Prof. Stein:* Choosing a viable and novel thesis is often the most difficult part of this process, so I encourage everyone to brainstorm from the beginning. In an effort to keep you on track, the paper deadlines come quickly. At some point before Sept. 27, we need to discuss your thesis options.
- *Peer Review.* Near the end of the semester, you will conduct a peer review of a colleague's paper draft, developing critical skills involving constructive criticism and using a rubric.

- *Paper Presentation.* At the end of the semester, you will be required to make a short (3-5 minute) presentation of the argument you are making in your final paper. Guidelines for the presentation will be provided.
- *Final Paper.* A final paper of 25 pages, not including title page and table of contents, is required. The paper will be due on November 23, 2022. The seminar paper must be primarily of an analytical rather than descriptive nature. Factors relevant to the grading of papers (in no particular order) are Depth of Research; Organization and Clarity; Thoroughness; Originality; Accuracy and Professionalism; Compliance with Directions; Addressing Stein Comments from Draft, Citations, and Strict Compliance with Honor Code (including proscriptions against plagiarism). Your paper will be run through anti-plagiarism software. This seminar is structured in such a way as to satisfy the College of Law’s Advanced Writing Requirement. According to the Faculty Handbook:

All J.D. candidates must complete—under close faculty supervision—a major, written product that shows evidence of original scholarship based on individual research. Students often satisfy this requirement in a seminar course... The general standard for fulfillment of the advanced writing requirement is one or more papers that are cumulatively at least 25 pages of double-spaced, 12-point text or the equivalent.

- *Paper Progress.* Key steps of the writing process are provided below. Detailed requirements for each step are provided on Canvas. Canvas will not accept late submissions, so please ensure you meet the submission deadlines. Late submissions may not be accepted, but at the very least, will receive a grade reduction.

| Key Dates | Due  |
|-----------|--|
| Sept. 2   | Three potential research ideas   |
| Sept. 9   | Develop a Thesis and Tentative Outline for your leading research idea                                |
| Sept. 16  | Draft a literature/scholarship review paragraph  |
| Sept. 23  | Submit Revised Thesis and Tentative outline  |
| Sept. 27  | Obtain approval from Prof. Stein of final research thesis [Must have met at one-on-one by this time] |
| Oct. 7    | Final Thesis plus detailed outline (2-3 pages)   |
| Oct. 21   | 5 pages of Draft Paper for Peer Review (plus the detailed outline)                                   |
| Oct. 25   | Return edits to classmate (due by start of class)  |
| Nov. 4    | Draft Paper for Prof. Stein  |
| Nov. 11   | Receive edits from Prof. Stein   |
| Nov. 23   | Final Paper  |

**ABA Out-of-Class Hours Requirement:** ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each class is approximately 2 hours in length, requiring at least **4 hours of preparation** outside of class including reading the assigned materials, writing critical analyses, and developing your final paper.

**Grading Evaluation:**

Students will be evaluated based upon participation, weekly work product, and a final paper. There is no final exam for this class. This course follows the Levin College of Law's grading policies found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

| <b>Class Component</b>  | <b>Percent of Grade</b> |
|---|-------------------------|
| Participation (includes regular class engagement and your Discussion Leader role) | 20%                     |
| Weekly Work Product   | 30%                     |
| Final Paper (25 pages)  | 50%                     |
| TOTAL   | 100%                    |

**Information on UF Law Grading Policies:**

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

| Letter Grade  | Point Equivalent | Letter Grade     | Point Equivalent |
|---------------|------------------|------------------|------------------|
| A (Excellent) | 4.0              | C (Satisfactory) | 2.0              |
| A-            | 3.67             | C-               | 1.67             |
| B+            | 3.33             | D+               | 1.33             |
| B             | 3.0              | D (Poor)         | 1.0              |
| B-            | 2.67             | D-               | 0.67             |
| C+            | 2.33             | E (Failure)      | 0.0              |

**Class Attendance:**

Students are expected to attend and participate in class. I am assuming that each student enrolled 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, you are **permitted two absences from class** without impacting your final grade so long as you still complete the readings and submit any required assignments prior to the subsequent class after the absence. For ease of administration and to respect your privacy, I do not make any differentiation between "excused" or "unexcused" absences, so your absences can be for any reason, including for job interviews, school activities, work tasks, illness or medical appointments, COVID-19, and life. This means that there is no need to tell me why you will be or were absent from class, so long as you have two or fewer absences total. If possible, professional courtesy encourages you to notify me if you will not be in class. Please budget accordingly so that you are not left at the end of the semester with a needed absence and your budget depleted.
- The two exceptions to this policy are (1) absences for a recognized religious holiday that are consistent with University <https://catalog.ufl.edu/UGRD/academic->

[regulations/attendance-policies/#absencestext](#) and Law School policies <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies> and require appropriate documents and/or notification before or shortly after class about your absence; and (2) absences due to testing positive for COVID-19 after you have exhausted your other two absences. I do not want you jeopardizing your health or others. I am reasonable. Communication is key.

- In addition, please notify me should you have a family or medical situation or an emergency that will require missing more than two classes, and we will discuss how to accommodate your situation.
- Setting aside these exceptions, for each absence beyond two, your grade will be reduced by one-third of a grade (e.g., A- to B+). If you miss four or more scheduled classes, I have the discretion to render you ineligible to receive credit for the course.
- This policy starts on the first day of classes, not the end of the drop/add period.

### **COVID-19 Information**

- Although the University is not requiring faculty, staff, and students to wear masks, everyone is welcome to wear masks. I will have spare masks available with me in the classroom so please do not be shy to ask for them. As UF Health indicates, “Please know that wearing a mask, being vaccinated and boosted, and continuing good hygiene practices remain our strongest universal tools to support the health of our community.” More information is available here: <https://coronavirus.ufhealth.org/campus-testing/>.
- Most importantly, however, please do not come to class if you feel sick. If you are test positive for COVID-19, please follow CDC guidance on when it is safe to return to class. Any positive COVID-19 related absences will be accommodated (see “Class Attendance” above), and the Office of Student Affairs may provide access to class recordings for medical absences. Please email the Office of Student Affairs and me as soon as possible to let us know of any such absences.
- The UF Student Health Center continues to offer vaccines to students at no charge, and we will strongly encourage all students to become vaccinated if they have not already done so. Information is available here: <https://coronavirus.ufhealth.org/vaccinations-2/vaccine-availability/vaccine-availability-alachua/#uf>.

### **Recordings of Class**

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. These recordings will be retained only for a short period of time and it is the student’s responsibility to contact the Office of Student Affairs as soon as possible after an absence.

### **Compliance with UF Honor Code:**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

**Professional Courtesy**

As a matter of professionalism, you are expected to be on time for class—meaning seated and ready to begin when class starts. Arriving late is disruptive not only to me, but to your fellow students. Please do not arrive late to class or leave early absent extenuating circumstances. If you need to do so, please sit near one of the exits to minimize your disruption to others and notify me in advance. Please make sure your cell phone is turned off during class. I reserve the right to deduct points from your final grade if you engage in behavior that significantly disrupts the learning environment for your classmates. After two late arrivals, each additional late arrival will be counted as a class absence.

**Use of Laptops in Class**

Although laptops and comparable technology are not prohibited, I would encourage you to use them judiciously. Without a textbook, I understand that you may rely on them for your readings and your notes, but please close all other browser windows, including your email. Unfortunately, many of us succumb to the temptation to multi-task, and for the time we are together, you owe yourself, your classmates, and me your focused attention. I appreciate eye contact and engagement (laughter at my bad jokes can count as engagement) and participation is part of your grade. If I can detect a lack of responsiveness due to other activities on your laptop, you may jeopardize your grade in this class. More importantly, I reserve the right to unilaterally impose a laptop ban at any time during the semester.

**Statement Related to Accommodations for Students with Disabilities**

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester, as accommodations are not retroactive. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. This course does not have an exam, but questions about exam delays and accommodations can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

**Student Course Evaluations**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click here (<https://gatorevals.aa.ufl.edu/students/>) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students here: <https://gatorevals.aa.ufl.edu/public-results/>.

**Preferred Name and Pronouns**

Many of you may have a preferred name that is not the name given to me on the official roll. It is important to the learning environment that you feel welcome and safe in this class. I want you to be comfortable participating in class discussions and communicating with me on any issues related to the class. I would like to refer to you by your preferred pronoun and last name. As

such, if your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise before the first day of class. Feel free to ask for instructions on changing your display name in Canvas.

### **Discourse, Inclusion, and the Classroom**

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values and assumptions;
- speak honestly, thoughtfully, and respectfully;
- listen carefully and respectfully;
- reserve the right to change our mind and allow for others to do the same;
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

### **Health and Wellness Resources**

Law school can be a daunting experience, especially when life outside the law becomes challenging and when you are expected to function at high levels during a pandemic. UF Law provides numerous resources for your support, and I encourage you to seek help if you have concerns. Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

- *U Matter, We Care*: If you or someone you know is in crisis, please contact [umatter@ufl.edu](mailto:umatter@ufl.edu), (352) 392-1575 (available 24/7), or visit the [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in crisis.
- *Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](#) or call (352) 392-1575 for information on crisis services as well as non-crisis services.
- *Student Health Care Center*: Call (352) 392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).
- *University Police Department*: [Visit UF Police Department website](#) or call (352) 392-1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center*: For immediate medical care call (352) 733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#).

**Weekly Course Schedule of Topics and Assignments:**

This syllabus is offered as a guide to the direction of the course. I suggest you use the Canvas site to access your assignments as everything should be linked and easy to find there. I will post future assignments on Canvas at least a week before the class and may be adjusted. 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. The readings reflect a diversity of videos and readings with varied difficulty, depending on the texts we will rely upon each week (e.g., cases, statutory, policy documents, news articles). Some primary source documents are quite long, so please pay attention to my notes that direct you to read selected excerpts.

| <b>PART 1: INTRODUCTION</b>              |  |
|--|--|
| 1<br>8/23                                | <p><b><i>Class 1: Introduction &amp; Course Overview: Introduction to Electric Power Systems and Public Utility Law</i></b></p> <p><i>Work Product #1:</i><br/>Critical Analysis. After completing the required readings below, please submit your weekly critical reflection on Canvas under “Assignments” (due BEFORE class by 8/24 at noon) answering the following prompts:</p> <ul style="list-style-type: none"> <li>• What don’t you know about energy that you want to know more about?</li> <li>• Based on your initial understanding of energy, what do you see as the most important legal/policy/ethical issues?</li> <li>• Please include a link or attachment to one “hot topic” article on an energy topic that interests you.</li> <li>• Find the Florida Code Provision discussing the duties of Florida public utilities.</li> </ul> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> <li>• See Canvas</li> </ul> |
| 2<br>8/30                                | <p><b><i>Class 2: Grid Primer, Jurisdiction, and Preemption</i></b></p> <p>See Canvas for Work Product Assignment and Readings</p>   |
| 3<br>9/6                                 | <p><b><i>Class 3: Electricity Markets: Traditional Regulation (Ratemaking) and Competition (Deregulation and Restructuring)</i></b><br/><i>[This class meets on ZOOM. No in-person class.]</i></p> <p>See Canvas for Work Product Assignment and Readings</p>  |
| <b>PART 2: GENERATION OF ELECTRICITY</b> |  |
| 4<br>9/13                                | <p><b><i>Class 4: Resources for Electricity: Coal</i></b></p> <p>See Canvas for Work Product Assignment and Readings</p>   |
| 5<br>9/20                                | <p><b><i>Class 5: Resources for Electricity: Natural Gas</i></b></p>   |



|   |   |
|---|---|
|   | See Canvas for Work Product Assignment and Readings   |
| 6<br>9/27                               | <b><i>Class 6: Resources for Electricity: Nuclear and Renewable Policy Tools</i></b><br><br>See Canvas for Work Product Assignment and Readings<br><b>Thesis Approval Required from Professor Stein</b> |
| 7<br>10/4                               | <b><i>Class 7: Resources for Electricity: Wind</i></b><br><br>See Canvas for Work Product Assignment and Readings   |
| 8<br>10/11                              | <b><i>Class 8: Resources for Electricity: Solar and Distributed Energy Resources and Reliability</i></b><br><br>See Canvas for Work Product Assignment and Readings                                     |
| 9<br>10/18                              | <b><i>Class 9: Resources for Electricity: Hydropower, Hydrokinetics, Geothermal Power, and Demand Response</i></b><br><br>See Canvas for Work Product Assignment and Readings                           |
| <b>PART 3: TRANSMITTING ELECTRICITY</b> |   |
| 10<br>10/25                             | <b><i>Class 10: Transmission</i></b><br><br>See Canvas for Work Product Assignment and Readings   |
| <b>PART 4: ENERGY IN MOTION</b>         |   |
| 11<br>11/1                              | <b><i>Class 11: Oil: Pipelines, Spills, and Offshore Drilling</i></b><br><br>See Canvas for Work Product Assignment and Readings  |
| 11/4                                    | <b><i>Assignment: Paper Draft due to Prof. Stein</i></b>  |
| 12<br>11/8                              | <b><i>Class 12: Alternative Vehicles and Public Transportation</i></b><br><br>See Canvas for Work Product Assignment and Readings   |
| 13<br>11/15                             | <b><i>Class 13: Final Class and Student Presentations</i></b><br><br>See Canvas for Work Product Assignment and Readings  |
| 11/23                                   | <b><i>Assignment: FINAL PAPER DUE at 5:00 pm (25 pages double-spaced).</i></b> Final Paper must be submitted in form according to document on Canvas “FINAL PAPER GUIDELINES”                           |