

**ENERGY LAW & POLICY SEMINAR**  
**PROFESSOR AMY STEIN**  
**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**  
**FALL 2019 SYLLABUS – LAW 6936 – 2 CREDITS**

Professor Amy L. Stein  
Holland Hall Office 311  
Office Phone: (352) 273-0953  
Email: [stein@law.ufl.edu](mailto:stein@law.ufl.edu)  
Office Hours: Tuesdays, 1:45-2:45 p.m.; or by appointment.

**Meeting Time and Location:** Tuesdays 5:30 p.m. – 7:30 p.m., Room 355A

**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, 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 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 (4<sup>th</sup> 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 one unexcused absence 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 second 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 third 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 via TWEN by 9am on the day of class (Tuesday). TWEN will not accept late assignments, so please plan accordingly. 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.

<b>Class Component</b>	<b>Percent of Grade</b>
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 are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.afl.ufl.edu/students/>. Students will be notified when the evaluation period opens and can 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 at <https://gatorevals.afl.ufl.edu/public-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](mailto: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).

<b>PART 1: INTRODUCTION</b>	
<p>1 8/27</p>	<p><b>INTRODUCTION &amp; COURSE OVERVIEW: INTRODUCTION TO ELECTRIC POWER SYSTEMS AND PUBLIC UTILITY LAW</b></p> <ul style="list-style-type: none"> <li>• DOE, ELECTRICITY INDUSTRY PRIMER, <a href="https://www.energy.gov/sites/prod/files/2015/12/f28/united-states-electricity-industry-primer.pdf">https://www.energy.gov/sites/prod/files/2015/12/f28/united-states-electricity-industry-primer.pdf</a>, pp. 40-45</li> <li>• EISEN, ET AL., CHAPTER 1 OF ENERGY, ECONOMICS AND THE ENVIRONMENT, TWEN</li> <li>• UTILITY DIVE, 10 TRENDS SHAPING THE ELECTRIC POWER SECTOR IN 2019, <a href="https://www.utilitydive.com/news/10-trends-shaping-the-electric-power-sector-in-2019/545119/">https://www.utilitydive.com/news/10-trends-shaping-the-electric-power-sector-in-2019/545119/</a></li> <li>• CHARLES RIVER BRIDGE, 36 U.S. 420 (1837), EXCERPT ON TWEN</li> <li>• MUNN V. ILLINOIS, 94 U.S. 113 (1877), EXCERPT ON TWEN</li> <li>• FLORIDA PUBLIC SERVICE COMMISSION (PSC), MISSION <a href="http://www.psc.state.fl.us/AboutPSC/PSCMission">http://www.psc.state.fl.us/AboutPSC/PSCMission</a></li> </ul> <p>ASSIGNMENT: FIND THE FLORIDA CODE PROVISION DISCUSSING THE DUTIES OF FLORIDA PUBLIC UTILITIES REGARDING ELECTRICITY. SUBMIT IT ON TWEN UNDER ASSIGNMENTS BY 9AM ON 9/27, THE FIRST DAY OF CLASS. TWEN WILL NOT ACCEPT LATE ASSIGNMENTS.</p>
<p>2 9/3</p>	<p><b>GRID PRIMER, JURISDICTION, AND PREEMPTION</b></p> <ul style="list-style-type: none"> <li>• 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), EXCERPT ON TWEN</li> <li>• ATTLEBORO, 273 U.S. 83 (1927), EXCERPT ON TWEN</li> <li>• FEDERAL POWER ACT (FPA), <a href="https://www.law.cornell.edu/uscode/text/16/chapter-12/subchapter-II">https://www.law.cornell.edu/uscode/text/16/chapter-12/subchapter-II</a> <ul style="list-style-type: none"> <li>• SECTION 201, 16 U.S.C. § 824</li> <li>• SECTION 205, 16 U.S.C. § 824d</li> <li>• SECTION 206, 16 U.S.C. § 824e</li> </ul> </li> <li>• FPC V. SOUTHERN CA ED, 376 U.S. 205 (1964)</li> <li>• FPC V. FLP, 404 U.S. 453 (1972)</li> <li>• CONGRESSIONAL RESEARCH SERVICE (CRS), <b>THE FEDERAL POWER ACT (FPA) AND ELECTRICITY MARKETS</b>, <a href="https://www.everycrsreport.com/files/20170310_R44783_dd3f5c7c0c852b78f3ea62166ac5ebdbd1586e12.pdf">https://www.everycrsreport.com/files/20170310_R44783_dd3f5c7c0c852b78f3ea62166ac5ebdbd1586e12.pdf</a></li> </ul> <p>ASSIGNMENT: FIND THE MOST RECENT FEDERAL PURPA OPINION ON JURISDICTION AND BE PREPARED TO DISCUSS IT IN CLASS. SUBMIT IT ON TWEN BY 9AM ON 9/3</p>
<p>3 9/10</p>	<p><b>ELECTRICITY MARKETS: TRADITIONAL REGULATION (RATEMAKING) AND COMPETITION (DEREGULATION AND RESTRUCTURING)</b></p> <ul style="list-style-type: none"> <li>• TBA</li> </ul>
<b>PART 2: GENERATION OF ELECTRICITY</b>	

4 9/17	<b>RESOURCES FOR ELECTRICITY: COAL</b> • TBA
5 9/24	<b>RESOURCES FOR ELECTRICITY: NATURAL GAS</b> • TBA
9/27	<b>THREE POTENTIAL PAPER THESIS PROPOSALS DUE VIA TWEN AT 5:00 P.M. PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN “PAPER GUIDELINES”</b>
6 10/1	<b>RESOURCES FOR ELECTRICITY: NUCLEAR</b> • TBA
7 10/8	<b>RESOURCES FOR ELECTRICITY: DECARBONIZING THE GRID AND WIND</b> • TBA
8 10/15	<b>RESOURCES FOR ELECTRICITY: HYDROPOWER, HYDROKINETICS, GEOTHERMAL POWER</b> • TBA
9 10/22	<b>RESOURCES FOR ELECTRICITY: DISTRIBUTED ENERGY RESOURCES: SOLAR, STORAGE, DEMAND RESPONSE, EFFICIENCY</b> • TBA
10/11	<b>ONE THESIS MUST BE SELECTED AND DUE VIA TWEN AT 5:00 P.M. PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN “PAPER GUIDELINES”</b>
10/14	<b>THESIS APPROVAL REQUIRED FROM PROFESSOR STEIN</b>
<b>PART 3: TRANSMITTING ELECTRICITY AND DEMAND-SIDE MANAGEMENT</b>	
10 10/29	<b>TRANSMISSION</b> • TBA
11/1	<b>SUBMIT THESIS, OUTLINE, PLUS 5 PAGES FOR PEER REVIEW <u>VIA EMAIL</u> BY 5:00 P.M. TO PROF. STEIN AND YOUR ASSIGNED REVIEWER</b>
11 11/5	<b>PAPER WORKSHOP</b> ASSIGNMENT: REVIEWERS, PROVIDE SUBSTANTIAL EDITS ON THE FIVE PAGES TO PROFESSOR STEIN AND THE AUTHOR BY THE START OF CLASS. AUTHORS, BE PREPARED TO SHARE YOUR THESIS AND YOUR “ELEVATOR SPEECH” WITH THE CLASS, AS WELL AS A SHORT EXPLANATION OF THE LEGAL PROBLEM YOU HAVE IDENTIFIED AND HOW YOU PROPOSE TO SOLVE IT.
<b>PART 4: ENERGY IN MOTION</b>	
12 11/12	<b>OIL: PIPELINES, SPILLS, AND OFFSHORE DRILLING</b> • TBA

11/13	<b>PAPER DRAFT DUE VIA TWEN AT 5:00 P.M.</b> PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN "PAPER GUIDELINES"
13 11/19	<b>ELECTRIC VEHICLES AND PUBLIC TRANSPORTATION</b> <ul style="list-style-type: none"> <li>• TBA</li> </ul>
11/26	<b>FINAL PAPER DUE VIA TWEN AT 5:00 PM (25 PAGES DOUBLE-SPACED).</b> PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN "PAPER GUIDELINES"