

ENERGY LAW AND POLICY SEMINAR
PROFESSOR AMY STEIN
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SPRING 2021 SYLLABUS – LAW 6936 – 2 CREDITS

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Office Hours: Wednesdays, 1:00-2:00 p.m.; or by appointment.

Meeting Time: Tuesdays 4:00 p.m. – 6:00 p.m.

Location: Synchronous Online

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 required. Materials available on Westlaw, the Internet, or Canvas. You must register for the Canvas course 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 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. Absent special circumstances, you must participate with “video on” for the entire class to count as present.

- Nevertheless, to allow for exigencies in life, **students are permitted two excused absences from synchronous class during the semester** without impacting their final grade so long as they (1) notify me of their absence in advance so the class can be recorded; (2) submit their weekly critical reflection prior to class; (3) watch the recording of the class before the next scheduled class; and (4) write a one-page write-up after watching the class and submit it one week from receipt of the recording from Prof. Stein. 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.
- If students fail to comply with procedures (1)-(4) above, the absence will count as **unexcused** and a student’s final grade will be reduced by one-third of a grade (e.g., A- to B+).
- If a student has two such unexcused absences, 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.

Required Technologies and Materials:

- There is no required casebook. Instead, students will be required to read and prepare materials that will be posted on Canvas, or available on Westlaw or the Internet. Please have the materials in print or in an easily accessible electronic form during 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.
- Enrollment in this class is conditioned on high-speed internet and the technological capabilities to use Zoom to participate in this weekly online seminar (i.e., a reliable computer and internet connection).

Using Zoom Technology:

- Students are required to use Zoom in this course, so take the time to familiarize yourself with it by reviewing this helpful [Zoom Student Quick Start Guide](https://video.ufl.edu/conferencing/zoom/) or <https://video.ufl.edu/conferencing/zoom/>. By this time, you are probably all familiar with Zoom, but Zoom has a number of tutorials and a help desk as well: <https://support.zoom.us/hc/en-us>. The Zoom link for class is located at the top of this syllabus, as well as on the Canvas page. We will use the same Zoom link for each class.
- When you join the Zoom meeting, please use the following rules of video conferencing etiquette:
 - Choose a stationary location (meaning you must Zoom in from a computer, not from your phone);
 - Choose a location where there are minimal disruptions (e.g. roommates talking and pets jumping on you);
 - Do a test run of the space where you will be joining us and ensure that there is nothing private in the background that you would not like to share with your classmates. If your computer capabilities allow you to do so, consider using an *appropriate* Zoom background to further protect your privacy. <https://support.zoom.us/hc/en-us/articles/210707503-Virtual-Background>

- Dress appropriately for video conferencing; Everyone is expected to participate with “video on” and work with me to manage muting in a way that minimizes disruptions to speakers and classmates while allowing for you to engage in the classroom.
- Place turn off any cell phones and other electronic devices;
- Close any other computer programs, websites, and email so you can give your classmates and speakers your full attention.
- If you are asked to “share screen” during our Zoom meetings, please ensure that you have closed all other tabs and documents on your computer so you do not inadvertently share private information with the group.
- Do not Zoom in the same room as someone else in the class.
Unfortunately, Zoom “parties” can create horrible feedback noises.
- It is important that we all engage in a comfortable and safe place in this online classroom. As such, please do not (1) distribute the password-protected Zoom information to anyone not enrolled in the class; (2) take photographs or video any part of our class sessions; or (3) post or distribute any part of our classes or recordings. Our classes will be recorded, but will only be distributed upon a demonstrated need and only in accordance with the Class Attendance policies described above.

Should you anticipate any problems in complying with these policies, please contact me before the first class.

Course Expectations:

Each class session will involve a mix of lecture, exercises, and discussion, all focusing on the week’s assigned material. For some classes, guest speakers may join us. The requirements for the seminar are:

- *Reading and Viewing:* Each class session will require you to read and/or view materials. You are expected to read and view those materials before class and have them easily available during class (in electronic or print form) so that you are prepared to discuss them in the seminar. Readings and viewings will be posted on Canvas.
- *One “discussion leader” day:* For one week during the semester, you will be required to serve as a discussion leader. For one class during the semester, you will circulate at least two discussion questions on the Canvas discussion board by the day before class (Monday) at 12:00 pm and be prepared to lead your colleagues in a discussion of these questions during class.
- *Weekly Critical Analysis:* Most weeks, you will be required to submit a 700-900 word critical analysis (around one page) related to the readings for the week to Professor Stein via Canvas. Please submit a PDF document, 12 pt font, Times New Roman, single-spaced on Canvas. These analyses will be due on Monday by 12:00 pm so I have time to review them before class. You have three options. You may either:
 - (1) Respond to something that resonated with you from the readings (e.g., disagreeing, explaining how you think the authors missed an important dimension of the debate, agreeing and wanting more information, applying the concepts to current events, etc.);
 - (2) Respond to my specific weekly prompts included in the assignment for that week; or
 - (3) Respond to discussion questions submitted by your peer discussion leaders.
- *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 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 April 16, 2021. 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). A rubric will be provided.
- *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
Feb. 5	Three potential research ideas
Feb. 12	Develop a thesis and tentative outline for leading research idea
Feb. 19	Draft a literature/scholarship review paragraph
Feb. 26	Obtain approval from Prof. Stein of final research thesis [Must have met at least once one-on-one with Prof. Stein before this time]
Mar. 5	Final thesis plus detailed outline (2-3 pages)
Mar. 19	5 pages of Draft Paper for Peer Review (plus the detailed outline)
Mar. 30	Return edits to classmate (due by start of class)
Apr. 2	Draft Paper for Prof. Stein
Apr. 9	Receive edits from Prof. Stein
Apr. 16	Final Paper

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 (includes presentation and peer review)	15%
Weekly Critical Analyses	15%
Pre-final paper submissions (outline, draft, etc.)	20%
Final Paper (25 pages)	50%
TOTAL	100%

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 <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor->

[code-and-committee/honor-code](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code-violations) and <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code-violations>.

Please pay particular note to the following:

Prohibition on Student Recording and Photography and Social Media Posting: Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University's Office of Student Conduct and Conflict Resolution.

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

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

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/studentaffairs/current-students/academic-policies#12>.

University Policy on Accommodating Students with Disabilities:

Students requesting accommodation for disabilities must first register with the the [Disability Resource Center](#). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

Student Course Evaluation: UF expects each student to 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 be given specific times when they are open by the Office of Student Affairs. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

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 based on the availability of our speakers. 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. This seminar has 2 “classroom hours” of in-class instruction each week, requiring **at least four hours** of preparation outside of class. Accordingly, 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).

PART 1: INTRODUCTION	
1 1/19	<p><i>Class 1: Introduction & Course Overview: Introduction to Electric Power Systems and Public Utility Law</i></p> <p><i>Assignments:</i></p> <ul style="list-style-type: none"> • After completing the required readings below, please submit your weekly critical analysis on Canvas under “Assignments” (due BEFORE class by 1/19 at noon) answering the following prompts: • What don’t you know about energy that you want to know more about? • Based on your initial understanding of energy, please include a link to a hot topic energy article that you want to explore more in this class? • Find the Florida Public Utilities Code Provision discussing the Duties of Florida Public Utilities regarding electricity and include it at the end of your critical analysis. <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • Review Start Here on Canvas • Read Syllabus • DOE, Electricity Industry Primer, https://www.energy.gov/sites/prod/files/2015/12/f28/united-states-electricity-industry-primer.pdf, pp. 40-45 • Eisen, et al., Chapter 1 of Energy, Economics and the Environment • Utility Dive, 2020 Outlook: 10 Trends Driving the U.S. Power Sector, https://www.utilitydive.com/news/2020-outlook-10-trends-driving-the-us-power-sector/570189/ • Charles River Bridge, 36 U.S. 420 (1837), Excerpt on Canvas • Munn v. Illinois, 94 U.S. 113 (1877), Excerpt on Canvas • Florida Public Service Commission (PSC), Mission http://www.psc.state.fl.us/AboutPSC/PSCMission • CA PUC Section 216 (Canvas) • CA PUC Section 218 (Canvas)
2 1/26	<p><i>Class 2: Grid Primer, Jurisdiction, and Preemption</i></p> <p><i>Required Readings:</i></p>

	<ul style="list-style-type: none"> • TBA
3 2/2	<p><i>Class 3: Electricity Markets: Traditional Regulation (Ratemaking) and Competition (Deregulation and Restructuring)</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
PART 2: GENERATION OF ELECTRICITY	
4 2/9	<p><i>Class 4: Resources for Electricity: Coal</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
5 2/16	<p><i>Class 5: Resources for Electricity: Natural Gas</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
6 2/23	<p><i>Class 6: Resources for Electricity: Nuclear and Renewable Policy Tools</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
7 3/2	<p><i>Class 7: Resources for Electricity: Wind</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
8 3/9	<p><i>Class 8: Resources for Electricity: Solar and Distributed Energy Resources</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
9 3/16	<p><i>Class 9: Resources for Electricity: Hydropower, Hydrokinetics, Geothermal Power</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
PART 3: TRANSMITTING ELECTRICITY	
10 3/23	<p><i>Class 10: Transmission</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA

PART 4: ENERGY IN MOTION	
11 3/30	<i>Class 11: Oil: Pipelines, Spills, and Offshore Drilling</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
4/2	<i>Assignment: Paper Draft due to Prof. Stein</i>
12 4/6	<i>Class 12: Alternative Vehicles and Public Transportation</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
13 4/13	<i>Class 13: Final Class and Student Presentations</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
4/16	<i>Assignment: FINAL PAPER DUE at 5:00 pm (25 pages double-spaced).</i> Final paper must be submitted in compliance with Stein Local Rules and Paper Guidelines on Canvas.