

# FERC ELECTRICITY: COMPLIANCE AND ENFORCEMENT

September 9-10, 2020  
Online | Central Time

## EUCI ONLINE COURSE

EUCI is pleased to offer this course on our online interactive platform. Enjoy a valuable learning experience with a smaller impact on your time and at reduced cost. You will gain new knowledge, skills, and hands-on experience from the comfort of your remote location.

“

*“Extremely helpful in breaking down why we are where we are today and understanding legislative reasoning.”*

Credit & Risk Analyst,  
Midcontinent Independent  
System Operator, Inc.



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1.0 CEUs for the  
online course

# OVERVIEW

The FERC Electricity: Compliance and Enforcement course provides a comprehensive overview of the agency's impact on the electric power industry. This course is designed for attendees who are seeking a basic knowledge of FERC, desiring a refresher course, or wanting to learn about how the Trump administration and changes in congressional leadership influence the commission.

This course looks at many of the substantive requirements with which utilities – and in some cases, other participants in the electricity markets – must comply. In addition, it addresses steps that can be taken before FERC initiates an investigation or audit, describes what happens if FERC decides to act and when and what an organization should do in that case, and reviews the array of penalties that could be imposed when a violation occurs.

# LEARNING OUTCOMES

FERC has a large - and growing - presence in the electric industry, especially in light of the Energy Policy Act of 2005. Attendees will be able to recognize and relate the nature of the FERC role and how agency actions may affect regulated entities and the marketplace.

- Identify the substantive requirements involved in ensuring compliance with FERC regulations
- Discuss the FERC organization and describe the divisions that are responsible for enforcement of FERC requirements
- Describe the essential elements of protecting an organization by establishing proactive measures focused on maintaining compliance
- Explain what makes an internal compliance and audit program effective
- Define the purpose of the FERC hotline
- Examine various scenarios of actions that can be taken by FERC and consider organizational responses
- Recognize penalties that can be imposed by FERC
- Consider mitigating factors that may apply to FERC actions and their benefit

# WHO SHOULD ATTEND

Those who will benefit from this course include engineers, managers, members of the financial community, attorneys, and anyone else interested in understanding the laws governing FERC in addition to its rules, policies, and procedures. The course will also be beneficial to individuals seeking insight on current agency proceedings involving electric power.

- Engineers
- Utility project managers
- Transmission and distribution personnel
- Members of the financial community
- Attorneys
- Regulators and regulatory affairs personnel or utilities
- Governmental agencies interested in FERC compliance rules



*"I appreciated that EUCI provided valuable training during the COVID-19 situation."*

Senior Electrical Engineer,  
NiSource



*"Sometimes it takes a training event, where you are uninterrupted and focused on material to allow yourself to fill in the knowledge gaps. This training event allowed me to obtain that knowledge."*

Manager, Regulatory, AEP

# AGENDA

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WEDNESDAY, SEPTEMBER 9, 2020 - CENTRAL TIME

**8:45 – 9:00 am**      **Log In and Welcome**

**9:00 am – 4:00 pm**      **Course Timing**

**12:00 – 12:30 pm**      **Lunch Break**

## **Electric Power: Industry Overview, Organization, and Federal/State Distinctions**

### **Getting to Know FERC**

- An Overview of FERC
- Regulation before FERC

### **Exploring FERC's Jurisdiction**

- FERC Authority and Jurisdiction
- State Authority and Jurisdiction

### **Principles of Electric Regulation**

- Regulation Under the Federal Power Act
- Just and Reasonable Rates
- Prohibition Against Undue Discrimination
- Filed Rate Doctrine
- Rule Against Retroactive Ratemaking
- Due Process and Burden of Proof
- Basics of Ratemaking

### **FERC Practice and Procedure**

- Types of Proceedings
- Overview of Regulatory Process

### **The Introduction of Competition**

- PURPA
- EPAct 1992
- Order 888 and its Progeny
- Order 2000
- Recent Developments

### **Organized Markets (RTOs, ISO, and ITCs)**

- RTO Characteristics and Functions
- Major Market Issues

### **Utility Mergers and Acquisitions**

- Historical Overview
- PUHCA and EPACT 2005
- FPA Section 203
- FERC Merger Policy

# AGENDA

WEDNESDAY, SEPTEMBER 9, 2020 - CENTRAL TIME (CONTINUED)

## **New Developments**

- Formula Rates
- FERC's NEPA Review

## **Introduction to Electric Reliability: Mandatory and Enforceable Reliability Regime**

- Reliability History
- Federal Power Act and Energy Policy Act of 2005
- NERC

## **Current Threats and Emerging Issues**

- Use of FERC's Top-Down Authority
- Scope of Emerging and Evolving Challenges

## **Transition to Risk-Based Monitoring and Enforcement**

- Monitoring and Enforcement Processes
- Risk-Based Enforcement

THURSDAY, SEPTEMBER 10, 2020

**8:45 – 9:00 am**

**Log In and Welcome**

**9:00 am – 12:00 pm**

**Course Timing**

## **Reliability Compliance Best Practices**

- Understanding Regulatory Context
- Cultivating Internal Structure
- Conducting Compliance Reviews
- Engaging in ERO CMEP Activities

## **Introduction to Market Manipulation**

- FERC Enforcement Background
- Historical Development of FERC Enforcement
  - o Prior to FERC: 1930s – 1970s
  - o Non-FERC Agency Enforcement Regimes
  - o Initial FERC Regime: 1977 – 2005
- Current FERC Regime: 2005 – Present
  - o Order No. 670
  - o Typical Enforcement Issues
  - o Examples of Prohibited Actions
  - o Case Studies

# AGENDA

THURSDAY, SEPTEMBER 10, 2020 (CONTINUED)

## FERC Enforcement Process and Audits

- How Enforcement Investigations Undertaken
- Settlement Procedures
- Orders to Show Cause
- Appeal Routes
- Penalties
- Guidance Letters
- Audits
  - o How Conducted
  - o Recent Examples

## Enforcement Penalties and Best Practices

- FERC Penalty Guidelines
- Best Practices for Handling the FERC Enforcement Process

# INSTRUCTORS



## Peter Scanlon

**Shareholder / Duncan, Weinberg, Genzer & Pembroke, P.C.**

Peter is a Shareholder with Duncan, Weinberg, Genzer, & Pembroke, P.C. with over 25 years of experience on matters involving energy law, administrative law, litigation, and the regulation of electric and natural gas public utilities. Mr. Scanlon represents a wide range of clients before the Federal Energy Regulatory Commission (FERC) in proceedings involving electricity and natural gas tariff and rate proceedings and investigations. Peter also represents clients' interests in Federal Power Marketing Administration proceedings, before state public utility commissions, and various state and federal courts. He also regularly advises clients with respect to matters pertaining to regulatory compliance and enforcement, Regional Transmission Organization/Independent System Operator tariffs and stakeholder processes, dispute resolution, rulemakings, interconnection agreements, municipal law, renewable energy project development, take-off agreements, and power plant acquisitions and construction. Mr. Scanlon regularly negotiates standard energy industry contracts, with substantial experience negotiating NAESB, ISDA, and EEL agreements on behalf of his clients. Mr. Scanlon develops annual updates for a treatise on administrative procedures for Lexis Nexis. Prior to joining DWG&P, Mr. Scanlon was in-house counsel for a natural gas public utility holding company involved in natural gas exploration, interstate pipelines, storage, local distribution, and energy production and marketing.

# INSTRUCTORS



## Sean Neal

**Shareholder / Duncan, Weinberg, Genzer & Pembroke, P.C.**

Sean is a Shareholder with Duncan, Weinberg, Genzer and Pembroke, P.C., practicing from the firm's Sacramento, California office. Sean's practice has focused on the legal needs of municipal and cooperative electric utility clients. He has advised clients on their compliance obligations under the mandatory Reliability Standards regime enforced by the North American Electric Reliability Corporation and Western Electricity Coordinating Council, including as to the preparation for audits, negotiation of delegation agreements for such standards and providing advice at regularly held, client compliance meetings. He has helped clients navigate through the formal, standards violation and settlement process, aiding clients to reach mutually acceptable resolutions with compliance enforcement authorities.

Sean's experience with the electric utility industry has extended to the negotiation of fundamental business transactions, including power purchase and interconnection agreements. Sean has litigated rate and contractual disputes involving the electric utility industry before the Federal Energy Regulatory Commission, California State Court, Federal Appellate and District Court and the American Arbitration Association. He has represented clients through processes before the California Energy Commission, California Public Utilities Commission, California Air Resources Board and the California Independent System Operator Corporation, including in matters involving implementing regulations for California's climate laws and proposals concerning administration and expansion of organized markets in California and the West.



## Adriana Velez-Leon

**Attorney / Duncan, Weinberg, Genzer & Pembroke, P.C.**

Adriana is an Attorney at Duncan, Weinberg, Genzer and Pembroke, P.C. since 2017. Her practice areas include energy, environmental, administrative, non-profit, communications, contract, and corporate law, as well as litigation and project development and finance. Adriana primarily represents municipal and tribal utilities, electric cooperatives, and other government entities on electric regulatory matters, including ratemaking, open access transmission tariffs, and reliability issues.

Adriana regularly appears before FERC in administrative litigation and settlement proceedings. She also advises clients on electric reliability regulations promulgated by the North American Electric Reliability Corporation ("NERC"), the Western Energy Coordinating Council, and other standard-setting organizations. She has helped clients navigate through reliability audits, and monitored new and pending revisions to reliability standards to help clients understand their compliance obligations. Additionally, Adriana has assisted clients with the negotiation and preparation of various contracts and other transactional documents, including power purchase agreements and other financing and procurement contracts.

Prior to joining Duncan, Weinberg, Genzer and Pembroke, P.C., Adriana served as a Law Clerk at the U.S. Environmental Protection Agency, Office of Criminal Enforcement, Forensics, and Training, where her work included analyzing Congressional intent of the states' role in implementing the National Permit Discharge Elimination System under the Clean Water Act. Adriana also served as a Law Clerk for the U.S. Department of Justice, Environmental and Natural Resources Division, Environmental Enforcement Section, where she drafted memoranda and initiated discovery proceedings for a case regarding the release of hazardous substances in violation of the Clean Water Act.

# INSTRUCTORS



## Lee L Ewing

**Attorney / Duncan, Weinberg, Genzer & Pembroke, P.C.**

Lee has been with Duncan, Weinberg, Genzer, & Pembroke, P.C. since 2018. On behalf of the Firm’s clients, Lee advocated for just and reasonable utility rates in several rate cases, at both the state and federal levels. Prior to that time Lee worked as a Staff Attorney for the Maine Public Utilities Commission (“MPUC”). With the MPUC, Lee participated in several complex matters concerning electric and natural gas utilities, including rate cases and certifications of public convenience and necessity. Lee also acted as the lead attorney for the MPUC on proceedings involving renewable energy incentives and policies, long-term contracts between generators and Maine’s electric utilities, and several cases stemming from the Tax Cuts and Jobs Act of 2017. In addition, Lee represented the MPUC on appeals of its decisions before the Maine Supreme Judicial Court.

Prior to his position with the MPUC, Lee clerked at a Maryland Circuit Court and studied at the University of Oregon School of Law. During law school, Lee was an Environment and Natural Resources Fellow with the school’s Energy Law and Policy Project. Lee also held in-house counsel internships with a large international wind turbine manufacturer and an investor-owned utility with operations in Washington, Oregon, and California. Lee’s education experience further includes a degree in accounting from the University of Maryland and current coursework at Johns Hopkins University to obtain an M.S. in Energy Policy and Climate.



## Clarence Hawkes III

**Attorney / Duncan, Weinberg, Genzer & Pembroke, P.C.**

Clarence is an Attorney with Duncan, Weinberg, Genzer, & Pembroke, P.C., practicing from the Firm’s D.C. office on matters involving energy law, administrative law, cooperative law, communications, and transactional law. Mr. Hawkes represents municipal and tribal utilities, electric cooperatives, and other governmental entities before the Federal Energy Regulatory Commission (FERC) in administrative litigation and settlement proceedings. Mr. Hawkes also advises clients with respect to matters pertaining to Regional Transmission Organization/Independent System Operator tariffs and stakeholder processes, rulemakings, renewable energy project development and financing, and power plant acquisitions and construction. Additionally, Mr. Hawkes advises clients on electric reliability regulations promulgated by the North American Electric Reliability Corporation, the Western Energy Coordinating Council, and other standard-setting organizations.



*“Great icebreaker to electric industry regulation.”*

Compliance Specialist, PG&E



*“EUCI offers comprehensive courses lead by very knowledgeable subject matter experts. I would recommend EUCI to utility professionals, from an entry-level analyst to a senior manager.”*

Sr. Project Manager,  
Southern California Edison

## INSTRUCTIONAL METHODS

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This program will use PowerPoint Presentations, group discussions, as well as active participation.

## REQUIREMENTS FOR SUCCESSFUL COMPLETION

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You must be logged in for the entire presentation and send in the evaluation after the online course is completed.

## IACET CREDITS

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EUCI has been accredited as an Authorized Provider by the International Association for Continuing Education and Training (IACET). In obtaining this accreditation, EUCI has demonstrated that it complies with the ANSI/IACET Standard which is recognized internationally as a standard of good practice. As a result of their Authorized Provider status, EUCI is authorized to offer IACET CEUs for its programs that qualify under the ANSI/IACET Standard.

**EUCI is authorized by IACET to offer 1.0 CEUs for this online course**

## ONLINE COURSE DELIVERY & PARTICIPATION DETAILS

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We will be using Microsoft Teams to facilitate your participation in the upcoming event. You do not need to have an existing Teams account in order to participate in the broadcast – the online course will play in your browser and you will have the option of using a microphone to speak with the room and ask questions, or type any questions in via the chat window and our on-site representative will relay your question to the instructor.

- You will receive a meeting invitation which will include a link to join the meeting.
- Separate meeting invitations will be sent for the morning and afternoon sessions of the online course.
  - You will need to join the appropriate meeting at the appropriate time.
- If you are using a microphone, please ensure that it is muted until such time as you need to ask a question.
- The remote meeting connection will be open approximately 30 minutes before the start of the online course. We encourage you to connect as early as possible in case you experience any unforeseen problems.

## COURSE RECORDING

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A recording of this program will be available for three days from either the end of the program (or three days from the date of purchase, if you purchase the recording after the session ends). It is presented in four-hour sessions and can be watched an unlimited number of times for three days (for the registrant). There is no additional cost beyond the registration fee.

To Register Click Here, or

**Mail Directly To:**

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Englewood NJ 07631

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Fax 253 663 7224

register@pmaconference.com

# ENERGIZE WEEKLY

Energize Weekly is EUCI's free weekly newsletter, delivered to your inbox every Wednesday. We provide you with the latest industry news as well as in-depth analysis from our own team of experts. Subscribers also receive free downloadable presentations from our past events.

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## PLEASE SELECT

**FERC ELECTRICITY: COMPLIANCE AND ENFORCEMENT ONLINE COURSE:**  
SEPTEMBER 9-10, 2020: US \$1195 (Single Connection)

**PACK OF 5 CONNECTIONS:** US \$5,375

**PACK OF 10 CONNECTIONS:** US \$8,965

### Online Course Delivery & Participation Details

See page 8 for information

How did you hear about this event? (direct e-mail, colleague, speaker(s), etc.)

Print Name

Job Title

Company

Address

City

State/Province

Zip/Postal Code

Country

Phone

Email

### CREDIT CARD INFORMATION

Name on Card

Billing Address

Account Number

Billing City

Billing State

Exp. Date

Security Code (last 3 digits on the back of Visa and MC or 4 digits on front of AmEx)

Billing Zip Code/Postal Code

**OR** Enclosed is a check for \$ \_\_\_\_\_ to cover \_\_\_\_\_ registrations.

#### Substitutions & Cancellations

Your registration may be transferred to a member of your organization up to 24 hours in advance of the event. Cancellations must be received on or before July 17, 2020 in order to be refunded and will be subject to a US \$195.00 processing fee per registrant. No refunds will be made after this date. Cancellations received after this date will create a credit of the tuition (less processing fee) good toward any other EUCI event. This credit will be good for six months from the cancellation date. In the event of non-attendance, all registration fees will be forfeited. In case of course cancellation, EUCI's liability is limited to refund of the event registration fee only. For more information regarding administrative policies, such as complaints and refunds, please contact our offices. EUCI reserves the right to alter this program without prior notice.