PURPA LITIGATION AND QUALIFYING FACILITIES (QF) SYMPOSIUM

November 16-17, 2017
Courtyard by Marriott Denver Cherry Creek
Denver, CO
OVERVIEW

Navigating the Public Utility Regulatory Policies Act of 1978 (PURPA) and the resulting contractual negotiations between utilities and Qualifying Facilities (QFs) is a long-standing yet increasingly contentious subject for utilities and independent power producers (IPPs) in many parts of the country. PURPA requires electric utilities to purchase power from QFs so long as the cost does not exceed the cost of alternative sources of power. Originally intended to encourage greater energy independence at a time when the U.S. used petroleum to generate more than 16 percent of the nation’s electricity, PURPA’s mandates continues to challenge regulators in an era when petroleum for power generation is down to 1 percent.

Although PURPA has helped foster the development of independent generation and become a notable example of cooperative federalism, its drafters did not anticipate today’s tremendous growth and lower cost of small-scale, renewable generation. As a result, some utilities are forced to acquire a high percentage of their load under long-term, overpriced contracts from IPPs. In North Carolina, more than 90 percent of the state’s large-scale solar projects were facilitated by PURPA. In Montana, FERC rejected competitive bidding and interconnection requirements, Maine bid to the federal government to have DERs considered QFs under PURPA, and there is a push in a growing number of Western states to significantly reduce the term of QF contracts.

Utilities and IPPs must act now to understand how this changing landscape will affect their operations and the bottom line. This PURPA symposium is designed to provide instruction on PURPA and how it is being implemented across the US, as what happens in each State can impact utilities and IPPs around the country. Further, it will consider the future of QF contracts as renewable projects multiply and new standards are established that will have an effect on grid stability, resilience, reliability and profitability.

LEARNING OUTCOMES

• Discuss the history of PURPA
• Evaluate methodologies used in different states to set avoided cost rates
• Discuss the use of competitive solicitations in the PURPA context
• Analyze dealing with legally enforceable obligations
• Evaluate battles over PURPA contract length
• Discuss to what extent is PURPA obsolete for utilities that participate in RTOs or ISOs
• Examine transmission issues arising out of the PURPA mandatory purchase obligation
• Review pending federal legislation that would modify PURPA to classify DERs as QFs

WHO SHOULD ATTEND

Individuals working in the following areas will benefit from attending this event:
• Distributed level renewable energy project developers
• Grid level renewable energy project developers
• Utility management
• Technical staff
• Regulators
• RTOs/ISOs
• Consultants
• Equipment manufacturers
• Renewables system
• Solicitation / Procurement staff
• Resource Planning staff
• Legal Counsel

“Getting the perspective from the off takers point of view was valuable in understanding how best to develop PURPA projects that benefit all parties”
Sales and Marketing Manager, Hannah Solar
Government Services
AGENDA

THURSDAY, NOVEMBER 16, 2017

8:00 – 8:30 am  Registration and Continental Breakfast

8:30 – 8:45 am  Program Introduction

8:45 – 9:15 am  Keynote/Welcome Address: Colorado Public Utilities Commission (PUC)

Wendy Moser, Commissioner, Colorado PUC

9:15 – 10:15 am  The History of PURPA and the Evolving PURPA/QF Landscape

This session will provide information about the history of PURPA and set the participatory discussion tone for the symposium. In addition to the historical context of PURPA, further discussion will include an overview of the key features and changes to PURPA, and distinguishing between various qualifying facilities.

Claudia J. Earls, Chief Counsel, Northern Indiana Public Service Company (NIPSCO)

Emanuel Cocian, Holland & Hart LLC

10:15 – 10:30 am  Morning Break

10:30 am – 12:30 pm  Avoided Cost Pricing: Methodologies and Outcomes

Proxy resources, peaking plants, and production costs models may be common buzzwords in the PURPA lexicon, but they represent very different ways to calculate avoided cost. Do State regulators need to choose between accuracy and transparency? Should avoided cost calculations be precise or easy to replicate? To what extent should energy and capacity be treated separately? This session will provide an overview of methodologies used in different states to set avoided cost rates, in order to answer the ultimate question of what costs QFs enable utilities to avoid.

Jason T. Brown, Attorney, Montana Consumer Counsel

Claudia J. Earls, Chief Counsel, Northern Indiana Public Service Company (NIPSCO)

Zev Simpser, Shareholder, Briggs and Morgan

12:30 – 1:30 pm  Group Luncheon

1:30 – 3:00 pm  Terms & Conditions: Contract Length and Capacity Values

States are increasingly changing the structure of PURPA contracts and standard rates, from shortening contract lengths to setting tiered rates based on resource type. To what extent do state decisions need to accommodate QFs financing? How should rate structures account for intermittency and dispatchability? What is a QF entitled to know at the time an obligation is incurred? How long in long-term is a quickly changing utility landscape? This session will explore the structure of avoided cost rates, including the use of levelized versus escalating rates, standard contracts versus negotiations, and fixed versus volumetric payments.

Zev Simpser, Shareholder, Briggs and Morgan

Nik Stoffel, Energy and Utility Attorney, Holland & Hart LLP

Bobby Singh, Associate General Counsel, Duke Energy Corporation (invited)

3:00 – 3:15 pm  Afternoon Break

“All speakers were well informed about the issues and are good presenters”

Manager Resource & Renewable Planning, East Kentucky Power Cooperative
## THURSDAY, NOVEMBER 16, 2017 (CONTINUED)

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<td>3:15 – 4:15 pm</td>
<td><strong>PURPA in Organized Markets</strong></td>
<td>The last major revision to PURPA lifted the must-purchase obligation where there is access to competitive markets. To what extent is PURPA obsolete for utilities that participate in RTOs or ISOs? Do IPPs benefit more from PURPA mandates or access to competitive wholesale markets? Will the line between state and federal jurisdiction shift in the future? This session will examine how you integrate QFs into RTOs.</td>
<td>Eugene Mauk, Senior Advisor Client Relations, MISO</td>
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| 4:15 – 5:00 pm| **Panel Discussion: Day One Symposium Recap**     | This closing panel discussion will allow symposium attendees to ask specific questions of the presenters for discussion related to the previous sessions.                                                        | Jason T. Brown, Attorney, Montana Consumer Counsel  
Claudia J. Earls, Chief Counsel, Northern Indiana Public Service Company (NIPSCO)  
Emanuel Cocian, Holland & Hart LLC                                                      |

## FRIDAY, NOVEMBER 17, 2017

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<td>8:00 – 8:30 am</td>
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| 8:30 – 10:00 am| **Legally Enforceable Obligations (LEO’s): Barriers to Commitment** | QFs have increasingly sought to enforce their rights under PURPA through LEOs. What actions on the part of a developer show an unequivocal commitment to sell? How much leeway do states have to establish different standards for creating an LEO? How important are factors such as pricing, transmission, and site control? This session will dive into the specific barriers to LEO formation that have arisen in various states. | Jason T. Brown, Attorney, Montana Consumer Counsel  
Nik Stoffel, Energy and Utility Attorney, Holland & Hart LLP                                      |
| 10:00 – 10:30 am| **Networking Break**                             |                                                                                                                                                                                                           |                                                                                               |
| 10:30 – 11:45 am| **Panel Discussion: Purpose of PURPA: Obsolete or More Relevant Than Ever?** | In this panel discussion, a group of experts will bring to bear their years of experience to weigh the opportunities and constraints associated with PURPA — why it may be obsolete or more relevant than ever. | Moderator: Jason T. Brown, Attorney, Montana Consumer Counsel  
Claudia J. Earls, Chief Counsel, Northern Indiana Public Service Company (NIPSCO)  
Nik Stoffel, Energy and Utility Attorney, Holland & Hart LLP  
Zev Simpser, Shareholder, Briggs and Morgan                                                              |
| 11:45 am      | **Symposium Concludes**                           |                                                                                                                                                                                                           |                                                                                               |

“Had the right speakers with knowledge of the topics and a good cross section of discussion topics.”  
Senior Engineer, PJM Interconnection
INSTRUCTIONAL METHODS

This program will include PowerPoint presentations and panel discussions.

REQUIREMENTS FOR SUCCESSFUL COMPLETION

Participants must sign in/out each day and be in attendance for a minimum of four hours to be eligible for any continuing education credit.

IACET CREDITS

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 0.9 CEUs for the symposium

EVENT LOCATION

A room block has been reserved at the Courtyard by Marriott Denver Cherry Creek, 1475 S Colorado Blvd, Denver, CO 80222, for the nights of November 15-16, 2017. Room rates are $145 plus applicable tax. Call 1-303-757-8797 or click here for reservations and mention the EUCI event to get the group rate. The cutoff date to receive the group rate is October 18, 2017 but as there are a limited number of rooms available at this rate, the room block may close sooner. Please make your reservations early.

REGISTER 3, SEND THE 4TH FREE

Any organization wishing to send multiple attendees to this event may send 1 FREE for every 3 delegates registered. Please note that all registrations must be made at the same time to qualify.
A room block has been reserved at the Courtyard by Marriott Denver Cherry Creek, 1475 S Colorado Blvd, Denver, CO 80222, for the nights of November 15-16, 2017. Room rates are $145 plus applicable tax. Call 1-303-757-8797 or click here for reservations and mention the EUCI event to get the group rate. The cutoff date to receive the group rate is October 18, 2017 but as there are a limited number of rooms available at this rate, the room block may close sooner. Please make your reservations early.

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

Print Name

Job Title

Company

What name do you prefer on your name badge?

Address

City

State/Province

Zip/Postal Code

Country

Phone

Email

List any dietary or accessibility needs here

CREDIT CARD INFORMATION

Name on Card

Billing Address

Account Number

Billing City

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

Billing State

Exp. Date

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 October 13, 2017 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 at (201) 871-0474.