

GOLDEN GATE UNIVERSITY SCHOOL OF LAW

ENERGY, ELECTRICITY DEREGULATION, & ENVIRONMENTAL LAW

Course No. 857A-LS1, Fall 2005

Time: T/Th 5:00 – 6:15 PM

Instructor: Robert W. Byrne, Deputy Attorney General
California Department of Justice, Energy & Corporate Responsibility Section
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Office Hours: Tuesdays and Thursdays after class and by appointment.

A. Introduction.

This class is an overview of the legal issues raised in energy sector regulation, which intersects the disciplines of environmental law, natural resources law, and publicly regulated industries. The class considers regulated public utilities and rate structures, specifically in the context of California's deregulation of electricity and the 2000-2001 energy crisis. In addition, the class will study the environmental and regulatory issues relating to fossil fuel and alternative sources of energy, such as waterpower, coal, oil, solar, and nuclear power. The course also examines the international regulation of petroleum, as well as global climate change and its impact on the energy sector.

B. Class Materials.

1. Energy Policy: The REEL World, Marla E. Mansfield (Carolina Academic Press, 2001 Edition)
2. Instructor's materials. These materials will be made available to the students before each class. Handouts will include statutory excerpts, law review and other articles addressing timely energy topics, and hypothetical exercises for class discussion.

C. Grading Methods.

	<u>Method</u>	<u>Points</u>	<u>% of Final Grade</u>
1.	Class Participation	30	25%
2.	Comment Paper	100	75%
	Total	<hr/> 130	<hr/> 100%

The ABA and the Law School require that students attend all classes and be prepared to participate fully in class discussions. If you are unable to attend a class, please let me know in advance. If you are unprepared for class or miss more than three classes, your grade may be lowered. Outstanding class participation may be used as a basis for adjusting a student's grade upward. There will be no final exam in this course, so class participation is a very important component of your grade.

The course will be conducted as a seminar. It is imperative that each student completes the assigned readings and comes to class prepared to discuss and apply the readings in hypothetical exercises (role plays). To assure that this course provides students with a highly practical, true-to-life experience, a comment paper will be due on **December 15, 2005**. The comment paper must be between 20 and 25 pages in length, and will argue a position on energy legislation or administrative rulemaking pending before the California legislature, the United States Congress, or a regulatory agency, as chosen by the student with the instructor's approval. The comment paper is expected to include analysis of the environmental impacts, positive and negative, that will result from enforcement of the proposed legislation or rule, and suggest alternatives to mitigate environmental risks or strengthen environmental protection. Comment papers are addressed to the particular body considering the legislation or rule, and must be presented in a format appropriate to comments solicited by that body. Oftentimes, you can find examples of comments on government websites. Your paper grade will be based on both form and content. Please use your **examination number** and not your name on comment papers.

My regular office hours are provided above. I can meet with you by appointment, or if you prefer, telephone or email me using the information at the top of the syllabus.

D. Course Outline.

Week 1 Tuesday, August 23; Thursday, August 25

Class Overview: Energy Bill and Current News
Introduction: The Physical and Economic Settings
Reading: Casebook, pp. 1-15.

Week 2 Tuesday, August 30; Thursday, September 1

The Legal Framework
Reading: Casebook, pp. 17-33 (end Proposed Rules); 33-52.
Instructor's Materials: Presidential Orders related to Energy

Week 3 Tuesday, September 6; Thursday, September 8

Overarching Themes in Energy, Resources & Environmental Law
Reading: Casebook, pp. 53-79 (end Federalism: Conflicting Laws); 79-111.

Week 4 Tuesday, September 13; Thursday, September 15

Economic Regulation of the Energy Industry

Reading: Casebook, pp. 113-142 (end Rate of Return); 142-194.

Instructor's Materials: Lockyer v. FERC

Week 5 Tuesday, September 20; Thursday, September 22

Development of Oil and Gas

Reading: Casebook, 195-232

Instructor's Materials: Oil leases

Week 6 Tuesday, September 27; Thursday, September 29

Regulation of Natural Gas

Reading: Casebook: 233-267; 268-298

Instructor's Materials: Liquefied Natural Gas

Week 7 Tuesday, October 4; Thursday, October 6

Regulation of Electricity

Reading: Casebook: 299-338

Instructor's Materials: Deregulation and the California Energy Crisis

Week 8 Tuesday, October 11; Thursday, October 13

Hydropower

Reading: Casebook: 339-375

Guest Speaker from California Independent Systems Operator (ISO)

Week 9 Tuesday, October 18; Thursday, October 20

Environmental Regulation

Reading: Casebook: 377-404 (end Role of Technology); 404-438.

Saturday Field Trip: Calpine Geysers Geothermal Facility, Middletown, CA

Week 10 Tuesday, October 25; Thursday, October 27

Coal

Reading: Casebook: 439-457 (end Sales of Coal); 457-506.

Week 11 Tuesday, November 1; Thursday, November 3

Nuclear Energy

Reading: Casebook: 507-527 (Reaction to Accidents); 527-557.

Week 12 Tuesday, November 8; Thursday, November 10

Alternative Energy Sources

Reading: Casebook : 559-589 (end Government Regulation); 589-613

Instructors Materials: Renewable Energy

Week 13 Tuesday, November 15; Thursday, November 17

Access to Water and Land

Reading: Casebook : 615-637 (end Access to Federal Lands); 637-675.

Week 14 Tuesday, November 22; Thursday, November 24 (Thanksgiving, No Class)

The Coastal Zone Management Act, Oil and Gas Leases, and Liquefied Natural Gas

Instructor's Materials: selections from CZMA (16 U.S.C. 1451-1565), and

California v. Norton, 311 F.3d 1162 (9th Cir. 2002).

Week 15 Tuesday, November 29; Thursday, December 1

Presentation of Student Paper Topics

Thursday, December 15, Comment Papers Due in Faculty Center