

Ahoy There!

Hot Topics in Utility Regulation

(Time: 1 hour)

Moderator: Commissioner Arthur Graham – Florida Public Service Commission

Panelists: Michael G. Cooke, Esq. – Of Counsel, Greenberg Traurig
Zeviel T. “Zev” Simpser, Esq. – Briggs and Morgan

Mike Cooke: To Implement (or Not?) the Clean Power Plan

The Clean Power Plan (“CPP”) is a Clean Air Act regulation, typically implemented by environmental regulators in a state. However, because the CPP affects the way states regulate energy, other state stakeholders (the governor, legislators, utility commissioners, environmental NGOs) and policy issues (fuel diversity, consumer costs, cost recovery) will play significant roles in final decision-making if the rule survives. This presentation will examine the steps and competing interests involved in implementing a state plan in a traditionally regulated and a restructured state under section 111(d), and potential outcomes.

Zev Simpser: State Transmission Siting Authority and FERC Regulated Transmission Planning

Discussion on the market nexus between state transmission siting authority and FERC regulated transmission planning can potentially support a claim for federal preemption of state need laws. The presentation will explore the potential arguments supporting a market nexus argument and how it interacts with dormant commerce issues and state's traditional authority with respect to transmission siting. Discussion will also include the recent U.S. Supreme Court decision in Hughes v. Talen Energy Marketing (Cite TBA).