

Energy Policy and Law

ENV/UST 693/LAW 703

Fall Semester, 2013

Levin College of Urban Affairs/Marshall College of Law

Cleveland State University

UR Room 107

4:00-5:50 P.M.

Monday, Wednesday

4.0 Credit Hours

Instructor: Andrew R. Thomas, J.D., Executive-in-Residence – Energy Policy Center, Levin College of Urban Affairs.

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Office hours: Generally available weekdays. Please email or call for appointment.

This course reviews policies and laws related to energy generation, distribution and consumption, including the transition from fossil fuel based energy generation to renewable energy generation. Focus will be primarily on the laws and policies related to stationary power generation and the transportation sector, including electricity, natural gas and oil.

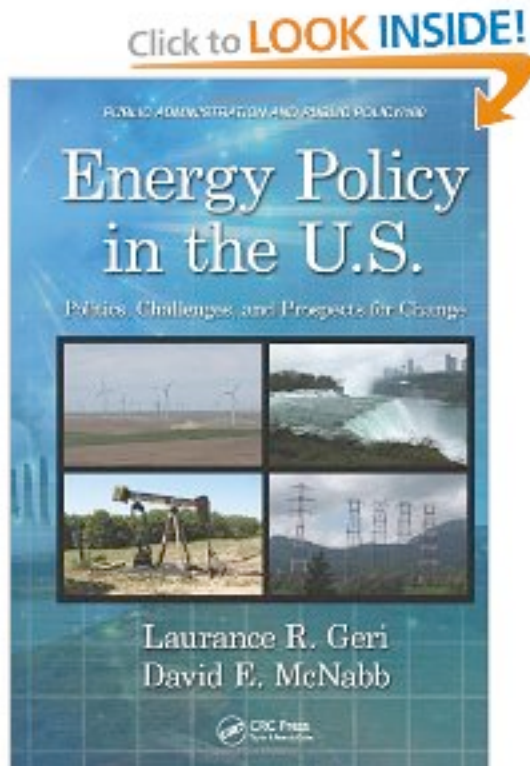
The objectives for the students are as follows:

- Develop an understanding of the forces that shape energy law and policy.
- Develop an understanding of how legislation, regulations and case law set energy policy.
- Develop an understanding of the diverse technical approaches for generating, storing, and utilizing energy, especially from renewable sources, and about the economic circumstances associated with each approach.
- Develop an understanding of what policies have been proposed and enacted to promote efficiency and renewable production.
- Develop an understanding of the social and economic effects paradigm shift in energy generation and usage will have on society.

Content will be presented in a series of lectures, followed by discussions of policy and case law. Students will be expected to read assigned materials before they are covered in class, and to participate in discussions. Students will also prepare a final paper and presentation on a chosen area of energy policy.

Papers should be approximately 20 pages long (1.5 line spacing and 12 font size) presented in a style consistent with your college research format (e.g. for law students, law review format). Presentations will be approximately 45 minutes each, including questions.

Textbook: *Energy Policy in the U.S.: Politics, Challenges and Prospects for Change*, Laurance R. Geri and David E. McNabb, CRC Press (2011). Available from the CSU bookstore or at http://www.amazon.com/dp/1439841896/ref=rdr_ext_tmb.

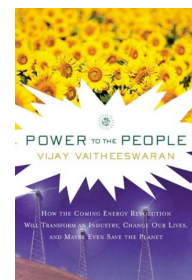


Additional reading materials will be provided in class or can be found on the internet.

Some lectures will come from the following book, which can be purchased inexpensively from Amazon or found in the library, if you are interested, **but it is not necessary**. A copy will also be available in class to those interested in reading it:

Power to the People: How the Coming Energy Revolution Will Transform an Industry, Change Our Lives, and Maybe Even Save the Planet

Vijay Vaitheeswaran



In addition, there will be selected case law, statutes, and commentary that we will review in preparation for each class. These will be provided to you either by email or by hand delivery at class. You will be notified of additional reading assignments on a week-to-week basis.

Energy is at the forefront of policy in both State and Federal government, and is constantly in the news. Accordingly, much of the class discussion will be based upon recent articles or blogs that will be sent to you by email on a regular basis. Please be sure to look for emails from me each week, as the materials will be changing throughout the course.

Class Schedule (Subject to Change)

	Topic	Reading Preparation	Class discussion
1	<p><u>Weeks 1&2 - August 26 to September 4 (no class 9/2).</u></p> <p>The Political Realities of Energy Policy; Environmental and Energy Crises: Drivers for Change; Public policy and the decision making process.</p> <p>Energy law and policy professional careers.</p>	<p>Geri & McNabb: Chapter 1 – Political Realities of Energy Policy Chapter 3 – The Art and Science of Crafting Public Policy Chapter 5 – Difficulties in Achieving a Balanced Energy Policy</p> <p>Power to the People: Introduction, Chapter 1.</p> <p>“Big Law in Free Fall,” <i>The New Republic</i>, August 5, 2013 (hand out).</p> <p>Easterbrook, “The First Bogeyman of the 2012 Campaign,” http://blogs.reuters.com/gregg-easterbrook/2011/09/01/the-first-bogeyman-of-the-2012-campaign/</p> <p><i>The Graying of the Great Powers</i>, Richard Jackson and Neil Howe, Center for Strategic International Studies.</p> <p><i>Power Struggle</i>, Bradford Plumer, The New Republic, June 17, 2009, http://www.tnr.com/article/politics/power-struggle</p>	<ul style="list-style-type: none"> ▪ Forces controlling energy policy – changing demographics, geopolitics. ▪ The problem of vested interests. ▪ Basics principals of energy generation, usage. ▪ Legislation, institutional impediments to change. ▪ Externalizing costs. ▪ Effects of prior policy decisions. ▪ Fundamentals of energy regulation.

		<p>"The Struggle for Arctic Riches" by Richard Galpin: http://www.bbc.co.uk/news/world-11381773</p> <p>John Broder, <i>The Year of Peril and Promise in Energy Production</i>; New York Times, October 11, 2011.</p> <p>"Its Time for a National Energy Policy," Nemaocolin Energy Institute, http://www.neienergy.org/documents/NEIPublication-NationalEnergyPolicy10-23-12_001.pdf</p> <p>"Immutable Principals for Energy" – Jim Halloran – to be provided.</p> <p>Guest Lecturer: Jim Halloran, PNC Bank, on: Global and American energy trends.</p>	
2	<p><u>Weeks 3 & 4 - September 9-18</u></p> <p>History of Utilities and Regulation; Regulation of the Electric and Natural Gas Industries; Restructured markets.</p> <p>Ohio and federal electricity law and policy.</p> <p>Regional Transmission Organizations</p>	<p>Geri & McNabb: Chapter 4 – The Long Search for a Sustainable Energy Policy</p> <p>Power to the People: Chapters 1-3.</p> <p>The New Republic: "Drunk with Power" http://www.tnr.com/article/drunken-power</p> <p>"Energy Markets in Ohio," Andrew R. Thomas and Iryna Lendel, Cleveland State University (to be provided).</p> <p>Guest Lecture:</p> <ol style="list-style-type: none"> (1) Matt Brakey, Brakey Energy Company: on electricity markets and regulation. (2) Beth Polk, GDF Suez, on wholesale and retail electricity markets. (3) Laura Ray, CSU Law Library, "Scholarly Writing." 	<p>Regulation, deregulation and market restructuring.</p> <p>Ohio Senate Bills 3, 221 and 315.</p> <p>Federal and State jurisdiction.</p> <p>Energy Efficiency and Renewable Portfolios.</p> <p>Aggregation</p> <p>Discussion of research topics.</p>

3	<p>Weeks 5 & 6 – September 23 to October 2.</p> <p>Climate and CO2</p> <p>Renewable Energy</p>	<p>Geri & McNabb: Chapter 2 – Energy Policy In Transition Chapter 6 – What’s on the Current Energy Policy Agenda? Chapter 8 – Policies Shaped by Taxes and Market Mechanisms Chapter 9 – International Cooperation on Energy Policy Chapter 10 Policies for a New Energy Future.</p> <p>Power to the People: Chaps 5-7.</p> <p>Massachusetts v. EPA -- http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=000&invol=05-1120</p> <p>The New Republic – Plumer – “Is EPA Ignoring Congress?” http://www.tnr.com/blog/the-vine/80520/the-epa-really-ignoring-congress</p> <p>S. Perkins, <i>Capturing CO₂ Too Costly to Combat Climate Change?</i> Science Magazine, December 2001: http://news.sciencemag.org/sciencenow/2011/12/capturing-co2-too-costly-to-comb.html?ref=em&elq=fec7e5fe55454785a299ee1a9af16e18#.Tt6OPSbfcV4.email</p> <p>Patrick Schwageri, <i>The Death of the Kyoto Process</i>, Spiegel International: http://www.spiegel.de/international/world/0,1518,792224,00.html</p> <p>Plumer, “The Substitute” http://www.tnr.com/article/politics/the-substitute.</p> <p>Patrick Michaels, <i>The Great Green Energy Crack Up</i>, Forbes Magazine, October 21, 2011:</p>	<p>Climate change</p> <p>Carbon management</p> <p>SB 221 and Renewable Energy Portfolios; feed in tariffs; carbon cap and trade.</p> <p>Wind, Solar and hydroelectric power</p> <p>Biomass</p>
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4	<p><u>Weeks 7 & 8 – October 7-16.</u> (No class 10/14)</p> <p>Distributed vs. centralized Generation.</p> <p>Stationary fuel cells.</p> <p>Storage of electricity</p>	<p>Geri & McNabb: Chapter 10 – Policies for a New Energy Future. Chapter 6 – What’s on the Current Policy Agenda?</p> <p>Power to the People: Chapters 5-7; 10. Power to the People: Epilogue</p> <p>Maregonelli: “Gray Power” http://www.recycled-energy.com/newsroom/news-item/the_case_for_gray_power/</p> <p>The New Republic, November 3, 2009: “Nuclear Option: An Atomic Bargain with the GOP”, http://www.tnr.com/environment-energy/nuclear-option-0</p> <p>Aaron Weinger, “How Germany Phased Out Nuclear Power Only to Get Mugged by Reality,” the New Republic, October 31, 2011: http://www.tnr.com/article/environment-and-energy/96838/germany-merkel-fukushima-nuclear-activists</p> <p>Bradford Plumer, “No Climate Bill?”</p>	<p>Coal and Nuclear Power</p> <p>SB 3, 221 and SB 315.</p> <p>Combined Heat and Power</p> <p>Energy Efficiency</p> <p>Batteries</p>

		<p>Then No Nukes Either,” The New Republic, Aug. 2010: http://www.tnr.com/blog/the-vine/76727/no-climate-bill-then-no-nukes-either</p> <p>Guest Speaker: (1) Mr. Jeff Kulpa – Peak Energy Solutions, on: nuclear power, batteries, stationary fuel cells. (2) Coal expert – to be determined.</p>	
5	<p><u>Weeks 9 & 10 – October 21-30.</u></p> <p>Oil and Natural Gas; Shale formation development</p> <p>Gulf Oil Spill</p> <p>Geopolitics of oil</p>	<p>Geri & McNabb: Chapter 2 – pages 28-35. Chapter 8 – pages 147-152. Chapter 11 – Aftermath of Gulf Oil Spill.</p> <p>Power to the People: Chapters 2, 4 and 9.</p> <p>"The End of Automania" by Bradford Plumer: http://www.tnr.com/blog/the-vine/79419/the-end-automania</p> <p>"Fossil Fuel Subsidies Still Dominate" by Bradford Plumer: http://www.tnr.com/blog/the-vine/76750/fossil-fuel-subsidies-still-dominate</p> <p>Andrew Morris, <i>Gasoline, Markets and Regulators</i>, University of Illinois College of Law.</p> <p><i>Gasoline Cost Externalities: Security and Protection Services</i> (2005), International Center for Technology Assessment.</p> <p>"Kaboom" by Steve Levine: http://www.tnr.com/article/environment-energy/kaboom</p>	<ul style="list-style-type: none"> ▪ Reasons for oil paradigm. ▪ Security and environmental limitations of fossil fuels in transportation sector ▪ Peak oil and the policy problems related thereto ▪ Changing role of natural gas in energy consumption. ▪ The effects of shale plays and environmental controversies related thereto

		<p>DOE study on fracking and contamination of drinking water – http://www.jdsupra.com/legalnews/doe-study-finds-fracking-does-not-contam-65039/</p> <p>Guest Speakers:</p> <ol style="list-style-type: none"> (1) Ken Alfred, Kent State University, on: oil and gas policy. (2) Environmental expert – to be determined. (3) Natural gas in transportation expert -- to be determined. 	
6	<p><u>Weeks 11 & 12 – November 4-13.</u></p> <p>Fuel Cells and the Hydrogen economy</p> <p>Transportation policy and alternative fuels</p> <p>Urban Energy Policy</p>	<p>Power to the People: chapters 1, 8 and 11.</p> <p>Guest speakers:</p> <ol style="list-style-type: none"> (1) Ken Alfred – Kent State University, on: Fuel Cell Policy. (2) Joe Degenfelder, Atlantic Greenfuels, on: biofuels, and markets for same. <p>How Energy Policy Enabled the Decline of Midwestern Cities, and How It Can Contribute to their Rehabilitation, Upjohn Publishers, <i>Andrew R. Thomas</i> (will be provided).</p> <p>Alan Ehrenhalt, “Trading Places – The Demographic Inversion of American Cities,” <i>The New Republic</i>, August 13, 2008.</p>	<ul style="list-style-type: none"> ▪ Regulatory laws dealing with hydrogen, DG ▪ Regulatory laws dealing with energy storage, smart grid. ▪ Role of fuel cells and energy storage in energy models, policies that affect adoption of new technologies. ▪ Energy Policy and its effects on cities.
7	<p><u>Weeks 13-14 – November 18-27.</u></p> <p>Economic Impact of Energy Policy</p>	<p>Geri & McNabb – Chapter 5 pages 99-100.</p> <p><i>Energy Standards at Work: Ohio Senate Bill 221 Creates a Cleaner Economy</i> HTTP://WWW.POLICYMATTERSOHIO.ORG/ENERGYSTANDARDS2010.HTM</p>	<ul style="list-style-type: none"> ▪ The role of economic development in energy paradigm change. ▪ Energy and jobs. ▪ Alternative transportation: biofuels, electric cars, fuel cells. ▪ Hydrogen economy

	Careers in Energy law and policy: revisited	<p>“The Myth of Green Jobs,” Gordon Hughes, Global Warming Policy Foundation.</p> <p>Excerpts from Cleveland State University study on the economic impact of shale development in Ohio.</p> <p>Guest Speakers: (1) Dr. Iryna Lendel, Assistant Director, Levin College Center for Economic Development, on: job creation from shale development.</p> <p>Student Presentations</p>	
8	<u>Week 15</u> <u>December 2-4.</u>	Student Presentations	
	November 22	Papers Due	
	Dec 9 4-6 p.m.	Final Exam week	Make up date.
	Dec 14	Final grades due	

Grades

Grades will be determined based upon the following: 70% written presentation, 30% oral presentation. There is no specific requirement for class participation, however classes are small, so students will be expected to engage in policy dialogue. *Note: law students have special attendance requirements that are required for accreditation.*

Grading Scale:

A	94-100%
A-	90-93
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	70-76
D	60-69
F	<60

University Policy Statements:

Plagiarism

The CSU Student Handbook defines plagiarism as follows:

Plagiarism – Stealing and/or using the ideas or writings of another in a paper or report and claiming them as your own. This includes but is not limited to the use, by paraphrase or direct quotation, of the work of another person without full and clear acknowledgment. (Academic Regulations <http://www.csuohio.edu/studentlife/StudentCodeOfConduct.pdf>)

The penalties for plagiarism are found in full in the Student Handbook under Academic Regulations (Policy on Academic Misconduct) at the following link:

(Academic Regulations <http://www.csuohio.edu/studentlife/StudentCodeOfConduct.pdf>)

For further information, see Writing Center web page on plagiarism:

<http://www.csuohio.edu/academic/writingcenter/WAC/Plagiarism.html>

Students with Special Needs

“Educational access is the provision of classroom accommodations, auxiliary aids and services to ensure equal educational opportunities for all students regardless of their disability. Any student who feels he or she may need an accommodation based on the impact of a disability should contact the Office of Disability Services at 216/687-2015. The Office is located in MC 147. Accommodations need to be requested in advance and will not be granted retroactively.” Students should notify the instructor as soon as possible if they have been granted an accommodation through the Office of Disability Services.

Fall Semester 2013

Important Dates

Priority Registration Begins	March 25, 2013
Open Enrollment Begins	April 29, 2013
Term Begins (Saturday)	August 24, 2013
First Weekday Class	August 26, 2013
Last Day to Join a Course Waitlist	August 30, 2013
Last Day to Drop with Full Refund	August 30, 2013
Last Day to Add (CampusNet Registration)	September 1, 2013
Last Day to Drop	September 6, 2013
Course Withdrawal Period Begins - 'W' Grade Assigned	September 7, 2013
Last Day to Withdraw from Courses	November 1, 2013
Midterm Grades	October 14-21, 2013
Last Day of Classes	December 6, 2013
Final Exams	December 9-14, 2013
Commencement (Sunday)	December 15, 2013

Fall Semester Student Incomplete Work Deadline
Labor Day (University Holiday)
Columbus Day (University Holiday)
Veterans Day (Tuesday no classes - offices open)
Thanksgiving Recess (no classes on Saturday)

May 2, 2014
September 2, 2013
October 14, 2013
November 12, 2013
November 28-December 1, 2013