

American Bar Association Section of Environment, Energy, and Resources



Hydro Power Committee

Presents a "Quick Teleconference" program

City of Tacoma v. FERC: Did the Hydro Industry Get the Number of that Train?

Friday, September 29, 2006

12:00 p.m. – 1:30 p.m. Eastern Time / 11:00 a.m. – 12:30 p.m. Central Time 10:00 a.m. – 11:30 a.m. Mountain Time / 9:00 a.m. – 10:30 a.m. Pacific Time

Program Overview:

On August 22, 2006, the U.S. District Court of Appeals issued a decision in the case of City of Tacoma v. FERC. The decision addressed a number of issues that may significantly change that way that the Federal Energy Regulatory Commission issues licenses for hydropower projects pursuant to the Federal Power Act. The D.C. Circuit Court of Appeals modified in part and granted in part, Petitions for Review of the FERC Order Issuing New License for the Cushman Hydroelectric project on the Skokomish River in the State of Washington. Some of the issues were: (i) whether a relicensing proceeding or a new license proceeding should be undertaken for a project that previously held a minor part license, (ii) whether the mandatory conditioning authority under Federal Power Act Section 4(e) is limited to those areas where the hydro project is located on a federal reservation, (iii) must the federal agencies who submit "mandatory" conditions pursuant to FPA Section 4(e), and presumably Section 18, comply with FERC's regulatory deadlines for submittal of the conditions, (iv) the degree to which FERC must evaluate a state water quality agency's compliance with Clean Water Act Section 401, (v) whether a FERC license that makes a project uneconomic to operate constitutes a *de facto* decommissioning of the project, and (vi) how FERC should treat the state of Washington's decision not to object to the project under the state's Coastal Zone Management Act authority.

Educational Objectives:

- Ensure that attorneys practicing in this field are kept apprised of significant court decisions.
- Inform hydro power attorneys about new Federal Power Act interpretations.
- Advise other attorneys who may practice in related fields about an important decision that will have environmental, energy, and land use ramifications.

Faculty:

Moderator:

Nino J. Mascolo, Southern California Edison Company, Rosemead, CA

Panelists:

John Katz, Federal Energy Regulatory Commission, Washington, DC **Mark Quehrn,** Perkins Coie, LLP, Bellevue, WA **Bella K. Sewall,** U.S. Department of the Interior, Washington, DC

Questions?

Do you have a question that you would like the panel to address? Please email your question to Nino Mascolo at nino.mascolo@scr.com by September 28, 2006 at noon Eastern Time and the panel will make every effort to address your inquiry. You will also have an opportunity to ask questions of the panel live at the conclusion of the program.

City of Tacoma v. FERC: Did the Hydro Industry Get the Number of that Train?

This program will not offer CLE credit

Friday, September 29, 2006

12:00 p.m. – 1:30 p.m. Eastern Time / 11:00 a.m. – 12:30 p.m. Central Time 10:00 a.m. – 11:30 a.m. Mountain Time / 9:00 a.m. – 10:30 a.m. Pacific Time

CONFERTEL TELECONFERENCE (Individual dial-in)

If you wish to participate by telephone please register online at

https://my.confertel.net/confertel/crsNewRegister.jsp?program=206539

Online registration is encouraged for immediate confirmation and billing receipt. You may also complete this form and fax it to (760) 931-0079. Once your registration and payment have been processed, you will receive a confirmation with the toll-free telephone number and security PIN number.

The registration fee covers the cost of the phone connection; you are encouraged to have others listen to the program with you.

Registration cannot be confirmed until ConferTel receives check or Purchase Order.

*The Section has secured ConferTel to provide conferencing services, including registration, conferencing and payment. Please make checks payable to ConferTel. Questions regarding the teleconference can be directed to ConferTel at (866) 930-4500.

Register Now!!

https://myconfertel.net/confertel/crsNewRegister.jsp?program=206539

Cancellation Policy:

Paid registrants who are unable to call in to the conference may request a refund less a \$30 administrative fee. Substitutions are acceptable.

<u>Late Registration Notice:</u> Please register early, we cannot guarantee late registrations (day of event).

ConferTel Registration Information:

ABA Membership #://////
Name
Organization
Address
City, State, Zip
Daytime Phone Number
Confirmation:
Payment is required in order to receive confirmation. Your payment confirmation, teleconference call-in number and additional details will be sent via email.
Email
Registration Fee: Registration cannot be confirmed until ConferTel receives check or Purchase Order.
Section Members □ \$80 Gov't, Academic, or Public Interest □ \$80
Other ABA Members \$\Begin{array}{c} \$400 \\ \$100 \\
General Attendance ☐ \$110
Payment (check one): □ Charge my credit card: □ Visa □ MasterCard □ Am Express Card NoExp. Date/
Signature
□ Purchase Order No
□ Check enclosed (must be received prior to program) Payable to: "ConferTel" Mail check to: 2385 Camino Vida Roble Suite 112

Carlsbad, CA 92011