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## Fundamentals of Utility Law: Weekly Webinar Starting in October

Since 1997 I have taught my fall Fundamentals of Electricity Law to thousands of attendees from all states and all industry sectors. This year I will use a web format, presented on 12 successive Monday evenings. My hope is that by saving attendees nearly \$1000 each on travel costs, and broadening the coverage to address public utility law issues applicable to all regulated industries, we can make the course useful to more people. And by reducing my costs I can offer double the instruction time without raising the price. The prior course was 9 hours over 1.5 days. This course will be 18 hours (12 sessions of 1.5 hours each).

*Also, I will provide 10-15 scholarship seats for government employees and nonprofit organizations, awarded competitively. More information below.*

Here is my tentative plan:

12 Monday evenings, 7.30-9.00p Eastern starting late September.

Live presentation with materials; questions permitted (orally and email)

Sessions recorded and available for download for absent attendees.

### Topics

Week 1	Regulation's Purposes, Dimensions, and Professions
Week 2	Industry Structure Overviews: Electricity, Gas, Telecommunications
Week 3	Market Structure I: Rights, Obligations and Powers of the Traditional Utility
Week 4	Market Structure II: Authorizing Competition in Monopoly Markets
Week 5	Market Structure III: Making Competition Effective
Week 6	Sales of Goods and Services I: Ratemaking Under the "Statutory Just and Reasonable" Standard and the Constitution's Fifth Amendment
Week 7	Sales of Goods and Services II: Undue Discrimination, Filed Rate Doctrine
Week 8	Sales of Goods and Services III: Retroactive Ratemaking, Mobile-Sierra Doctrine
Week 9	Corporate Structure, Mergers and Acquisitions
Week 10	Federal-State Jurisdictional Relationships
Week 11	The Attributes and Actions of Effective Utility Regulators:
Week 12	Bonus Session: Analysis of Recent Cases The Future of Regulation

***You will learn:***

- How to distinguish "monopolies" from "monopolizers"
- How to distinguish anticompetitive conduct from unearned advantage
- How to set rates without violating the U.S. Constitution
- The entire alphabet soup of ISOs, RTOs, IPPs, Transcos, CLECs, ILECs
- Why "deregulation" is a misnomer
- Why "transmission" now means regional transmission
- How FERC's wholesale competition efforts are changing how states do their jobs
- How the repeal of the PUHCA 1935 is reshuffling corporate and market structure
- Why 80-year-old regulatory statutes makes state-federal relations so awkward
- How climate change is affecting utility regulation
- How "public interest" could include environmental protection, stability and civil rights
- Why some regulators are so much better at their jobs than others

Prior to the first class, I will distribute a detailed syllabus with readings. Like school, reading before class will dramatically increase your learning. I also will invite written questions 48 hours prior to class, and will address those questions in class. Real value.

***Tentative price:*** \$435 (govt. and nonprofit orgs); \$835 (for-profit companies, including trade associations of for-profit companies, and for-profit law firms representing nonprofit clients). Multiple attendees from the same org? Contact me to discuss discount. *This is the same price as 10 years ago, minus \$60 due to your separate purchase of the books (see below).*

All participants will buy the two Hempling books (both available from Amazon, one available from American Bar Association).

***Scholarship seats:*** In Spring 2017, I gave this same course, at no charge, to 16 employees of state commissions and state consumer advocate offices, selected by their superiors based on their work ethic and their potential. I would like to continue that practice but combine it with this seminar. My tentative plan, therefore, is to provide 10-15 scholarship seats to employees of government agencies or nonprofit organizations who have 0-3 years' experience in the field. To select these people I would (a) ask each applicant to send me a

750-word essay describing their career aspirations, their views on the purposes of regulation and their thoughts about how to improve regulation; and (b) ask that the applicant supply a recommendation from their General Counsel (or whatever is the title of the supervisor, if they are a non-lawyer) or, where appropriate, the agency Chair of the agency's lawyers. The person should be selected by their superior as someone who stands out for their achievements and their potential.

**Is the scholarship a “gift”?** I understand that some agencies may have strict rules about “gifts.” If the award goes to the agency rather than the person, perhaps that will solve the problem. Do let me know of other snags and ways to resolve them. We don't want a good deed to go unpunished.

To indicate interest (non-binding), ask questions, offer ideas, email Scott:  
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