

Fundamentals of Utility Law: Weekly Webinar Spring 2019

Please join me for this year's *Fundamentals* course—a weekly webinar course for decisionmakers and practitioners, presented on 12 successive Monday evenings.

Course term	12 weeks
Course dates	January to April, 2019 <i>All on Monday Evenings</i>
Times	7:00 to 8:30 p.m. <i>EST</i>
Total instruction	18 hours (12 sessions of 1.5 hours each)
Registration opens	December 1, 2018

What 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

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*

Attendee Information

Webinar Platform: We will host the webinar via Zoom's Video Webinar platform. On registration, participants will receive information about how to virtually attend course sessions. Attendees can participate via computers, tablet devices, smart phones, or voice call. Attendees will not need to pay for a Zoom user account.

Course Books: All participants will need to purchase the two Hempling books:

Regulating Public Utility Performance: The Law of Market Structure, Pricing and Jurisdiction. Available from Amazon [here](#), and from the American Bar Association, [here](#).

Preside or Lead: The Attributes and Actions of Effective Regulators. Available from Amazon [here](#).

Syllabus and Readings: Prior to the first class, I will distribute a detailed syllabus with readings. Like school, reading before class will dramatically increase your learning.

Course Background

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 \$1,000 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).

Cost

Webinar Registration:

- \$435 Government and non-profit organizations
- \$835 For-profit companies, including trade associations of for-profit companies, and for-profit law firms representing nonprofit clients).

I've discounted the price (from 10 years ago) to reflect your book cost. Also, I will provide 10-15 scholarship seats for government employees and non-profit organizations, awarded competitively. More information below.

Multiple Attendees from the same organization? Contact me to discuss discount.

Scholarship Opportunity: 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. Interested applicants should email the following, no later than Dec. 1:

- (1) A 750-word essay describing their career aspirations, their views on the purposes of regulation and their thoughts about how to improve regulation; and
- (2) A recommendation letter from their supervisor or commission Chair.

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.

Contact

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