



425.605 INTRODUCTION TO ENERGY LAW & POLICY

Spring 2012

W - 6.00-8:45pm, BOB, Room 407

Office Hours: W- 9-12pm, or by appt.

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Overview

Energy production and use are at the foundation of the world's economies and offer hope for growth and prosperity. Yet, the extraction and use of fossil fuels and the development of energy facilities are among the greatest threats to the global environment. This course introduces students to the legal, economic, and structural issues that both shape our energy practices and provide opportunities to overcome these critical problems. While the focus of this survey course will be on the United States, we will also explore many issues pertinent to global energy policymaking.

Readings

The readings for the course will be derived from the following sources, designated in the class schedule with the icons listed below:

- **I** BOSSELMAN, et al., ENERGY, ECONOMICS AND THE ENVIRONMENT (3d ed. 2010)
- **E** Electronic readings on the course Blackboard site, under the E-

Reserves Tab

-  Online Hyperlinks (must be accessed via the online version of the Syllabus on the course Blackboard site, under the Syllabus Tab)

Course Outcomes

As a result of taking this seminar, you should be able to:

- Brief cases utilizing a template designed for such purpose;
- Understand the respective role of key federal agencies in regulating energy markets, and pollution associated with energy production;
- Understand the respective roles of federal and state governments in regulating energy production and energy markets and be able to analyze jurisdiction conflicts that may arise in energy policymaking;
- Identify key environmental issues associated with fossil fuels and the primary domestic legal statutes to address these issues;
- Discuss the benefits and problems associated with several renewable/low carbon energy sources;
- Identify key mechanisms to incentivize the deployment of renewable energy resources;
- Analyze the merits of arguments advanced by energy advocates.

Assessment

Term Paper [65% of grade]

- Guidelines for the term paper are available in the “Term Paper” Sub-Folder in the Assignments Folder, under the Course Materials tab;
- A list of suggested topics will be posted by the second week of class in the “Term Paper” Sub-Folder;
- When you finish this paper, you will be an expert on a given topic. Interesting articles on energy law and policy should find an eager audience. Please consider submitting an op-ed piece to a newspaper, or to a legal journal (e.g. <http://www.law.com/jsp/ca/viewpoint.jsp> or <http://www.dailyjournal.com/>) or a non-law journal with an energy or environmental focus. Publication of such a piece would look

excellent on your resume, and would be an excellent calling card when seeking employment. I would be happy to assist you with converting your paper into an op-ed or journal article.

Congressional Testimony [20% of grade]

- Guidelines available in the “Congressional Testimony” Sub-Folder in the Assignments Folder, under the Course Materials Tab;
- Questioning of those presenting testimony constitutes part of your class participation grade (see below).

Class Participation [15% of grade]

Any classroom should be a community of engaged teachers and learners. At the heart of the course will be the class session each week that you spend with the other participants. When you are in class, you have responsibilities as a teacher: your classmates and I will learn from you. Please come to class each day, on time, prepared, and ready to participate fully.

Policy on Plagiarism

The copying or use of others’ work without proper attribution and citation as part of any class assignment will constitute plagiarism. Any incidence of plagiarism or other instances of academic misconduct will be dealt with in accordance with Johns Hopkins University policies without any initial warning. For more information please see:

http://advanced.jhu.edu/bin/s/u/AAP1101_CodeofConduct.pdf

Class Schedule

January 25

Overview of Course

- Class introductions
- Review of Syllabus

- **Readings**

- **T** pp. 1-16
- **O** Galluci, *With Pipeline Stopped for Now, Tar Sands Battle Continues in California Courts*, INSIDE CLIMATE NEWS, Jan. 20, 2012 (read after completing case briefing exercise below)

- **Case briefing exercise:**

- Read the “How To Brief a Case” document in the “Case Briefing” folder on the LEXIS course site
- Brief *Rocky Mountain Farmers Union et al. v. Goldstene, et al.* (E.D. Cal. 2011) (in the “Case Briefing” folder) using the “How to Brief a Case” guidelines

SECTION 1 Fossil Fuel Energy Sources

February 1

Coal

- **Readings**

- **T** Ch. 4, pp. 168-173; 180-186; 211-220; 236-238
- **E** MIT, *THE FUTURE OF COAL: OPTIONS FOR A CARBON-CONSTRAINED WORLD 1-8* (2011) (read for Congressional testimony)

- **Congressional Testimony on Carbon Capture & Sequestration (Senate Committee on Energy and Natural Resources)**

- Emily Herzog, Executive Director of CCS-Yes!, a coal industry trade group that advocates wide-scale deployment of carbon capture and sequestration
- Patrick Hughes, Executive Director of Coal No More, an NGO who advocates a rapid phase-out of coal-fired power plants in the United States

February 8

Oil

- **Readings**

- **T** Ch. 5, pp. 319-330; 308-314; 427-438

February 15

Natural Gas

- **Readings**

- **T** Ch. 7, pp. 450-460; 475-482
- **E** *Northern Cheyenne Tribe v. Norton* (9th Cir. 2007) (brief the case using the “How to Brief a Case” template)

- **Congressional Testimony on Hydraulic Fracturing (“Fracking”)(Senate Committee on Energy and Natural Resources)**

- James Cartwright, Executive Director of Life is a Gas, a natural gas industry group that supports hydraulic fracturing
- Merle Litvack, Executive Director of Frack This!, an NGO based in Pennsylvania that opposes hydraulic fracturing

SECTION 2 Hydropower and Nuclear Power

February 22 Hydropower

- Readings
 - **E** Sensiba, Hydropower, Ch. 20, THE LAW OF CLEAN ENERGY: EFFICIENCY & RENEWABLES 1-5 (up to Sec. II)
 - **T** Ch. 3, pp. 143-155; 157-163
- Congressional Testimony on Hydro Power (House Energy and Commerce Committee)
 - **Dan Hooper**, Executive Director of the Hydroelectric Power Forum, an industry group advocating further expansion of hydroelectric projects
 - **Marcus Hargett**, Executive Director of Dam Hydro!, an environmental and social justice NGO that opposes the development of hydroelectric projects

February 29 Nuclear Power

- Readings
 - **T** Ch. 13, pp. 996-1007
 - **O** [In Re: Aiken County \(D.C. Cir. 2011\)](#) (please bring copy for class briefing exercise)
 - **E** Jenkins, et al., *Nuclear as Usual: Why Fukushima Will Change Less Than You Think*, THE ATLANTIC (Dec. 12, 2011)
- Congressional Testimony on Nuclear Power (House Energy and Commerce Committee)
 - **Aylin Dirioz**, Executive Director of Positive Reaction, a nuclear power industry group that supports substantially expanding the use of nuclear power in the United States
 - **Andrew Ray**, Executive Director of Meltdown, an NGO that opposes the role of nuclear power as an energy source in the United States

Section 3 Renewable Energy

March 7 Solar/Wind

- Readings
 - **T** Ch. 11, pp. 833-847
 - **E** Kohn, *A World Powered Predominantly by Solar and Wind Energy*, Nobel Presentations 1-8 (2010)
 - **E** McBride, *With Solar Power: It's Green vs. Green*, PlanetArk, Jan. 6, 2011

Guest lecturer: Magdalena Muir, Arctic Institute of North America, University of Calgary, *Introduction to International Renewable Energy Technology, Projects and Regulation*

March 14

Incentives for Renewable Energy Deployment

- **Readings**

- **T** Ch. 11, pp. 875-889
- **E** Buckman, *The Effectiveness of Renewable Portfolio Standard Banding and Carve-outs in Supporting High-Cost Types of Renewable Electricity*, 39 ENERGY POLICY 4105-4114 (2011)
- **E** Jacobs, *Fabulous Feed-In Tariffs*, 11(4) RENEWABLE ENERGY FOCUS 28-30 (2010)

Guest lecturer: Bill Rever, consultant, solar and renewable energy energy, formerly with BP Solar, *Solar Electricity: A Survey of Status and Prospects for the Future*

March 21

NO CLASS: SPRING BREAK

March 28

Substitute for live Class: The Smart Grid (attendance required at Eisen presentation or viewing videocast)

- **Readings**

- **T** Ch. 12, pp. 984-995
- **E** Battaglini, *The SuperSmart Grid – Paving the Way for a Completely Renewable Power System*, Nobel Presentations, 290-303 (2010)

April 4

Transportation Policy

- **Readings**

- **E** Martel & White, *Motor Vehicles and Transportation*, THE LAW OF CLEAN ENERGY: EFFICIENCY AND RENEWABLES 1-25 (2010)
- **E** U.S. Department of Transportation, 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards (2011), pp. 74858-74863; 74865-74871

- **Congressional Testimony on Biofuels (House Energy and Commerce Committee)**

- McEwen Hardy, Executive Director of the U.S. Ethanol Institute, an advocate for resumption of subsidies for ethanol production in the United States
- Kristen Nawoj, Executive Director of Don't Be a Fuel!, an NGO that opposes government support for ethanol production
- Dikshya Upadhyaya, Director of Research, Next Generation Biodiesel Research Division, Chevron

April 11

Energy Efficiency

- **Readings**
 - **T** Ch. 12, pp. 956-984
- **Congressional Testimony on the “Rebound Effect” (Senate Committee on Energy and Natural Resources)**
 - Meagan Gins, Professor of Energy, University of Dupontia, an academic who has written extensively on the substantial negative impact that the rebound effect has on gains from energy efficiency
 - Margaret Graham, Professor of Energy, University of Bernstein-Offit, an academic who has written extensively on the negligible impact that the rebound effect has on gains from energy efficiency

SECTION 4 Climate Change and the Role of Energy

April 18 Climate Change and Energy Policy

- **Readings (to be announced)**



Guest lecturer: John Larsen, World Resources Institute

SECTION 5 Student Research

April 25 Student Presentations on Research

- Herzog
- Cartwright
- Hooper
- Gins
- Nawoj
- Ray

May 2 Student Presentations on Research

- Hargett
- Graham
- Hardy
- Hughes
- Litvack
- Dirioz
- Upadhyaya