ENERGY LAW

This course will introduce you to the many legal and regulatory issues related to the generation, distribution, and consumption of energy in the United States. Particular attention will be given to the constraints on energy production imposed by environmental and natural resources law, as well as to the political environment in which energy policy is made. The breadth of the course’s coverage demands that we rely on materials beyond judicial opinions, so students should be prepared for reading assignments drawn from technical, social scientific, and journalistic sources. Although fossil fuels still represent the lion’s share of America’s energy portfolio, we will also explore the law’s evolving treatment of conservation, efficiency, and renewables. The class is highly relevant not only to those who are considering a practice in the area of energy law, but also to those with more general interests in environmental or natural resources law, in utilities regulation and administrative law, or simply in this crucial segment of the national economy.

Course materials:

• The required casebook is Bosselman et al., ENERGY, ECONOMICS AND THE ENVIRONMENT (Foundation, 3rd ed., 2010). This casebook is eligible for the rent-a-text program. All page numbers on the reading schedule below refer to this casebook.

• Please note, however, that because many areas of energy law are undergoing rapid change, I will replace certain reading assignments with more up-to-date materials, and will probably do so on short notice. If you wish to read ahead, therefore, please contact me first!

• In order to better digest the course material, I strongly recommend that you track regularly a source of news about energy policy and the energy industry. I will bring several such sources to your attention at the start of the term.

Grading and course requirements:

• The bulk of your grade (80%) will be determined by your performance on a final exam. Further details about the exam will be provided later in the term.

• The remaining 20% of your grade will be based on your participation in our class meetings. I will take into account your punctuality, attendance, preparedness, and the quality (and to a much lesser degree, quantity) of your comments/questions in class.

My availability:

• My office hours for Fall 2012 will be Wednesdays from 1:30-3:00, but I will gladly meet with you at other times as well. Don’t hesitate to contact me to set up a time, or just stop by.

• If you have a question or problem, please contact me via email and I will respond as quickly as I can. (Substantive questions, of course, are generally best discussed in person.)

Use of electronics in class:

• I recognize the value of taking notes on a laptop, but please refrain from using it for anything other than taking notes while in class. It can be a significant distraction to those around you. The same goes for the use of cell phones.
TENTATIVE SCHEDULE OF READING ASSIGNMENTS

I. Introduction & General Principles
   8.23  Introduction to public utility regulation. Read pp. 26-51.

II. Energy & Natural Resources
   9.13  Split estates and coalbed methane. Read pp. 460-482.

III. Utilities Regulation
   10.4  NO CLASS.
   10.9* [Double class.] Natural gas and restructuring (cont’d). Read pp. 522-542.
   10.11-10.18 NO CLASS
   10.30  Retail electric power competition. Read pp. 683-694, 702-713.

IV. Cleaner Energy
   11.1  Climate change policies. Read pp. 765-781, 801-807.
   11.6  Incentives for renewable energy. Read pp. 875-889, 905-912, 915-918.
   11.20 Nuclear power. Read pp. 1012-1035.
   11.27 Nuclear waste. Read pp. 1045-1062.
   11.29 Biofuels. Read pp. 1085-1104.
   12.4  Automotive fuel efficiency. Read pp. 1104-1119.