Introduction to Energy Law and Policy

JOHNS HOPKINS UNIVERSITY
Krieger School of Arts and Sciences (KSAS),
Advanced Academic Programs (AAP),
ENERGY POLICY AND CLIMATE (EPC)
1717 Massachusetts Avenue, N.W., Washington D.C.

Energy Policy and Climate Program
Introduction to Energy Law and Policy
425.605.81.SU19
Peter Saundry
May 15 – August 21

Note: Small changes will be made to this syllabus before the first class

1. Instructor, Course Information & Objectives

Instructor:
Dr. Peter Saundry is a Senior Fellow of the National Council for Science and the Environment. He can be contacted by e-mail at psaundr1@jhu.edu. E-mails will usually be answered with 24 hours. If urgent send a text to 202-365-0187.

Course Description:
This course will provide students with a legal and policy framework for understanding the energy system as it exists today and for the foreseeable future. It will also attempt to provide students have skills that will help them be professionally productive when addressing energy issues.

The course will examine the complex energy system that permeates all modern societies and makes possible the lifestyle which nearly every person enjoys or aspires to – housing, transportation, clean water, food, heating and cooling, and a myriad of machines and devices. Every part of the energy system has consequences and requires choices – Who gets access to energy and at what price? How do we limit pollution? What role do governments play and what should be left to the free market? Where do national security, human rights, environmental factors, and other issues fit within energy laws and policies? There are not single or simple answers to these questions. The diversity of energy sources, technologies, and uses is shaped by an equally complex array of regulations and policies codified into a variety of laws, some working together, some in conflict. Recognizing, without being overwhelmed by, this complexity lies at the core of this course.

The words "law" and "policy" in the title of this course do not refer to a unified or consistent approach to energy. Instead, these words refer to a large and often contradictory set of laws and policies which are
evolving as a result of changing scientific understanding, technology, social values, economic concerns, strategic considerations, and legal decisions.

As a backdrop to this course, it should be recognized that the energy system in the United States and globally is undergoing relatively rapid change. As a result, there will be many profound challenges and changes to energy law and policy over the coming decades.

For each topic, this course will provide:

- A brief “In Context” section to frame the issue in terms of the overall energy system.
- A survey of the primary laws and regulatory bodies relevant to the topic.
- A survey of the main issues of contention at this time. These will be explored with significant use of reports by the Congressional Research Service and congressional hearings and testimony and other materials. Other sources will be utilized.
- Case studies of significant legal decisions that have attempted to clarify and reconcile energy laws and their meaning. Often, but not always, these will be decisions by the U.S. Supreme Court. In some instances, case studies will be decisions made at a lower level which may come to the Supreme Court in the near future.
- An exploration of the possible, or likely, future issues of contention.

It should be recognized that this course is an introduction to a subject that is vast and complex. The goal is not to be comprehensive, but to provide a framework for understanding energy laws and policies and a glimpse of the many vital issues that form the life's work of people working in the energy area. Students should gain an increased ability to explore and understand this hugely significant subject in depth and context moving forward along a variety of career paths.

Course Goals and Learning Outcomes

In addition to gaining an increased understanding of energy law and policy ability to explore issues in depth, students should, as a result of taking this course, be able to:

- Understand the respective roles of critical laws, agencies, and regulatory bodies in the functioning of different parts of the energy system and market and the conflicts that arise between different laws, policies, and actors;
- Understand how contemporary and emerging energy and environment issues and policies fit within, or conflict with, the framework of energy law.
- Understand different perspectives and approaches to each issue, particularly those that may contradict their own.
Discuss the benefits, problems, major laws and policies associated with different energy sources and various components of the energy system;

Understand how to impact the energy system through energy laws and policies.

Analyze the merits of arguments advanced by energy advocates and parties to legal challenges to energy laws.


Next Steps: Carefully review the remaining sections of the syllabus. Once you feel that you are ready to dive into the first week’s activities, click on the Lessons button on the left-side navigation menu. Then, click on Week 1, to begin.

What To Expect in this Course

This course is 14 weeks in length and includes individual, group, and whole group activities in a weekly cycle of instruction.

Each week begins on a Wednesday and ends on the following Tuesday. Please review the course syllabus thoroughly to learn about specific course outcomes and requirements.

Each week, you will complete readings that may include videos, multimedia presentations, web-based resources, and articles from professional journals.

A reading may be integrated within an activity during the week or provide some essential information to assist your learning.

In this course, you will also experience online learning activities, which include discussion boards, group work, and online multimedia presentations.

Be sure to refer to the Checklist each week (at the end of each lesson), which provides a week-at-a-glance and shows targeted dates for the completion of activities.

Teaching Style:

The course will be delivered primarily through online modules, reading, and discussions.

This course will be comprised of 14 modules/lessons. Each Module will include 4-6 recordings (Panopto videos) of lectures by the instructor. The slides presented in these lectures will be available on Blackboard. A transcript of the lectures will be available in some (but not all) instances.

Reading assignments will include "core" text plus "choice" texts. Everyone will read "core" text." Students may select among "choice" texts according to their interests.
Students will also be assigned certain websites to explore for their long-term usefulness as reference sites.

Lecture portions of the class will be interspersed with discussion portions to engage students in each part of the subject matter.

Students will complete a quiz and engage in online discussions each week; and, develop two written products in this course and will work on them throughout the course. Each written product will go through at least two drafts with feedback before the completed version is submitted. These products are intended to be vehicles learning both skills and content that will be useful outside the classroom. Students will be able to select the topics for these products and may use the same issue for the products.

Please review the course syllabus thoroughly to learn about specific course outcomes and requirements.

II. Course material

Readings

  
  This is a useful textbook, but it does not cover many important aspects of the course which will be covered by other materials

- **Other**: Includes electronic readings on the course Blackboard site, under the “Readings” tab and online hyperlinks (accessed via the online version of the Syllabus on the course Blackboard site, under the “Syllabus” tab).

  Note that in many modules the reading list includes a large number of reports from the Congressional Research Service. Students will only be required to read 1-2 CRS reports each week from the list.

  Students will also be assigned certain websites to explore for their long term values as references.

- **News** Students are expected to keep abreast of significant energy news and in-class, and online discussions may include some element of "did you read the news that . . ."  

- **Podcasts**: There are many podcasts that students may find valuable, including The Energy Gang, The Interchange, Columbia Energy Exchange, and Energy 360.

**Specific Technology Requirements & Skills for this Course**

Students need to be able to:

- Navigate in and use Blackboard; the Blackboard Student Orientation course on your “My Institution” page
Introduction to Energy Law and Policy

- Create and save MS Word documents; see MS Word training and tutorials for PC users (all versions); Word Help for Mac users
- Find essential resources on the Internet
- Create and organize files & folders on your computer
- Send, receive, and manage email
### III. Classes, Topics, and Activities

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<th>Title</th>
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1.2. Energy Basics  
1.3. Energy Economics and Policy Basics  
1.4. Federalism and Distributed Power | • Chapters 1 & 2  
• Module 1 Quiz  
• Module 1 Discussion  
• Additional Readings |
| 2. May 22 – 28 | Introduction to Administrative Law         | 2.1. Introduction to the U.S. Law  
2.2. Introduction to U.S. Judicial System  
2.3. Introduction to Administrative Law  
2.5. Massachusetts v. EPA (2007) | • Chapter 3  
• Module 2 Quiz  
• Online Discussion  
• Additional Readings |
| 3. May 29 - June 4 | Electricity and “Public” Utilities         | 3.1. Natural Monopolies and “Public” Utilities  
3.2. PURPA and the beginning of electricity reforms  
3.3. Restructuring in Electricity Markets  
3.4. The Electric System Today  
3.5. The Rise of Distributed Energy Systems | • Chapters 4 & 8  
• Module 3 Quiz  
• Module 3 Discussion  
• Additional Readings |
4.2. Regulatory Taking  
4.3. Clean Water Act  
4.4. Mountaintop Removal Mining  
4.5. National Environmental Policy Act  
4.6. The Coal Program and Public Lands | • Chapter 7 A & B  
• Module 4 Quiz  
• Module 4 Discussion  
• Review of Supreme Court case part 1  
• Additional Readings |
| 5. June 12 – 18 | Coal Power and the Clean Air Act            | 5.1. Coal and Criteria Air Pollutants  
5.2. Interstate Air Pollution  
5.3. The Mercury and Air Toxics Standard (MATS)  
5.4. Regulating Emissions of Greenhouse Gases  
5.5. The Clean Power Plan | • Chapter 7 C, D, F, G, and H  
• Module 5 Quiz  
• Module 5 Discussion  
• Additional Readings |
<p>| 6. June 19 – 25 | Oil and Natural Gas Production             | 6.1. Introduction to Oil and Natural Gas | • Chapter 5 &amp; 6 |</p>
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• Module 10 Quiz  
• Module 10 Discussion  
• Review of Supreme Court case part 3  
• Additional Readings |
|            | **Energy Use, Conservation, and Efficiency** | 12.1. Energy Use in Context, Federal Policies, State Policies, Demand Management | • Chapter 11 Section B  
• Module 12 Quiz  
• Module 12 Discussion  
• Additional Readings |
• Module 13 Quiz  
• Module 13 Discussion  
• Review of Supreme Court case final  
• Additional Readings |
• Module 14 Quiz  
• Module 14 Discussion  
• Policy Review final |
IV. Assessment

Review of legal case argued before U.S. supreme Court 350 points
Online Quizzes 280 points
Policy Review 230 points
Participation in Discussions 140 points
Total 1,000 points

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Letter Grade & Percentage

The grading scale for students enrolled for credit is:

- **A+** 98% to 100%
- **A** 94% to less than 98%
- **A-** 90% to less than 94%
- **B+** 88% to less than 90%
- **B** 84% to less than 88%
- **B-** 80% to less than 84%
- **C** 70% to less than 80%
- **F** 0% to less than 70%
Assignment Guidelines
How should assignments be submitted?

The weekly directions will indicate where assignments will be posted (e.g., to an assignment submission link within the Lessons area). If submitting documents for an assignment or discussion forum, please specify the assignment name in the document title or the discussion thread.

When creating files, include your name and the name of the assignment in the file title. Also, please be sure to only include one period in file names. The period should be between the file name and the extension. Use underscores instead of spaces in file names (Blackboard does not like spaces).

For example psaundr1_assignment1.docx. Acceptable file submission formats are DOCX and PDF unless otherwise stated.

APA Formatting and Style.

All papers, discussion posts, and assignments must use APA citation style to credit sources. Papers must also be formatted according to APA guidelines.

Turnitin.

The written assignments will be submitted using Turnitin, an educational tool that helps identify and prevent plagiarism from Internet resources.

You will be required to submit your memos and paper electronically using the Turnitin link during certain weeks of class. You do not need a Turnitin account.

Your assignment will be assigned an originality score and report which you and Professor Saundry will be able to see. You are allowed to submit your paper multiple times up to the due date, and Professor Saundry will grade the last submission by default. To learn more about Turnitin, go to http://turnitin.com/.

When will assignments be due?

Assignment and activity due dates are listed in this syllabus and the weekly checklists. Professor Saundry will announce changes in the online classroom via the announcements tool. Some larger assignments will be completed over several weeks. In these cases, you will be prompted to complete portions of the assignment each week.

When will completed assignments be returned?
Professor Saundry will aim to return assignments to you within 5-7 days following the due date, depending on the length of the assignment. You will receive feedback under the My Grades link in the left-hand menu of your course.

**What is the policy for late assignments?**

You are expected to contact Professor Saundry in advance if you think you cannot meet an assignment deadline. However, if an assignment is late and prior arrangements have not been made with Professor Saundry, the assignment score will be marked zero. No exceptions.

**Time Management Expectations**

**What is the time demand and schedule of the course?**

Because this is a graduate-level course, the rigor and time commitment is higher than a traditional semester course. It is expected that you look ahead to schedule your time — plan to complete coursework across several days of the week rather than all in one day.

Some assignments require that you work on them for multiple weeks. Be sure to review the assignment directions at the beginning of the course so that you can plan your time accordingly. Please seek help before becoming frustrated and spending a significant amount of time to resolve an issue.

**V. Course Participation & Communication Policy**

**Participation**

**What are the participation requirements?**

You are expected to log into Blackboard at least three times a week, though a daily check-in is recommended.

It is your responsibility to read all announcements and discussion postings within your assigned forums.

You should revisit the discussion multiple times over the week to contribute to the dialogue and review feedback from your peers.

Each week there will be a discussion prompt. Each discussion forum prompt requires an initial (primary) post and one or more substantive response (secondary) posts. Your first post should be a direct response to the prompt and be submitted by Saturday evening each week. Subsequent posts should be in response to posts by your classmates. Engaging in a lively but
constructive discussion (see "Netiquette below) will be very beneficial, so I encourage you to contribute to discussion well beyond the minimum.

Posting details and requirements are further specified in each discussion prompt’s directions.

I will be reading your posts daily, but I generally refrain from directly commenting on most posts (unless you specifically address a question to me).

I will occasionally interject to guide the conversation back on track, to connect student ideas, and to share examples that deepen your understanding.

For the most part, the discussion area is intended for you and your peers to discuss and debate the lesson topic, readings, activities, and themes. I recognize that frequent posts from me tend to distract and stifle rich student conversation.

**Network Etiquette (i.e. “Netiquette”)**

In this course, online discussion will primarily take place in our online discussion board. In all online textual communication, it’s important to follow proper rules of netiquette.

What is netiquette? Simply stated, it's network etiquette -- that is, the etiquette of cyberspace. And "etiquette" means the social and cultural norms of communicating with others properly and respectfully. In other words, netiquette is a set of rules for behaving and interacting properly online.

The Netiquette “Core Rules” linked below are a set of general guidelines for cyberspace behavior. They probably won't cover all situations, but they should give you some basic principles to use in communicating online.

For Netiquette Core Rules visit [The Core Rules of Netiquette](#) web page.

**Contacting the Instructor**

The instructor for this course is Professor Saundry (jpsaunder1@jhu.edu). Feel free to contact me with comments, questions, and concerns.

You will receive a response within 24-48 hours.

All email messages will be sent to you via your JHU email account, so you should be in the habit of checking that account every day or you should ensure that your JHU email account forwards messages to another account of your choice.

Professionalism and respect are expected throughout this course, whether online, in person, emailing, or calling.
VI Course Protocols

How will I know about changes to the course?

Frequently, you will find new announcements posted in the Announcements, which contain information about current course activities that you are working on and any changes to the course. Please check announcements every time that you log into your online course.

How should I communicate with others in this course?

You should often communicate with your classmates and with Professor Saundry. The majority of communication will take place within the Discussion forums. When you have a question about an assignment or a question about the course, please email Professor Saundry (psaundr1@jhu.edu), or post your question in the course’s “Ask Your professor” forum.

Are there any requirements for sending e-mail messages?

When you send an e-mail message to the instructor or another participant in the course, please observe the following guidelines:

- Include the title of the course in the subject field (e.g., JHU Energy Tech).
- Keep messages concise, and check spelling and grammar.
- Send longer messages as attachments.
- Sign your full name (the sender’s email is not always obvious).

VII University Policies

General

This course adheres to all University policies described in the academic catalog. Please pay close attention to the following policies:

Students with Disabilities

Johns Hopkins University is committed to providing reasonable and appropriate accommodations to students with disabilities. Students with documented disabilities should contact the coordinator listed on the Disability Accommodations page. Further information and a link to the Student Request for Accommodation form can also be found on the Disability Accommodations page.

Ethics & Plagiarism

JHU Ethics Statement: The strength of the university depends on academic and personal integrity. In this course, you must be honest and truthful. Ethical violations include cheating on exams, plagiarism, reuse of assignments, improper use of the Internet and electronic devices,
unauthorized collaboration, alteration of graded assignments, forgery and falsification, lying, facilitating academic dishonesty, and unfair competition. Report any violations you witness to the instructor.

Read and adhere to JHU's Notice on Plagiarism.

Dropping the Course

You are responsible for understanding the university’s policies and procedures regarding withdrawing from courses found in the current catalog. You should be aware of the current deadlines according to the Academic Calendar.

Getting Help

You have a variety of methods to get help on Blackboard. Please consult the resource listed in the "Blackboard Help" link for important information. If you encounter technical difficulty in completing or submitting an online assessment, please immediately contact the designated help desk listed on the AAP online support page. Also, contact your instructor at the email address listed in the syllabus.

Copyright Policy

All course material are the property of JHU and are to be used for the student’s individual academic purpose only. Any dissemination, copying, reproducing, modification, displaying, or transmitting of any course material content for any other purpose is prohibited, will be considered misconduct under the JHU Copyright Compliance Policy and may be cause for disciplinary action. In addition, encouraging academic dishonesty or cheating by distributing information about course materials or assignments which would give an unfair advantage to others may violate AAP’s Code of Conduct and the University’s Student Conduct Code. Specifically, recordings, course materials, and lecture notes may not be exchanged or distributed for commercial purposes, for compensation, or for any purpose other than use by students enrolled in the class. Other distributions of such materials by students may be deemed to violate the above University policies and be subject to disciplinary action.

Code of Conduct

To better support, all students, the Johns Hopkins University non-academic Student Conduct Code has been integrated and updated to include all divisions of the University. In addition, it is important to note that all AAP students are still accountable for the Code of Conduct for Advanced Academic Programs.

Title IX

Confidentiality and Mandatory Reporting
As an instructor, one of my responsibilities is to help create a safe and inclusive learning environment on our campus. I also have mandatory reporting responsibilities related to my role as a Responsible Employee under the Sexual Misconduct Policy & Procedures (which prohibits sexual harassment, sexual assault, relationship violence, and stalking), as well as the General Anti-Harassment Policy (which prohibits all types of protected status-based discrimination and harassment). It is my goal that you feel able to share information related to your life experiences in classroom discussions, in your written work, and our one-on-one meetings. I will seek to keep the information you share privately to the greatest extent possible. However, I am required to share information that I learn of regarding sexual misconduct, as well as protected status based harassment and discrimination, with the Office of Institutional Equity (OIE). For a list of individuals/offices who can speak with you confidentially, please see Appendix B of the JHU Sexual Misconduct Policies and Laws.

For more information on both policies mentioned above, please see: JHU Relevant Policies, Codes, Statements, and Principles. Please also note that certain faculty and other University community members also have a duty as a designated Campus Safety Authority under the Clery Act to notify campus security of certain crimes, as well as a duty under State law and University policy to report suspected child abuse and/or neglect.