



2019 Landscape Discussion on
Energy Law & Policy in the Rockies

FRIDAY, OCTOBER 25, 2019

MARIAN H. ROCHELLE GATEWAY CENTER

LARAMIE, WYOMING

Hosted by:

University of Wyoming School of Energy Resources and
UW College of Law's Center for Law and Energy Resources in the Rockies
in Collaboration with the Energy and Natural Resources Section of the Wyoming State Bar

AGENDA

7:30 – 8:30 Registration Open/Breakfast Available

8:30 – 8:45 Welcome by University of Wyoming Interim President Neil Theobald, School of Energy Resources Director Mark Northam, and UW College of Law Dean Klint Alexander

8:45 – 9:10 Setting the Stage: The State of Energy in the Region, Former Wyoming Governor Dave Freudenthal

9:10 – 10:30 Panel 1: The Energy Transition: The Disparate Roles, Impacts and Influences of Federal & State Law and Regulation

MODERATOR:

Kipp Coddington (University of Wyoming, School of Energy Resources)

PANELISTS:

Federal Energy Policies Impacting the Energy Transition: **Kate Farr** (Sen. John Barrasso's Office)

A Perspective from the Public Service Commission: **Kara Fornstrom** (Wyoming PSC)

An Academic View on the Energy Transition: **Sharon Jacobs** (University of Colorado, School of Law)

What Happens to Rate Payers During the Transition? **Amy Oliver Cooke** (Independence Institute, Energy & Environmental Policy Center)

10:30 – 10:45 Networking Break

10:45 – 12:15 Panel 2: Hot Topics in Oil & Gas

MODERATOR:

Tara Righetti (University of Wyoming, College of Law)

PANELISTS:

Colorado Oil and Gas Commission Reform: **David Neslin** (Davis Graham & Stubbs)

Landowners' Perspectives: **Tom Toner** (Yonkee & Toner, LLP)

National Oil and Gas Overview: **John Martin** (Holland & Hart)

Wyoming Oil and Gas Commission APD/Operatorship Changes: **Jamie Jost** (Jost Energy Law)

12:15 – 12:45 Lunch

Wyoming State Bar ENR Section Presentation

Salt Creek Energy Scholarship Presentation

1:00 – 1:30 Keynote

Randall Luthi, Chief Energy Advisor to Governor Mark Gordon

1:30 – 1:45 Networking Break

1:45 – 3:45 Panel 3: Legal Uncertainty in Coal Country

MODERATOR:

Rob Godby (University of Wyoming)

PANELISTS:

Coal Mine Permitting and Reclamation Concerns: **Shannon Anderson** (Powder River Basin Resource Council)

Coal Mine Bankruptcy as Bailout? **Joshua Macey** (Cornell School of Law)

The Local Effects of Coal Uncertainty: **Carol Seeger** (Campbell County Attorney's Office)

The Perspective of a Coal Country Legislator: **Representative Eric Barlow** (Wyoming Legislature)

3:45 – 4:00 Conclusion

***Conference Master of Ceremonies:* **Temple Stoellinger** (University of Wyoming)

On behalf of the University of Wyoming's School of Energy Resources (SER), the College of Law's Center for Law and Energy Resources in the Rockies (CLERR), and the Natural Resource Section of the Wyoming State Bar Association, thank you for your attendance today! We hope that you find the conference both informative and worthwhile. Your presence helps to make this event a success and we hope that you'll continue to be engaged with our energy and law events in the future.

We would like to extend a special thank you to members of this year's steering committee: Rebecca Watson, Dessa Reimer, Alex Obrecht, and Alison Gee. We sincerely appreciate your efforts in making this conference a success. We would also like to thank our generous sponsors. Without your contributions, we could not host this event.

Thank you!

KEYNOTE SPEAKER

Randall Luthi

Chief Energy Advisor to Governor Mark Gordon

An attorney, rancher and former Speaker of the Wyoming House of Representatives from Lincoln County, Randall Luthi was appointed Chief Energy Advisor to Mark Gordon in July of 2019.

Luthi joined the Gordon administration after serving nearly 10 years as President of the National Ocean Industries Association (NOIA), a membership association representing all facets of the domestic offshore energy industry. Prior to joining NOIA, Luthi worked at the Department of the Interior, serving as Director of the Minerals Management Service and Deputy Director of the Department's Fish and Wildlife Service.

An attorney and rancher from Freedom, Luthi was first elected to the Wyoming House in 1995 and served as Speaker in 2005 and 2006. During his tenure as a state legislator he served on the Judiciary Committee, Management Audit Committee, and Management Council. He founded the law firm of Luthi & Voyles, LLC, in Thayne in 2000. Luthi earned Bachelor of Science and law degrees from the University of Wyoming.



SPEAKERS AND MODERATORS



Klint Alexander, Dean and Professor of Law, UW College of Law

Dr. Klint Alexander is Dean and Professor of Law at the University of Wyoming College of Law. He joined the College of Law in 2015 and was previously a partner in a major Southeastern law firm where he practiced in the areas of energy and natural resource law, utilities regulation and foreign trade and investment law. For the past two decades, Alexander has served in teaching and leadership roles at several major institutions, including Yale University, Vanderbilt University and the University of London.

Shannon Anderson, Powder River Basin Resource Council

Shannon returned to her hometown of Sheridan to work as a Staff Attorney at the Powder River Basin Resource Council in October 2007. Since that time, she has provided strategic legal and organizing support to address the impacts of coal mining and power plants on people and places in Wyoming. She also provides support on other energy issues, including oil and gas, renewable energy, and uranium development. Shannon is a graduate of Grinnell College, and she received her J.D., cum laude, from Lewis & Clark Law School in 2005. She also has a certificate in Environmental and Natural Resources Law from Lewis & Clark, and she is a member of the Wyoming Bar.



Representative Eric Barlow, Wyoming Legislature

Eric Barlow is a fourth generation Wyoming rancher from Campbell County and operates the family cattle and sheep ranch with his wife, Kelly. He previously practiced food animal veterinary medicine for twenty years. Eric is currently in his fourth term in the Wyoming House of Representatives and serves as Majority Floor Leader.

Kipp Coddington, Director, UW Center for Energy Regulation & Policy, and Director, Energy Policy & Economics and the School of Energy Resources

A chemical engineer and lawyer, Mr. Coddington has more than two decades of experience in helping energy companies address some of their most challenging energy, environmental, and climate change issues. He is an international CCS/CCUS expert, having testified twice before committees of the U.S. Congress on the topic. He is the immediate past chair of the International Organization for Standardization's Technical Committee tasked with developing the world's first standards for CCS/CCUS. He co-founded the North American Carbon Capture & storage Association, and served on various CCUS advisory panels. He is a co-principal investigator on the University of Wyoming's DOE-funded CarbonSAFE project in Gillette, Wyoming. He practiced law for major international firms, ultimately living in London to advise clients on Kyoto Protocol carbon credit deals. He co-founded a boutique energy and environmental law firm, leading its Washington, D.C. office.



Amy Oliver Cooke, Executive Vice President & Director, Independence Institute, Energy & Environmental Policy Center

Amy Oliver Cooke is the Executive Vice President and Director of the Energy and Environmental Policy Center for the Independence Institute, Colorado's free market, state-based think tank. She is also the founder of the Colorado non-profit organization the Coalition of Ratepayers to provide a voice for captive ratepayers and to intervene in regulatory proceedings on behalf of small business and residential utility customers. In December 2016, she was honored to be the second person named to President Trump's Transition Team for the Environmental Protection Agency. Amy is also a senior fellow with the Independent Women's Forum, and a National Advisory Board member for the Steamboat Institute. Amy earned her Bachelor of Journalism at the University of Missouri-Columbia and graduate degree in American History at the University of Northern Colorado.



Kate Farr, Energy Counsel U.S. Senator Barrasso, M.D.

Kate serves as Energy Counsel to U.S. Senator John Barrasso, M.D., of Wyoming. Her portfolio includes oil, gas, coal, and renewable energy policy. She also advises the Senator on utilities and carbon capture technologies. Prior to joining Senator Barrasso's team, she worked for Chairman Rob Bishop of Utah on the House Committee on Natural Resources. Kate holds undergraduate degrees in History and Government from Georgetown University, and a law degree from the University of Texas at Austin.



Kara Fornstrom, Deputy Chair, Public Service Commission

Governor Mead appointed Kara to the PSC on March 1, 2013. Governor Gordon re-appointed her to another six-year term on March 1, 2019. She received her undergraduate degree from UW and her JD from the University of Nebraska College of Law. Kara started her legal career at the Wyoming A G's Office, working on the Nebraska v. Wyoming litigation. In August 2000, she was a founding partner of Hageman & Brighton where her practice focused exclusively on water issues, including representation of several irrigation districts and agricultural interests. Kara is active in NARUC, including being a member of the Board of Directors; Member of the Committee on Electricity; and Vice-Chair of the Clean Coal and Carbon Management Subcommittee. In addition to NARUC, Kara represents Wyoming on various regional boards and associations, such as EIM BOSR; WECC MAC; WIRAB; CREPC; and NTTG. In addition to her Commission duties and representation, Kara focuses her efforts on carbon capture technologies, especially related to development of innovative rate making tools to incentivize regulated utilities to engage in CCUS projects. She has traveled to China and the U.K. on CCUS related missions.



Dave Freudenthal, Attorney, Freudenthal Law Office, LLC

A native and Governor of The State of Wyoming between 2003 and 2011, Dave Freudenthal is a leader in for natural resource development issues in Wyoming. In fact, Freudenthal's leadership on natural resource development issues led to his service as Chairman of the Western Governors Association and Chairman of the Interstate Oil and Gas Compact Commission. Freudenthal was born and raised in Wyoming. He graduated from Amherst College in 1973 and returned to Wyoming to take a position as an economist with the State. Governor Ed Herschler appointed him State Planning Coordinator in 1975. After graduating from the University of Wyoming College of Law in 1980, Freudenthal opened his own one-person law firm in Cheyenne. The firm grew into a general practice firm representing individuals and business. In 1994, he was appointed U.S. Attorney for the District of Wyoming. Following his two terms as Governor, Freudenthal taught part time at the University of Wyoming, then practiced with Crowell & Moring until January 2017 when he opened Freudenthal Law Office, LLC in Cheyenne.



Robert Godby, Director, University of Wyoming's Center for Energy Economics & Public Policy, Associate Professor, University of Wyoming's Economics Department

Rob currently serves as the Director of the University of Wyoming's Center for Energy Economics and Public Policy, and is also an Associate Professor in the Economics Department at UW. His research areas include natural resource, energy and environmental economics and policy, industrial organization and macroeconomic policy. He authored the book, *The European Financial Crisis: Debt, Growth and Economic Policy*, released in 2013, and "A Greek Tragedy and a European Odyssey: The Politics and Economics of the Euro-crisis" (with Stephanie Anderson), published in 2016. Rob has also authored or co-authored many professional journal articles and has prepared several studies for agencies of the Wyoming government on energy, economic development, labor market and education policy. His comments also often appear in the international, national and local media.



Sharon Jacobs, Associate Professor, University of Colorado Law School

Sharon Jacobs joined the University of Colorado Law School faculty in 2014 as an Associate Professor. She graduated cum laude from Harvard Law School in 2009, where she was the Executive Articles Editor of the Harvard Law and Policy Review. After graduation, Professor Jacobs practiced in the energy and environmental regulatory groups at Covington & Burling LLP in Washington, D.C. She then spent two years as a Climenko Fellow and Lecturer on Law at Harvard Law School. Professor Jacobs's research focuses on the impact of regulatory structure and process on policy outcomes in energy and environmental law. Recent projects have focused on agency decision making in the context of electricity regulation, greenhouse gas policy, and species preservation; agency strategies to "bypass" federalism limitations in the context of programs to encourage management of electricity demand (demand response); and methods of adapting existing legal constructs to new actors in electricity markets.



Jamie Jost, Founding & Managing Shareholder, Jost Energy Law, P.C.

Jamie focuses her practice on matters relating to exploration, development and production of oil and gas, as well as local, state, and federal regulatory issues in the Rocky Mountain region. With the exception of her role as Corporate Legal Counsel at Suncor Energy (U.S.A.) Inc., Jamie has represented the oil and gas industry in the private sector for over fifteen years. Additionally, she assists national and international clients with legislative and policy strategy planning, title, due diligence, acquisition and divestiture matters, land contracts and eminent domain matters. Jamie practices in front of both the Colorado and Wyoming Oil & Gas Conservation Commissions, as well as federal and state courts on various energy issues. Jamie has served the Colorado Oil & Gas Association in various capacities since 2010 and was COGA's Counsel from 2013 to 2016. She is also a past trustee and author for the Rocky Mountain Mineral Law Foundation. She received her J.D. from the University of Wyoming and her undergraduate degree, cum laude, in Environmental Science and Industrial Hygiene from Indiana State University.



Joshua Macey, Visiting Assistant Professor, Corness School of Law

Joshua Macey specializes in administrative law, environmental law, energy law, corporate law, bankruptcy, and the regulation of financial institutions. He is particularly interested in how these subjects intersect and implicate broader themes in administrative governance. His work has been featured in the Wall Street Journal and Harvard Law School's Forum on Corporate Governance and Financial Regulation, and has appeared or is forthcoming in the Stanford Law Review, the Stanford Law Review Online, the Pennsylvania Law Review, the Yale Law Journal, and the Michigan Law Review. Macey graduated from Yale College, the London School of Economics, and Yale Law School. He has worked at Morgan Stanley and clerked for Judge J. Harvie Wilkinson III on the Court of Appeals for the Fourth Circuit.



John Martin, Partner, Holland and Hart

John Martin has litigated high-profile cases under all of the major environmental statutes for clients in the mining, oil & gas, manufacturing, and chemical industries. John represents clients in environmental and natural resource issues. He has served as lead counsel in the defense of many cases brought by advocacy organizations and government agencies under environmental statutes. As a trial lawyer at the Department of Justice and in the Department of the Interior's Solicitor's Office, John represented federal agencies in environmental litigation. More recently, he has represented state agencies concerning natural resources and environmental matters. John earned his B.S. from the University of Wyoming and his J.D. from the Georgetown University Law Center.



David Neslin, Of Counsel, Davis Graham & Stubbs LLP

David Neslin specializes in Energy and Environmental Legal Matters. Prior to joining Davis Graham & Stubbs LLP, Mr. Neslin led the Colorado Oil & Gas Conservation Commission (COGCC) for four years, where he oversaw record levels of oil and gas permitting, development, and production. Under his leadership, the COGCC also completed bellwether rulemakings to tackle emerging regulatory issues, including those involving hydraulic fracturing, green completions, and waste management. Mr. Neslin has worked with federal and state legislators, regulators, industry representatives, environmental groups, and other stakeholders to encourage the responsible regulation of energy development, and he frequently writes and speaks on the subject.





Dr. Mark Northam, Director, School of Energy Resources, University of Wyoming

Mark Northam is the founding Director of the School of Energy Resources at the University of Wyoming. He came to the university after a year and a half with Saudi Aramco in Dhahran, Saudi Arabia where he worked as a Research Science Consultant in the areas of Carbon Management and Technical Intelligence at the Research and Development Center. Prior to joining Saudi Aramco, Mark worked for over twenty years at Mobil and ExxonMobil, holding a variety of research, operations, and management positions in the US and Europe. Mark earned a Ph.D. degree in Organic Geochemistry from the University of Texas at Austin and a Bachelor of Science degree in Chemistry from Wake Forest University. He is originally from Virginia.

Tara Righetti, Director, Professional Land Management Program, Associate Professor, University of Wyoming College of Law and School of Energy Resources

Tara Righetti is the Director for the UW School of Energy Resources Professional Land Management concentration within the academic program for Energy Resource Management and Development, and is an Associate Professor of Law. Prior to joining the University of Wyoming College of Law and SER faculty in the fall of 2014, she served as CEO and general counsel of a privately owned upstream oil and gas company. She is a member of the state bars of Texas and California, an a Certified Professional Landman and member of AAPL. Professor Righetti teaches classes on oil and gas law, energy transactions, energy resources management, and advanced corporate law. She is also a Trustee-at-large with the Rocky Mountain Mineral Law Foundation.



Carol Seeger, Deputy County Attorney, Campbell County Attorney's Office

Carol Seeger obtained her Bachelor of Science degree in public administration from the University of Missouri in Columbia and her Juris Doctorate degree from the University of Missouri located in Kansas City. During her time in Wyoming, her primary employment has been with the Campbell County Attorney's Office as a deputy county attorney where she serves as legal counsel to county government and its elected officials, boards and departments for over twenty years. Carol is a past chair of the Board of Directors of AVA, a local art advocacy organization and has served on the City of Gillette Parks and Beautification committee as well as on the board for the Council of Community Services. She currently serves on the Board of Directors for Legal Aid of Wyoming and is President of the Board of Directors for the Wyoming Humanities.



Temple Stoellinger, Co-Director, Center for Law and Energy Resources in the Rockies Assistant Professor, Haub School of Environment and Natural Resources

Temple Stoellinger joined the University of Wyoming in 2013. Temple has a dual appointment at the Haub School of Environment and Natural Resources where she is an Assistant Professor, and the College of Law where she is the Co-Director of the Center for Law and Energy Resources in the Rockies. Before joining UW, Temple has served as the natural resource attorney for the Wyoming County Commissioners Association, as a natural resource analyst and advisor to Wyoming Governor Dave Freudenthal and has worked in the Projects and Technology Legal Department for Shell, International B.V. at their world headquarters in the Netherlands.



Neil Theobald, Acting President, University of Wyoming

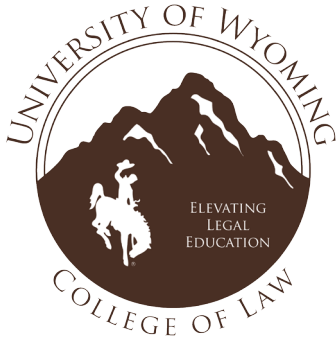
Neil Theobald began service as the University of Wyoming's acting president July 1, 2019. Before his appointment to the university's top leadership post by the UW Board of Trustees, Theobald served as UW's vice president for finance and administration. His extensive career in higher education administration has included multiple roles at Indiana University, where he was a tenured professor for two decades and served in a number of administrative positions -- as senior vice president and chief financial officer, senior vice chancellor, and director of the Indiana Education Policy Center. From 2012-16, he was the president of Temple University.



Tom C. Toner, Of Counsel, Yonkee & Toner, LLP

Tom Toner has practiced law in Sheridan, Wyoming since 1973. He represents landowner and mineral owners against energy companies. He graduated from the University of Wyoming College of Law with honors in 1973. He has practiced law in Sheridan, Wyoming his entire career and was a founding partner of the law firm Yonkee & Toner, LLP. He is a fellow in the American College of Trial Lawyers. His practice areas are: litigation (except personal injury and criminal defense); natural resources; estate planning; and commercial and real estate transactions.

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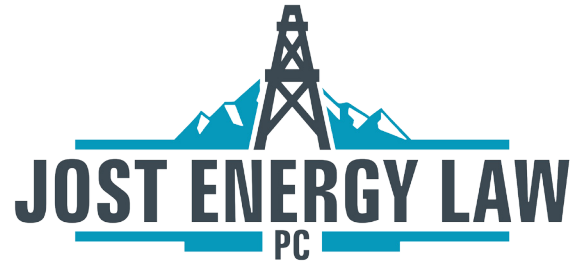


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Natural Resource Lawyers for the Rockies



Established in 2015 by University of Wyoming alums and benefactors practicing in the areas of oil and gas and energy law, the Salt Creek Energy Excellence Scholarship is awarded to students demonstrating academic achievement and a commitment to the study and practice of energy law.

In addition to providing financial assistance to top students who excel in the areas of energy and oil and gas law, the Salt Creek Scholarship builds a network of practitioners and scholars to help improve job placement and mentorship opportunities within the energy sector.

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