

**Featuring Speakers From:**

- Arizona Competitive Power Alliance
- Attorney General's Bureau of Consumer Protection
- Bricker & Eckler LLP
- Edison Electric Institute
- Environment Colorado
- Federal Energy Regulatory Commission
- GDS Associates, Inc.
- Hale Lane Peek Dennison and Howard
- Harvard Electricity Policy Group
- McDowell & Associates PC
- Natural Resources Defense Council
- Navigant Consulting, Inc.
- NERA Economic Consulting
- Pacific Economics Group
- PacifiCorp
- Public Utilities Commission of Nevada
- Renewable Northwest Project
- Sierra Pacific Resources
- Standard & Poor's
- STAR Group, LLC

*A Comprehensive Two-Day Conference on Current*

# Utility Rate Case Issues & Strategies

*Featuring The Hon. Marc Spitzer, Commissioner, FERC*

**February 22 & 23, 2007**

Las Vegas, Nevada

Monte Carlo Resort & Casino

**Credits:** NV CLE 11.5 (call about others)

**Quick when/where:** 8:30 a.m., 3770 Las Vegas Boulevard South

**Utility Rate Case Issues & Strategies Conference**

February 22 & 23, 2007 | Las Vegas, Nevada  
 Monte Carlo Resort & Casino

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8:00 Registration and Continental Breakfast

8:30 Introduction & Overview

**Katherine A. McDowell, Esq., Program Co-Chair**  
McDowell & Associates PC ~ Portland, OR

**Frederick J. Schmidt, Esq., Program Co-Chair**  
Hale Lane Peek Dennison and Howard ~ Carson City, NV

**8:45 Special Address: Recent FERC Initiatives and Decisions with an Impact on State Rate Cases**

General view of state and federal roles; impact of FERC's new authority over siting of electric transmission facilities and gas pipelines; policies on the timing and placement of new generating resources

**The Hon. Marc Spitzer, Esq., Commissioner**  
Federal Energy Regulatory Commission ~ Washington, DC

**9:30 Rate Design in an Era Trending Away from Competitive Markets**

What cost of service rate design issues are surfacing now that retail competition is waning? How can rate design promote social policies such as greater energy efficiency? What are the trends among the states?

**Dr. David Harrison, Jr., Ph.D., MSc, Senior Vice President**  
NERA Economic Consulting ~ Boston, MA

10:15 Break

**10:30 Environmental Initiatives at the State Level That Directly Affect Decisions in Rate Cases or the Political Environment for Making Those Decisions**

Environmental advocate perspectives on rate setting as a tool for reaching environmental goals; what is likely to be coming in terms of legislative and ballot initiatives that will change the political environment for rate setting

**Audrey Chang, Staff Scientist**  
Natural Resources Defense Council ~ San Francisco, CA

**Rachel Shimshak, Director**  
Renewable Northwest Project ~ Portland, OR

**Matt Baker, Executive Director**  
Environment Colorado ~ Denver, CO

12:15 Lunch (on your own)

**1:30 Performance Based Ratemaking and Incentive Rates of Return: Current Advantages, Disadvantages, and Best Approaches**

Who is doing what? What has been working and what not? What customer options and measures are most meaningful and effective in obtaining service quality results? For conservation programs, what is the best way to de-couple profits from sales?

**Mark N. Lowry, Ph.D., Principal**  
Pacific Economics Group ~ Madison, WI

Industry perspective on the best approaches, performance standards and measurements, and ways to avoid unintended consequences

**Eric Ackerman, Senior Manager of Regulatory Policy**  
Edison Electric Institute ~ Washington, DC

3:00 Break

**3:15 Cost Basis for New Rates: Trends in the Use of Historic, Future, and Hybrid Test Years**

Legal and economic arguments; use of attrition adjustments to bring historic test years closer to future; factors that influence who wins and loses, and for finding the best fit for the circumstances in your state

**Frederick J. Schmidt, Esq., Program Co-Chair**

Ratepayer perspective

**Eric P. Witkoski, Esq., Consumer Advocate**  
Attorney General's Bureau of Consumer Protection  
Carson City, NV

Utility perspective

**Doug Larson, Vice President of Regulation**  
PacifiCorp ~ Salt Lake City, UT

**4:15 Resource Planning as a Cost Recovery Tool**

Trends among the states; whether its appropriate to have a presumption of prudence for cost recovery; getting into the boardroom early in the process

**Ronald J. Amen, Director**  
Navigant Consulting, Inc. ~ Redmond, WA

5:00 Reception for Attendees & Faculty



About the Conference

LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

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*"With rising fuel costs and increased investment in generation, transmission, and distribution infrastructure, many utilities are facing rate case and regulatory issues that directly impact the bottom line. But they're finding that the rules of the game are different. It's no longer just about cost of service and rate design. Technological advancements and cost reductions are making it possible for utilities to offer demand response and innovative pricing products. Regulators and customers are starting to demand these programs along with performance and generation portfolio standards. This conference will help energy professionals understand the new rate case environment and how to manage it to bring about win-win results for shareholders and customers."*

~ Program Co-Chairs: **Katherine A. McDowell, Esq.** and **Frederick J. Schmidt, Esq.**



8:00 Registration and Continental Breakfast

8:30 Introduction & Overview

Katherine A. McDowell, Esq., Program Co-Chair

Frederick J. Schmidt, Esq., Program Co-Chair

8:45 Optimal Capital Structures (Debt vs. Equity) and Imputed Debt Considerations for Long Term Contracts

Standard & Poor's new mechanism for looking at long term contracts (e.g. a renewables contract with a 20 year duration) and determining when the impact on the company's finances is significant enough to call it debt; other cost of capital issues

Anne Selting

Director, Utilities, Power and Project Finance Group  
Standard & Poors ~ San Francisco, CA

Industry perspective

Michael W. Yackira, CPA, Executive VP and CFO  
Sierra Pacific Resources ~ Las Vegas, NV

10:15 Break

10:30 Tax Issues in Ratemaking

Katherine A. McDowell, Esq., Program Co-Chair

11:15 Rate Case Treatment of Fuel Costs

Fuel adjustment clauses: Drafting tips to avoid unnecessarily complex implementation and the controversy that can result from ambiguities

Cary Cook, CPA, Sr. Project Manager, Regulatory Services  
GDS Associates, Inc. ~ Marietta, GA

12:00 Lunch (on your own)

1:15 Managing the Public Relations Aspects of Rate Cases

Managing information from announcement of the case through consumer sessions; how to deal with sensationalized participation for the media

Bill Moye, President  
STAR Group, LLC ~ Albuquerque, NM

2:00 Strategies for Working with Intervenor and Settling Cases with Multiple Parties

Avoiding problems during discovery and taking evidence; achieving settlement with a broad range of interest groups; partial settlements (just some issues or just some parties); extent to which cases settle at a discount, and whether that is advantageous

Ashley C. Brown, Moderator, Executive Director  
Harvard Electricity Policy Group ~ Cambridge, MA

Utility perspective

Sally W. Bloomfield, Esq.  
Bricker & Eckler LLP ~ Columbus, OH

Agency perspective

The Hon. Donald L. Soderberg, Esq., Chairman  
Public Utilities Commission of Nevada ~ Carson City, NV

Intervenor perspective

Greg Patterson, CPA, Director  
Arizona Competitive Power Alliance ~ Phoenix, AZ

3:30 Evaluations and Adjourn

### Upcoming Related Seminars:

SEPA & NEPA	Seattle, WA	Jan. 17
Buying & Selling Electric Power in the West	Seattle, WA	Jan. 18-19
Energy Markets and Regulation	Washington, DC	Mar. 15-16
Coal in the West	Denver, CO	Mar. 29-30
Climate Change Regulation for the Energy Industry	Washington, DC	Apr. 19-20

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## Registration & Other Conference Information

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**Tuition:** Regular tuition for this program is \$995 with a group rate of \$895 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$795. For students and people in their job for less than a year, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

### Substitution & Cancellation:

You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we

receive your cancellation by 5:00 p.m. on Friday, February 16, 2007. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The conference will be held at the Monte Carlo Resort & Casino at 3770 Las Vegas Boulevard South in Las Vegas, NV 89109 USA. Call the hotel directly at (702) 730-7400 for room reservations.

### Continuing Education Credits:

This program qualifies for 11.5 NV CLE credits. Upon request, we will apply for CLE credits in other states and other types of credits.

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a VHS or DVD recording and the written course materials, is available for \$1005. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

## Faculty: Utility Rate Case Issues & Strategies Conference

**Katherine A. McDowell**, *Program Co-Chair*, founder of McDowell & Associates PC, has worked on a full range of energy regulatory issues, including traditional and performance-based rate-making, utility mergers, sales and acquisitions and electric industry restructuring. She is listed in *The Best Lawyers in America*.

**Frederick J. Schmidt**, *Program Co-Chair*, shareholder at Hale Lane Peek Dennison and Howard, practices administrative and regulatory law. He is a former two term Commissioner on the Nevada Public Service Commission and served as Nevada's Consumer Advocate for customers of public utilities. Mr. Schmidt has presided over and litigated dozens of major utility rate cases.

**The Hon. Marc Spitzer**, *Special Address*, is a commissioner for the Federal Energy Regulatory Commission. Previously he was Chairman of the Arizona Corporation Commission where he focused on policies encouraging expansion of natural gas infrastructure; enhancing the ACC's renewables standard; and advancing consumer privacy concerns in telecommunications.

**Ashley C. Brown**, *Moderator*, is the Executive Director of the Harvard Electric Policy Group, a program of the Mossaver-Rahmani Center for Business and Government at Harvard's John F. Kennedy School of Government. He is of counsel to the law firm of LeBoeuf, Lamb, Greene and MacRae, and is a frequent lecturer throughout the world.

**Eric Ackerman**, Senior Manager of Regulatory Policy for the Edison Electric Institute, provides expertise, access to customers, policymakers and tools to maximize market potential and minimize the intrusion of unproductive regulation.

**Ronald J. Amen**, Director for Navigant Consulting, Inc., provides consulting services to electric and gas utilities with respect to cost allocation and pricing issues, regulatory planning and policy development, resource strategy, planning and financial analysis, and expert witness testimony.

**Matt Baker**, Executive Director of Environment Colorado, was a leader in the effort to pass the Colorado Clean Energy Act, requiring utilities to generate 10 percent of their ener-

gy renewable sources. He is on the Board of Directors of the Colorado Environmental Partnership.

**Sally W. Bloomfield**, partner at Bricker & Eckler LLP, practices public utility and administrative law involving representation of energy marketing companies and competitive telecommunications. She serves as regulatory counsel to Ohio's largest privately owned water utility.

**Audrey Chang**, staff scientist with the Natural Resources Defense Council's energy program, works on energy and utility regulation issues, promoting clean energy and effective climate change policies through research and advocacy in local, state and regional forums. Prior to joining NRDC, she worked as an energy efficiency and green building consultant.

**Cary Cook, CPA**, is a Senior Project Manager, Regulatory Services, for GDS Associates, Inc., a multi-service consulting and engineering firm focusing on electric, gas, water, and wastewater utilities. He has extensive experience in the electric utility industry and has testified before several regulatory agencies including the GA Public Service Commission, the Texas PUC, the AK Regulatory Commission, and FERC.

**Dr. David Harrison, Jr.**, Senior Vice President of NERA Economic Consulting, heads its global Environment Group, directs projects in environmental economics and policy, climate change, natural resource damage assessment, energy policy, economic impact assessment, and transportation. He served as a Senior Staff Economist on the US government's President's Council of Economic Advisors.

**Doug Larson**, Vice President of Regulation for PacifiCorp since 2001, is responsible for developing and implementing PacifiCorp's regulation strategy throughout its Rocky Mountain Power service area, ensuring the accurate and timely filing of rate cases and other regulatory submissions. He regularly testifies before the Public Service Commissions in the western United States.

**Dr. Mark N. Lowry**, principal at Pacific Economics Group, focuses on performance-based regulation, statistical benchmarking, and the incentive power of regulatory systems. He supervises empirical work

on cost performance and industry productivity trends, designs performance-based regulation plans, gives expert witness testimony, and is viewed internationally as an authority on modern regulation.

**Bill Moye**, President and founder of STAR Group, LLC, has expertise in meeting design and facilitation, search conference management, strategic planning, leadership, management team performance, and marketing and organizational development. He previously held roles as Senior Consultant, VP of Operations & Manufacturing, and Manager of Business and Economic Development for a large electric and gas utility company.

**Greg Patterson, CPA**, Director of the Arizona Competitive Power Alliance, worked for Coopers and Lybrand and as an accounting teacher. He was a member of the Arizona House of Representatives and Director of the Residential Utility Consumer Office.

**Anne Selting**, is a Director in the U.S. Utilities, Energy, and Project Finance group at Standard & Poors and former power manager for Hetchy Hetchy Water & Power under the San Francisco Public Utilities Commission.

**Rachel Shimshak**, Director of the Renewable Northwest Project, focuses on implementation of cost-effective, workable, renewable technologies. Previously, she was Policy Director for the Massachusetts Division of Energy Resources, and Legislative Director for the Massachusetts Public Interest Research Group.

**The Hon. Donald L. Soderberg**, Chairman of the Public Utilities Commission of Nevada, has been regulating Nevada utilities since 1995. He is a member of NARUC where he is on the Committee on Telecommunications.

**Eric P. Witkoski**, Consumer Advocate for the Attorney General's Bureau of Consumer Protection, works to protect Nevadans by fighting deceptive trade and championing consumer interests.

**Michael W. Yackira** is Corporate Executive Vice President and Chief Financial Officer at Sierra Pacific Resources. He previously worked for FPL Group as President of FPL Energy, and as CFO of Florida Power and Light.

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(702) 730-7400

### Who Should Attend:

*Representatives of utilities, merchants and intervenor groups, public and private attorneys, in-house counsel, and governmental officials, including regulatory agency representatives*

### This Seminar Addresses:

- Filing strategy tips for utilities
- Rate case issues arising from policies favoring cleaner energy supplies
- Rate case treatment of fuel costs
- Regulatory treatment of new technologies
- State authority, policy priorities, and regulatory approaches

### Previous Attendees Include Representatives From:

- Arizona Corporation Commission
- Calpine Corporation
- Colorado Public Utilities Commission
- Edison Electric Institute
- Federal Energy Regulatory Commission (FERC)
- FirstEnergy
- Holme Roberts & Owen LLP
- Indiana Utility Regulatory Commission
- Moss & Barnett
- Nevada Public Utilities Commission
- Pacific Gas and Electric Company
- Parsons Behle & Latimer
- Public Utility Commission of Oregon
- Tampa Electric Company
- Xcel Energy

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