Energy Regulation

L8452
SDEV3366
Columbia Law School

Fall 2018

Prof. Michael B. Gerrard

Class hours: Tuesday, 4:20 pm - 6:10 pm
Jerome Greene Hall Room 102A

Two credit hours

Instructor’s office: JGH 525
Office hours: Tuesday and Thursday, 10:45 a.m. - 12:00 p.m. or by appointment (preferred)
Contact michael.gerrard@law.columbia.edu for appointment

Teaching assistant: Daniel Resler, dpr2123@columbia.edu

This course concerns the regulation of energy, energy resources, and energy facilities. Among the topics will be the regulation of rates and services; the roles of the Federal Energy Regulatory Commission and the state public utility commissions; and the interaction with environmental law. Attention will be devoted to energy resources (such as oil and natural gas) and to generating, transmission and distribution facilities. The current and future roles of renewable energy, energy efficiency, and nuclear energy will receive special attention, as will the regulation and deregulation of electricity. Though there is some discussion of international issues, the focus is on U.S. law and policy.

Course grades will be based on a final exam, but they may be adjusted up or down a notch to reflect the quality of class participation. The final exam will be open book and will consist of a series of essay questions, most of which will require applying the law covered in the course to specified factual situations.

All students are expected to complete all the reading for each class session before class. Law students and graduate students will be called on to discuss the readings, in accordance with panels that will be announced after the end of the drop-add period. Undergraduates will not be called on but are welcome to volunteer. Undergraduates will meet once a week with a teaching assistant, and are expected to actively participate in those sessions and prepare written assignments, which will be considered in grading.

Additional materials or problem exercises may be assigned during the course of the semester, primarily as a result of recent developments. In that event, they will be posted on CourseWorks.
Columbia University is dedicated to facilitating equal access for students with disabilities and to cultivating a campus culture that is sensitive and responsive to the needs of students. To request an accommodation for a disability during the course, students are welcome to reach out to the Office of Disability Services, to the Academic Counselors in Student Services, or to the instructor. (In general, students may decide whether or not to inform their professors of any accommodations, as they prefer. But note that individual exam arrangements are generally not discussed with the professor.)

Textbook


When you purchase the book, you will also receive a code on the inside cover that allows you to download an electronic copy of the book. The electronic version contains links to enhanced versions of the maps and charts in the book and other supporting materials. West also supports a website for the book at [http://www.energylawpolicy.com/](http://www.energylawpolicy.com/) that contains full text access to most of the statutes and regulations cited in the book.

Additional readings are listed below. They will all be posted on CourseWorks.

Class Topics and Readings

**Class 1 -- September 4, 2018**  
Introduction to the energy system: Physical, market, and regulatory elements

Textbook 19-33, 43-65, 79-104; skim 1-15

Recommended reading for students who have not taken Administrative Law: 33-42

**Class 2 -- September 11, 2018**  
Energy markets and market failures

Textbook 140-172

**Class 3 -- September 18, 2018**  
Extraction of natural resources and energy

Textbook 195-237, 254-256

**Class 4 -- September 25, 2018**  
Traditional electricity regulation
Textbook 259-304

Class 5 -- October 2, 2018  
Electricity ratemaking; electricity federalism

Textbook 304-308; 316-373

Class 6 -- October 9, 2018  
Electricity ratemaking and transmission in transition

Textbook 375-411

Class 7 -- October 16, 2018  
Transmission planning and siting

Textbook 411-455

Class 8 -- October 23, 2018  
Renewable energy policy

Textbook 115-136, 237-254, 455-495


Class 9 -- October 30, 2018  
Grid modernization and the complexities of new technology

Textbook 689-738

Class 10 -- November 6, 2018  
Energy efficiency

Textbook 136-140, 534-553


Zero Zone, Inc. v. U.S. Department of Energy. 832 F.3d 654 (7th Cir., 2016) (excerpts)

Class 11 -- November 13, 2018  
Natural gas regulation

Textbook 104-109, 308-313, 607-622, 636-650

Class 12 -- November 20, 2018
Hydraulic fracturing

Textbook 828-867

Class 13 -- November 27, 2018
Nuclear power

Textbook 109-115, 869-921

Class 14 -- December 4, 2018
Review Session

Textbook 959-970