

## Sustainable Energy Initiative Update

### Giving Back to Your Community

*The work of the Initiative would not be possible but for the generous support from our donors and guidance from our [advisory board](#). Recently, SEI Research Associate Adrienne Thompson sat down with board chairman and GW Law alum Charles A. ("Charlie") Berardesco, JD '83, to learn more about what motivates him to give back to his community and to GW Law.*

From partner with Whiteford, Taylor & Preston to general counsel at Constellation Energy, Charles Berardesco has held many titles over the years. Currently, he serves as Senior Vice President, General Counsel and Corporate Secretary for the North American Electric Reliability Corporation (NERC). Even though his job is demanding, he still finds room on his plate to fill at least two more roles in his community: Chair of the board of directors for the [Gay Men's Chorus of Washington DC](#), as well as Chairman of the advisory board for GW Law's Sustainable Energy Initiative.

Even though these two positions are tied to distinct interests, they are nonetheless borne out of Berardesco's desire to give back to the institutions that helped him personally and professionally. Several years ago, Berardesco's long-time passion for choral singing and love of the arts eventually led him to DC's Gay Men's Chorus. He and his partner, Jeff, have gotten more and more involved with the organization, and eventually, Berardesco assumed the role as Chair of the board of directors.

As Berardesco often explains to prospective donors, despite the economy's overall improvement, arts organizations still face a host of funding challenges, and LGBTQ arts groups face steeper challenges still. Gone are the days when individuals or large companies default to writing big checks, so arts groups have to be creative in their marketing and fundraising approaches to pull in additional revenue beyond ticket sales. Not only that, but with LGBTQ arts organizations in particular, as Berardesco explains, there's the added perception "that we've won." Although progress has been made in the realm of LGBTQ civil equality, he acknowledges, there is still a lot of work to do to highlight the struggles faced by gay minorities and kids, as well as transgender individuals. To that end, and in an effort to innovate in an increasingly financially strained arts space, the Gay Men's Chorus has launched several initiatives designed to reach out to kids, encourage audience engagement, and, for the first time, take the show on the road to other cities. To read more about these outreach efforts, click [here](#).

In addition to championing the arts community and LGBTQ causes, Berardesco is a strong supporter of GW Law and was instrumental in starting the school's Sustainable Energy Initiative. As he explained, GW Law helped to make his career possible through generous scholarships and other assistance -- aid that made all the difference to someone coming from a family of modest means. A couple years ago, when Berardesco heard that GW Law was looking to revamp its energy law program, he was eager to put his professional expertise to use for the



school that helped make his career possible.

Like the other members of the advisory board, he saw a gap in energy policy scholarship among the nation's law schools -- a gap that GW Law, with its energy law curriculum and DC locale, was well-position to take advantage of. The decision to help GW Law was easy, as Berardesco put it: "why would I not support that which has enabled me to do what I'm doing now?" He continued, "that kind of giving is a natural response if you've been fortunate." Thanks to the generous support of alumni like Berardesco, not only is the DC arts community well-served, but also the unique and important work of SEI is made possible.

## Lessons from e21: Thinking Big

*Based on GW Law's participation in the Minnesota e21 Initiative, this article, the first of several about changes in the utility sector, will comment on the importance of one aspect of the Minnesota e21 Initiative. The views expressed herein are those of the author, and do not represent the views of the Initiative or its Participants, other than GW Law.*

State-based efforts to re-examine the utility business model and regulatory model are a hot topic on the lecture circuit this Spring. Among the states most often mentioned are New York, Minnesota, Hawaii and California, which have a wide range of changes under consideration. These four states are not the only ones looking at change. In fact, reform issues are bubbling up across the US.

- For example, spurred on by Superstorm Sandy, Connecticut is focused on grid investments needed for reliability and resiliency.
- After making limited progress in its efforts to discourage rooftop solar with new charges, Arizona Public Service Co. is on the front-lines of carving out a role for incumbent utilities in the distributed solar generation market.
- Puget Sound Power & Light is among the many utilities thinking about how to be more responsive to customer demands for green options, including with green tariffs.

Enhancing resiliency and reliability, responding to customer interest in green power, and maintaining the health of utilities so they can provide essential public services are issues common to all U.S. utilities. But some efforts, including Minnesota's e21 Initiative, are tackling all these issues at once. Why does a comprehensive approach make sense?

The first step in the e21 Initiative was to map the existing system. Drawing from the experiences and concerns of a very diverse pool, the participants identified weaknesses and strengths within with the current system and the qualities desired in the system of the future. This resulted in the "e21 Principles" which became the touchstone for all future efforts.

The topics touched upon in this first exercise were wide-ranging and included, for example, the operational challenges of achieving Minnesota's sustainability goals, including for renewable power and efficiency; the impact of distributed energy resources and efficiency on utility revenues and non-participating customers; the need for a fair system for allocating costs and rewards to prosumers (those that produce and consume energy); the need for distribution grid modernization; enhanced reliability and resiliency; customer desires for more options; facilitating new innovations and making better use of data and technology; enhancing efficient and optimal use of the grid; and maintaining a healthy utility able to provide backbone grid services and enhanced service options consistent with the other concerns identified.

With such a daunting list, it would be tempting to address only a selection of these issues. But with the diversity of the group's interests, the connections among the issues became clearer. For example, if a utility seeks to address the revenue impact resulting from the penetration of rooftop solar by shifting revenue from volumetric charges to fixed charges, it may be harder to achieve energy efficiency targets due to reduced incentives and longer payback periods. Thus, in turn, sustainability goals would be harder to meet. Modernizing the distribution system to better accommodate and integrate distributed energy resources, electric vehicles and microgrids could be a tremendous cost to ratepayers, but the value proposition may also include efficiency gains and better support for new innovations that would reduce ratepayer costs, including through better utilization of existing infrastructure. Reevaluating rate structures for the distribution edge to compensate prosumers appropriately for the services they provide could help facilitate the addition of resources at the points where they provide the most value to the system, while addressing concerns about whether prosumers are imposing costs on the system and/or reaping excessive benefits from their investment.

Moreover, a bigger plate of issues can facilitate dialog, understanding and compromise. One key to any negotiation in which the parties are at loggerheads is to "make the table bigger" by finding additional value that can be used to leverage the negotiation. While the e21 Initiative was not a negotiation, the same principle applies. When everyone has something to gain and something to lose, the parties have incentive to work together to find the path that best meets all the most important needs.

A comprehensive approach seems much more difficult, because of the complexity, and perhaps also appears riskier to undertake, than incremental steps. But a holistic approach allows consideration of interrelationships and the potential for any action to have consequential impacts. Thus, in the long run, a comprehensive approach can be the lower risk strategy, because it makes the trade-offs inherent in any one step more transparent, allows stakeholders to better assess which strategies will result in the desired system and allows for simultaneous and coordinated policy measures.

## Faculty and Staff Updates

Last month, Wolters-Kluwer published the 7th edition of *Environmental Protection: Law and Policy*, a casebook authored by Professor Glicksman with the collaboration of fellow GW Law Professor Emily Hammond, as well as David L. Markell of Florida State University College of Law, William W. Buzbee of Georgetown Law, Washington University Law School's Daniel R. Mandelker, and Daniel Bodansky of Arizona State University College of Law.

On January 16, Professor Glicksman gave a Congressional briefing titled "Emerging Issues under the Clean Air Act Section 111(d): Cooperative Federalism or Coercive Overreach?" He gave a similar presentation on federalism issues in the Clean Air Act context at the George Mason University Law School on February 4.

On February 13, Professor Hammond gave a presentation entitled "Nuclear Power, Risk, and Retroactivity" at Vanderbilt University Law School as part of a symposium entitled "This is Not a Drill: Confronting Legal Issues in the Wake of International Disasters."

The latest issue of The George Washington University Law School's Journal of Energy and the Environment, includes the work of several GW Law graduates on issues ranging from RGGI to tax credit recapture rules and Donna Attanasio's article, PURPA's Public Power Impact (and What To Do About It). The issue is available on-line [here](#).

## Upcoming Events

*February 17-20, 2015:*

On February 19, Donna Attanasio will speak at the IEEE Power & Energy Society conference on **Innovative Smart Grid Technologies**, on the plenary panel addressing "State and Local Government Policies Driving Smart Grid Adoption." For more information about this conference, click [here](#).

*February 20, 2015:*

The [Energy & Sustainability Extravaganza](#) will take place on February 20th in GW's newest building, which houses the School of Engineering. The event will be co-hosted by Leaders in Energy, the National Capital Chapter of the Association of Energy Engineers, the GW School of Engineering and Applied Science's Office of Graduate Admissions, the Alexandria Emerging Technology Center, and DC Green Drinks. The luncheon panel "Career Paths in Energy & Sustainability: Perspectives from Successful Women Professionals," which is open to men and women, includes Dr. Kathleen Merrigan, Executive Director of GW's university-wide Sustainability Collaborative. The two afternoon panels will showcase the work being done at GW in the areas of energy and sustainability, including a presentation by Donna Attanasio on SEI's work. Information tables will be available prior to the evening reception, at which Amit Ronen, Director of GW's Solar Institute will give the keynote address. Please join us by registering at the link above.

*February 24, 2015:*

GW Law will host a discussion with Tim O'Connor & Derek Walker of the Environmental Defense Fund (EDF) on the implementation of California's policies on climate change (including the Low Carbon Fuel Standard (LCFS), cap-and-trade system, and renewable energy and energy efficiency programs) and how they fit within the broader environmental and economic context in the state, with lessons for other jurisdictions that are considering carbon pricing policies. The discussion, "**California's AB32: Driving Economy-Wide Carbon Pollution Reductions Amid a Recovering Economy**," will take place at 12 PM in the GW Law Moot Court Room on the first floor of Lerner Hall (2000 H St NW). Refreshments will be served.

*February 26, 2015:*

The Energy Bar Association's Natural Gas and Young Lawyers Subcommittees will host a brown bag panel discussion in which private practitioners and regulators from DOE and FERC will explore the similarities and differences between the two agencies through the context of **LNG Export Terminal Permits**. The panel will be moderated by Ken Irvin from Cadwalader, Wickersham & Taft and will feature GW Law adjunct professor and DOE senior regulatory advisor, Benjamin Nussdorf, Annie Jones from FERC, and Joe Fagan, GW Law JD '93 from Day Pitney. The discussion will take place at 12 PM at offices of Cadwalader, Wickersham & Taft LLP (700 Sixth Street, NW).

*March 3, 2015:*

The Energy Bar Association will hold its annual **Enforcers and Defenders Conference** at GW Law. For more information, click [here](#), or continue to watch this space.

*March 26-27, 2015:*

GW Law along with the EPA, Environment Law Institute, Erasmus University Rotterdam, and the International Network for Environmental Compliance and Enforcement will co-sponsor the 2015 J.B. & Maurice C. Shapiro Environmental Law Symposium on "**The Role of Advanced Monitoring, Remote Sensing, and New Forms of Information Gathering, Analysis, and Disclosure in Environmental Compliance and Enforcement**." A follow-up conference will take place at the Erasmus University in Rotterdam, Netherlands in April 2015. More information will be forthcoming.

*May 18, 2015:*

GW Law will host the **Cybersecurity Summit for Critical Infrastructure Industries**, sponsored by ABA's Section on Energy & the Environment. This Summit will focus on threats and protections pertinent to the electricity and water-services industries. Stay tuned for more information.

## Recommended Reading

- This [article from E&E Energywire](#) (subscription required) in which Xcel Energy CEO, Ben Fowke, discusses the utility's recently-submitted integrated resource plan, which, among other things, seeks to reduce carbon emissions and integrate more renewable sources onto the company's system. In the article, Fowke highlighted his company's participation in Minnesota's e21 Initiative and acknowledged the efforts of the Great Plains Institute and GW Law.
- The [Solar Foundation's solar job census report](#). As another sign of the rising demand and cost-parity of solar resources, the Solar Foundation recently noted that "the solar installation sector added nearly 50% more jobs in 2014 than the total created by both the oil and gas pipeline construction industry (10,529) and the crude petroleum and natural gas extraction industry (8,688)."
- [IEA Energy, Climate Change & Environment 2014 Insights \(executive summary\)](#). This report complements other IEA modeling efforts by analyzing carbon-reduction policy proposals ranging from direct energy sector regulation to market-based incentives.

## Stay Connected



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