

Who should attend the Winter Workshops?

The goal of the EMLF Winter Workshops is to provide attendees with a comprehensive understanding of selected legal issues, by presenting them within the context of business considerations and public policy concerns affecting the energy industry. To accomplish this, the EMLF Winter Workshops feature exceptional faculty from a variety of disciplines.

Intended Audience: Lawyers, business executives, consultants, venture capital and private equity investors, lenders and government officials

2010 Winter Workshops Program Committee

- Chair, Jerry M. Eyster, Senior Vice President, Investment Strategy, *GE Energy Financial Services, Inc.*, Stamford, CT
- Vaughn R. Groves, General Counsel, *Alpha Natural Resources*, Abingdon, VA
- C. David Morrison, EMLF President, *Steptoe & Johnson, PLLC*, Clarksburg, WV
- Bruce D. Reed, Counsel, *Berwind Natural Resources*, Philadelphia, PA
- Sharon J. Daniels, Executive Director, *Energy & Mineral Law Foundation*, Lexington, KY

Energy & Mineral Law Foundation **Winter Workshops on Energy Law**

February 4-6, 2010

South Seas Island Resort, Captiva Island, Florida

Thursday Afternoon, February 4, 2010

- 1:00 p.m. Welcome Remarks
- C. David Morrison, Foundation President, *Steptoe & Johnson, PLLC*, Clarksburg, WV
- 1:05-1:50 p.m. The Future of Global Energy: Fast Green or Slow Brown?
- What will the next decade bring? A period of high growth and more stringent environmental rules or one of weaker growth and significant environmental regulatory uncertainty?
- Peter Evans, Director, Global Strategy and Planning, *GE Energy*, Atlanta, GA
- 1:50-2:35 p.m. Financing Energy Projects
- Kurt Oehlberg, Managing Director, Energy & Natural Resources, *FBR Capital Markets*, New York, NY
- 2:35-2:50 p.m. Refreshment Break
- 2:50-3:35 p.m. Climate Change and GHG Regulation: Legislative Developments and International Negotiations
- This presentation will cover the latest GHG legislative developments from Capitol Hill, international negotiations and the year ahead, and regulatory risks and opportunities.
- Christopher K. Carr, *Vinson & Elkins LLP*, Washington, DC
- 3:35-4:20 p.m. Conducting Business in the Context of Climate Change Mitigation Efforts
- This session addresses the implications for business transactions and investments arising from new and anticipated U.S. legal developments in GHG reporting regulations, legislation, EPA regulatory initiatives, and court decisions on climate change tort litigation.
- Abbi L. Cohen, *Dechert LLP*, Philadelphia, PA
- 4:20-5:05 p.m. EIA's View: Where the Energy Markets Are Headed
- Howard K. Gruenspecht, Deputy Administrator, *Energy Information Administration*, Washington, DC

5:05-5:50 p.m. Dynamics of the North American Natural Gas Markets

- Andy Weissman, Senior Energy Advisor, *FTI Consulting, Inc.* and Editor-in-Chief & Publisher, *Energy Business Watch*, Washington, DC

6:30-7:30 p.m. Hosted Poolside Reception

Friday Morning, February 5, 2010

8:00-9:00 a.m. Congress and the Railroads, Version 20.10

An overview of pending federal railroad legislative proposals, their genesis, intended impacts, and realistic prospects.

- Kelvin J. Dowd, *Slover & Loftus LLP*, Washington, DC
- Confirmed Representative from *BNSF* Railroad

9:00-9:45 a.m. U.S. Coal Markets – Searching for Equilibrium

This session examines the U.S. steam and metallurgical markets over the 2007-2009 time frame, the imbalances that have occurred, the supply and demand drivers, and the manner in which the markets have re-balanced or attempted to find equilibrium.

- Jamie Heller, President, *Hellerworx Inc.*, Chevy Chase, MD

9:45-10:00 a.m. Break

10:00-11:30 a.m. The Alpha Natural Resources/Foundation Coal Merger

- Business Considerations

- Michael Quillen, Executive Chairman, *Alpha Natural Resources*, Abingdon, VA
- Legal Considerations for a Successful Merger
- Vaughn R. Groves, General Counsel, *Alpha Natural Resources*, Abingdon, VA

11:30 a.m. -1:30 p.m. Lunch Break

1:30-2:45 p.m. Merger Issues – Methods of Consolidation in Uncertain Times

Moderator: Vaughn R. Groves, General Counsel, *Alpha Natural Resources*, Abingdon, VA

- Nick Carter, President and COO, *Natural Resource Partners L.P.*, Huntington, WV
- Nicholas R. Glancy, *Frost Brown Todd LLC*, Lexington, KY
- Roger L. Nicholson, General Counsel, *International Coal Group*, Scott Depot, WV

2:45-3:00 p.m. Break

3:00-3:30 p.m. Mountaintop Mining Permit Review

- Gene Kitts, Senior Vice-President–Mining Services, *International Coal Group*, Scott Depot, WV

3:30-4:00 p.m. Coal Ash – Beneficial Product, Hazardous Waste, or Both?

Since the TVA coal ash spill in December 2008, EPA has been promoting the beneficial re-use of coal combustion by-products, while at the same time investigating other coal ash impoundments and contemplating regulating coal ash as a hazardous waste. This presentation reviews the current state of play on this issue, including a detailed review of any EPA regulatory proposals which have been promised for issuance by the end of 2009.

- Kirsten L. Nathanson, *Crowell & Moring LLP*, Washington, DC

4:00-4:30 p.m. Labor Litigation and Legislative Update

This session summarizes the most significant developments in labor and employment law impacting energy and power companies since January 1, 2009.

■ C. David Morrison, *Steptoe & Johnson, PLLC*, Clarksburg, WV

4:30-5:00 p.m. Compliance with the Mine Act and MINER Act Implementation: Where Are We Now?

Nearly 33 years after enactment of the 1977 Mine Act, and 4 years after enactment of the 2006 MINER Act, both industry and regulators are still struggling to interpret and comply with the mandates set forth by Congress. This presentation delves into those struggles and provides some insight into the latest interpretations, battles and challenges facing implementation of federal mine safety law as we enter a new decade.

■ Marco M. Rajkovich, Jr., *Rajkovich, Williams, Kilpatrick & True, PLLC*, Lexington, KY

6:00-7:00 p.m. Hosted Reception

Saturday Morning, February 6, 2010

7:15-8:15 a.m. Professional Ethics Update – 2010

See the beautiful Florida sunrise and learn about current developments in professional responsibility, including doing business with clients, multijurisdictional practice, technology ethics, and more.

■ David G. Ries, *Thorp Reed & Armstrong, LLP*, Pittsburgh, PA

8:15-9:00 a.m. Coal Versus Natural Gas: Is Price the Only Factor?

In 2009, total power generation declined for only the fourth year since 1949. This presentation explores why coal-fired generation absorbed more than the entire decline while gas-fired generation rose. Low gas prices can explain only a portion of the impact on coal. Declining industrial electricity demand also is a factor and is likely to play a major role in coal's recovery.

■ Jerry M. Eyster, Senior VP, Investment Strategy, *GE Energy Financial Services*, Stamford, CT

9:00-10:30 a.m. Update on Clean Coal Projects

- AEP's Carbon Capture and Storage Project at Mountaineer Power Station in West Virginia

■ Kenneth E. McDonough, Assistant General Counsel – Real Estate, *American Electric Power Service Co.*, Columbus, OH

- Regulatory Framework for Carbon Capture and Sequestration

■ George Rusk, Senior Vice President, *Ecology and Environment*, Lancaster, NY

- Permitting Coal Gasification Facilities – A How-To Manual

■ Sara Smith, President, *Smith Management Co.*, Lexington, KY

10:30 a.m. Hosted brunch for all speakers, registrants and guests



Yes, I want to attend the Winter Workshops on Energy Law

First Name _____ M.I. _____ Last Name _____ Title _____

Organization/firm _____ Daytime phone _____

Address _____ Fax # _____

City, state, zip _____

Email address _____

Guest _____ Total Payment _____

State(s) for CLE Credits _____

You may pay by _____ check or _____ credit card. EMLF accepts MasterCard, VISA or American Express.

Card # _____ Expiration date _____

Signature _____ CVV code (security code) _____

**The EMLF program will be in the Harbor area of Pine Island Sound,
not at the conference center near the entrance to the gated resort.**

Registration information

Conference Registration

EMLF full conference registration fee includes all educational sessions, meeting materials, hosted receptions on Thursday and Friday, one continental breakfast, refreshment breaks, Saturday morning brunch, and post-conference CD with all PowerPoint presentations. Guest registration includes hosted receptions on Thursday and Friday, and Saturday morning brunch.

Through Jan. 5 After Jan. 5

General Registration fee \$1,095\$1,195

EMLF Member fee..... 895995

Guest 100 100

Accommodations

The conference is being held at South Seas Island Resort, 5400 Plantation Road, Captiva Island, FL 33924

Captiva Island is reached via the Southwest International Airport in Fort Myers, Florida, approximately 45 minutes driving time from the airport via Sanibel Island. The EMLF room block is in the Resort's hotel on the Harbour (inquire about villas and condos) at a rate of \$249 single or double, plus \$12.50 resort fee and 11% occupancy fee and 6% sales tax. Rooms at that rate are available through January 3 or sellout. Be sure to ask for the EMLF room block. The direct number for the reservations department is 888.707.7888. You may also reserve your room online at www.emlf.org All reservations require a deposit of one (1) night's room by guest check or credit card. Guests not arriving for a scheduled reservation will forfeit the deposit and the remainder of the reservation will be released. Guests departing earlier than reserved will be charged one (1) night room and applicable tax.

Three ways to register

- If registering online, go to www.emlf.org
- If registering by fax, call 859.226.0485
- If registering by mail, send form and payment to EMLF, 340 South Broadway, Suite 101 Lexington, KY 40508

Cancellation policy

Refunds less a \$100 administrative fee will be given for written registration cancellations received by January 9. No registration refunds will be made thereafter, but substitutions can be made without charge. Persons who must cancel their registration after January 9 may claim a \$500 credit toward any future EMLF educational program.

Mandatory CLE and Professional Credit

Conference accreditation is pending from states with mandatory Continuing Legal Education. Conference consists of 840 minutes, including 60 ethics minutes (14 hours in 60-minute states and 16.8 hours in 50-minute states). Registrants may be required to reimburse EMLF for MCLE filing fees for certain states. Please list the states or organization where you will be seeking professional education credits.