



The Second Annual Timely Two-Day Conference on
Decarbonizing the West Coast

*Leveraging major federal and state legislation to accelerate the
transition from fossil fuels to a carbon-neutral economy*

May 16 & 17, 2024

At the John Davis Conference Center 920 Fifth Ave in Seattle
and via Interactive Online Broadcast

Agenda—Day 1

9:00 Introduction & Overview

Current issues to resolve as the West Coast states pursue their individual and common paths towards decarbonizing their economies and achieving their climate action goals

Craig Gannett, Esq., Program Co-Chair
Davis Wright Tremaine ~ Seattle, WA

Jocelyn Pease, Esq., Program Co-Chair
McDowell Rackner Gibson ~ Portland, OR

9:15 State Decarbonization Initiatives in the Pacific Northwest: Update on Challenges to Emissions Reductions Programs in Washington and Oregon

Opponents of climate action make their move in Washington with I-2117 which threatens to kill Washington's new cap and trade program, the Climate Commitment Act (CCA): What are its prospects, and what are the legal and policy consequences if it succeeds?

Ken Lederman, Esq.
McCullough Hill Leary ~ Seattle, WA

Challenges by suppliers to the CCA: Dormant commerce clause issues; other issues presented by lawsuits by PacifiCorp as an IOU regarding denial of cost recovery by other jurisdictions and by IPP Invenergy challenging the carbon pricing program

Kelly Wood, Esq., Section Chief of Ecology Division
Washington Attorney General's Office ~ Seattle, WA

The Court of Appeal's decision has invalidated Oregon DEQ's Climate Protection Program on procedural grounds: Unresolved questions about the agency's authority to promulgate CPP rules, DEQ's decision to start over rather than appealing; the path forward

Derek D. Green, Esq.
Davis Wright Tremaine ~ Portland, OR

11:00 Break

11:15 Supply Chain Contracting as a Private Sector Emissions Reduction Tool

Best practices for climate-conscious contract drafting and enhancing company procurement processes to help achieve environmental stewardship goals including The Chancery Lane Project's model contract provisions and guides

Charles Donefer, Esq., *Senior Specialist Legal Editor*
Thomson Reuters Practical Law ~ New York, NY

12:15 Lunch (on your own)

1:30 **Progress Towards Decarbonizing Electric Utility Generation of Electricity**

Update on recent developments on issues from resource planning to facility siting to ratemaking; implementation of state legislation mandating that utilities transition to carbon-free generation

Edith M. Bayer, *Energy Policy Team Lead*
Oregon Department of Energy ~ Salem, OR

Glenn Blackmon, Ph.D., *Manager, Energy Policy Office*
Washington State Department of Commerce ~ Olympia, WA

2:30 **Progress Towards Better-Informed Market Decisions: New Carbon Emission and Climate Risk Reporting Requirements**

New SEC ESG reporting and climate risk disclosure rules; how they compare to EU reporting requirements; California's use of state legislation to backstop the federal rules by requiring mandatory disclosure of Scope 1, 2, & 3 emissions

Walker Stanovsky, Esq.
Davis Wright Tremaine ~ Seattle, WA

3:30 Break

3:45 **How Natural Gas Fits into State Transition Plans: Emerging Issues Relating to the Role of Gas and Gas Utilities**

Overview: Local regulation of gas in buildings; areas, like dual fuel heat pumps, where gas is most efficient; new gas utility business models including distribution of hydrogen; regulatory and cost recovery issues

Jocelyn Pease, Esq., *Program Co-Chair, Moderator*

Washington's HB 1589, and its Senate companion ESHB 1589, to facilitate a transition for Puget Sound Energy gas customers to carbon free electric or green hydrogen alternatives

Joshua Jacobs, *VP, Clean Energy Strategy & Planning*
Puget Sound Energy ~ Bellevue, WA

Charting a path toward a decarbonized future in Oregon's evolving regulatory landscape

Mary Moerlins, *Director of Environmental Policy & Corporate Responsibility*
NW Natural Gas Company ~ Portland, OR

5:00 **Reception for In-Person Faculty and Attendees**

Sponsored by Davis Wright Tremaine and McDowell Rackner Gibson

Agenda—Day 2

9:00 **Success Stories: How State and Federal Project Funding is Shaping the Landscape for Climate Action in the Pacific Northwest**

Case study of \$250 million in federal Inflation Reduction Act funding from the Department of Energy to upgrade the energy grid in Warm Springs to bring renewable energy from reservation lands into PGE's load center in the Portland area

Cathy L. Ehli, *Executive Director*
Warm Springs Power and Water Enterprises
Warm Springs, OR

Case study of Oregon and Washington's successful bid for approximately \$1 billion of Infrastructure Investment and Jobs Act funding for development of a Green Hydrogen Hub near Centralia with production and consumption nodes spread across the region

Stephanie Celt, *Senior Energy Policy Specialist*

Washington State Department of Commerce ~ Seattle, WA

State-level funding: Revenue sources from Washington's CETA and CCA legislation and policy priorities for funding energy sector decarbonization programs and projects

Michael Furze, *Assistant Director*

Washington State Department of Commerce ~ Olympia, WA

10:30 Break

10:45 A Balancing Act: How to Expedite the Siting for Carbon-Free Energy Projects while also Protecting Tribal Cultural Resources and Addressing Environmental Justice Concerns

Considerations for addressing the tension between faster siting and the time required for adequate impact analysis and mitigation options; tips for Tribal consultation and for making linkage on EJ issues among the three West Coast states and Quebec work

Ellen H. Grover, Esq., *Moderator*

Best Best & Krieger ~ Bend, OR

Developer perspective

Nicole Hughes, *Executive Director*

Renewable Northwest ~ Portland, OR

Tribal and regulatory perspective

The Hon. Perry Chocktoot, Jr., *Member*

Oregon Energy Facility Siting Council ~ Salem, OR

EJ advocate perspective

Jonathan Chen, *Climate Justice Advisor*

Environmental Justice Council ~ Tumwater, WA

12:15 Lunch (On Your Own)

1:30 The Role for Local Government, NGO, and Corporate Initiatives in Advancing and Accelerating Climate Action

Local government initiatives for addressing climate change including mitigation, adaptation, and resilience provisions

Marissa Aho, AICP, *Director, Climate Office*

King County ~ Seattle, WA

Supply chain management for environmental sustainability: Development and implementation of reporting requirements for vendors

Brian Rybarik, Esq.,

Senior Director, Supply Chain Integrity

Microsoft Corporation ~ East Lansing, MI

Aubri Margason, Esq.,

Principal Corporate Counsel

Microsoft Corporation ~ Redmond, WA

How NGO engagement and technical expertise can tailor solutions to specific situations and accelerate a clean energy transition across multiple sectors

Ruby Moore-Bloom, *Research Analyst*

Clean Energy Transition Institute ~ Seattle, WA

3:30 Evaluations and Adjourn

Who Should Attend

Attorneys, industry executives, government officials, Tribal representatives, environmental and management consultants, land use planners, and others involved with electric power and climate change issues

About the Conference

In the face of ever-worsening impacts, the three West Coast states have stepped up in dramatic fashion to tackle climate change. California, long a leader, has now been joined by Washington, with Oregon moving in the same direction. Together they constitute the fifth largest economy in the world--larger than the United Kingdom--and roughly 20% of the U.S. economy.

Their efforts have been boosted by the climate provisions of the federal Inflation Reduction Act (IRA) and the Infrastructure Investment and Jobs Act (IIJA). But the simultaneous implementation of complex state and federal statutes is extremely challenging, with many opportunities for missteps and unintended consequences.

The question is: Can these three states and the federal government work together effectively to lead the U.S. toward net-zero greenhouse gas emissions by mid-century? Our outstanding faculty--including top officials and other key voices from all three states--will attempt to answer that question.

You will hear the progress made to date, particularly in decarbonizing the electric generating sector. We will also highlight ongoing efforts to rollback climate regulation in Washington and Oregon, new Washington legislation to help transition away from gas in buildings, new California legislation to require corporate climate reporting, and the balancing act between the need to accelerate the development of clean energy projects while also advancing environmental justice. We'll conclude by hearing how local governments, NGOs, and large corporate consumers of electricity are driving decarbonization.

Solving climate change will take, time, goodwill, and lots of brainpower. We invite you to join this community of problem-solvers as we continue on this high-stakes journey.

~ **Craig Gannett, Esq.** of Davis Wright Tremaine and
Jocelyn Pease, Esq. of McDowell Rackner Gibson,
Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$1095 with a group rate of \$985 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$820. For public interest NGO's, students, and people in their job for less than a year, our rate is \$547.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International.

As a value-added bonus, attendees will receive access to audio and video recordings of the program at no extra charge.

Financial aid is available to those who qualify. Contact our office for more information.

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, May 10, 2024. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: This program qualifies for 11.0 Washington MCLE, 11.25 California MCLE, 11.0 Oregon MCLE, 11.0 AICP land use planner, and 11.0 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$100.

Faculty

Craig Gannett, Program Co-Chair, is a partner at Davis Wright Tremaine. He focuses his practice in the fields of electric utility regulation, renewable energy development, and climate change-related regulation. He also teaches Climate Change Law at the University of Washington School of Law and is the President of the Henry M. Jackson Foundation, which focuses on the intersection of climate change and national security.

Jocelyn Pease, *Program Co-Chair*, is a partner at McDowell Rackner Gibson. She focuses on energy, environmental, and telecommunications law with an emphasis on providing administrative, regulatory, and transactional advice to energy utilities and telecommunications companies in the Pacific Northwest and Alaska.

Ellen H. Grover, *Moderator*, is a partner at Best Best & Krieger. She concentrates on land use, natural resources, Indian and development law including complex Oregon land use and energy siting law issues.

Marissa Aho is Director of King County's Executive Climate Office. She previously served as Policy Director & Chief Resilience Officer for the Washington State Department of Natural Resources, Chief Resilience Officer for the City of Houston, Chief Resilience Officer for the City of Los Angeles.

Edith M. Bayer is an Energy Systems Senior Policy Analyst and Energy Policy Team Lead for the Oregon Department of Energy. She previously served as an Energy Policy Analyst focusing on Energy Efficiency for the International Energy Agency in Paris and as a Senior Associate at the Regulatory Assistance Project in Brussels. The Project is a global, non-profit team of experts that focuses on the long-term economic and environmental sustainability of the power and natural gas sectors.

Glenn Blackmon, Ph.D., is the Manager of the Energy Policy Office at the Washington State Department of Commerce. He formerly served as Director of Regulatory Services for the Washington Utilities and Transportation Commission and provided consulting services to business and government clients in telecommunications and utility regulation.

Stephanie Celt is a Senior Energy Policy Specialist for the Washington State Department of Commerce. Her technical focus areas are climate and clean energy policy with a current portfolio including hydrogen, renewable fuels, industrial decarbonization, and related economic and environmental justice issues. She was Washington's point person for the Regional Clean Hydrogen Hub grant application for the Pacific Northwest.

Jonathan Chen is the Climate Justice Advisor for the Environmental Justice Council. The Council, a non-governmental non-regulatory entity made up of community leaders and Tribal representatives, is an outgrowth of Washington's Healthy Environment for All (HEAL) Act. The Act sought to incorporate the elements of environmental justice into how government entities in Washington function.

Perry Chocktoot, Jr. serves on the Oregon Energy Facility Siting Council and previously served on the Governor's Task Force on Cultural Resource Identification. He also is a member of the Tribal Council for The Klamath Tribes and previously served as the Tribe's Director for Culture & Heritage.

Charles Donefer is a Senior Specialist Legal Editor at Thomson Reuters Practical Law. He drafts, peer reviews, and edits substantive resources for subscribers including standard forms contracts and clauses. His work includes guides and model clauses distributed by The Chancery Lane Project to enable organizations to reduce emissions using the power of legal documents and processes.

Cathy L. Ehli is Executive Director of Warm Springs Power and Water Enterprises. It manages the Tribe's ownership interest in the Pelton Round Butte Hydroelectric Project on the Deschutes River and is exploring potential solar sites on the Tribe's 640,000-acre reservation. She previously served as Executive Vice President for Corporate Strategy at the Bonneville Power Administration.

Michael Furze is Assistant Director of Washington State Department of Commerce where he heads the Energy Office. He also serves on the Board of the National Association of State Energy Officials.

Derek D. Green is of counsel to Davis Wright Tremaine. His practice encompasses regulatory and transactional matters related to utility-scale and portfolio energy projects and operations. He advises independent power producers, utilities, investors and industrial consumers in project development, operations and acquisitions.

Nicole Hughes is Executive Director of Renewable Northwest. Previously, she worked at AWS Truepower, HDR, Element Power, RES Americas, Tetra Tech, and The Bonneville Power Administration. She currently serves on the board of the Center for Energy Efficiency and Renewable Technologies.

Joshua Jacobs is Vice President for Clean Energy Strategy & Planning at Puget Sound Energy. He is responsible for PSEs resource planning function and leading teams working on implementation of Washington State's Clean Energy Transformation Act and PSE's aspirational goal of being a Beyond Net Zero Carbon energy company by 2045.

Ken Lederman is a partner at McCullough Hill Leary. A former Assistant Attorney General for the Washington State Department of Ecology, he has been actively involved with No On 2117 campaign.

Aubri Margason is Principal Corporate Counsel at Microsoft Corporation focusing on the company's climate and environmental sustainability efforts. She previously was in private practice at Perkins Coie.

Mary Moerlins is Director of Environmental Policy & Corporate Responsibility at NW Natural Gas Company. She previously served as the company's Corporate Citizenship Manager and Community Affairs & Environmental Programs Manager. Before that, she was the Director of Education and Sustainability at the Piedmont Park Conservancy.

Ruby Moore-Bloom is a Research Analyst at the Clean Energy Transition Institute (CETI). She oversees CETI's Northwest Clean Energy Atlas, which explores energy data relevant to deep decarbonization in the Northwest in interactive data visualizations. She also led CETI's Clean Materials Manufacturing project, which helps industrial stakeholders and policymakers understand different methods for decarbonizing six of Washington state's manufacturing sectors. Prior to joining CETI, she lived in Jordan as a faculty member of King's Academy.

Brian Rybarik is Senior Director for Supply Chain Integrity at Microsoft Corporation. He previously was the company's Chief of Staff for Environmental Sustainability and Principal Program Manager, Americas Energy and Sustainability. Before going to Microsoft, he was the Vice President for State Policy at the Clean Grid Alliance.

Walker Stanovsky practices energy and climate change law at Davis Wright Tremaine. He has represented publicly owned and investor-owned utilities, utility customers, independent power producers, and sustainability-focused nonprofits and helped them navigate the swift currents of climate and energy regulation at the local, state, and federal levels.

Kelly Wood is the Ecology Division Section Chief at the Washington State Attorney General's Office. Before joining the Attorney General's office, he was in private practice focusing on toxics, water quality, air quality, shoreline management, and natural resource damages.