HARVARD ELECTRICITY POLICY GROUP
NINETY-THIRD PLENARY SESSION

Eau Palm Beach
Manalapan, Florida
THURSDAY AND FRIDAY, DECEMBER 6-7, 2018

AGENDA

Thursday, December 6, 2018

8:30 am **Breakfast and Informal Discussion**

9:00 am **Session One.**
Customer Side of the Meter: What Works? Who Benefits? Who Belongs There?

Long anticipated, distributed energy resources, including both distributed generation and demand side resources, are increasingly the focus of policy debate on a number of fronts. Questions include what works, what is cost effective, who benefits, and what role, if any, the utility should play. Are the effects of some programs detrimental to other programs, in the sense that they provide incentives to make less efficient investments in DER than might otherwise occur? Do DER programs, or some of them, provide individualized benefits to the detriment of system benefits? Can such anomalies be remedied and how? What are the distributional effects of DER programs among customers (e.g. are they socially regressive, do they shifts costs from one class of customers to another)? To what extent do tariffs signal efficient use of DER, or, alternatively, incent inefficient deployment? What tariff elements have these adverse effects? How do we get the prices right?

Moderator: **Rob Minter**, ENGIE North America

Dale Bryk, Natural Resources Defense Council
Asa Hopkins, Synapse Energy
Arik Levinson, Georgetown University
Raja Sundarajan, American Electric Power

Thursday, December 6 (cont'd)

10:30 am **Coffee Break**

10:45 am **Discussion**

12:00 pm **Lunch**

1:00 pm **Session Two.**
Cyber Security and Electricity Markets:
Risk-Based Security Design and Oversight

Cyber security is an important challenge and a major area of policy interest. There is little or nothing that has been identified as requiring changes in electricity market design due to the demands of cyber security. But it is self-evident that the design and operation of electricity markets have important implications for cyber security standards, implementation, and oversight. The call for risk-based strategies points to the need for knowledge about electricity operations and markets. Part of this is a design question; a related challenge is to provide the required oversight of implementation when the weakest link defines the strength of the system. All of this is complicated by the need for security; transparency is not the answer, and oversight will be required. Who should provide the analysis and oversight? Existing market monitors have the market expertise and confidential access. Alternatively, new organizations could be created to provide the ongoing analysis and monitoring capability. What are the costs and benefits of different institutional designs? What might be the unintended consequences? How can we protect the market while allowing for the dynamic innovation required in market evolution?

Moderator: **Ellen Roy Herzfelder**

Ryan Ellis, Northeastern University
Andrew Fay, Florida Public Service Commission
Thomas O'Brien, PJM Interconnection
Other panelist tba

2:30 pm **Coffee Break**

2:45 pm **Discussion**

4:00 pm **Adjourn**

6:30 pm **Reception and Dinner, Café Boulud, Palm Beach**

Transportation will be provided from the hotel at 6:00 pm.

Friday, December 7

8:30 am **Breakfast and Informal Discussion**

9:00 am **Session Three.**

***CHEVRON* Deference: The Impact of Its Demise on Electricity Markets**

The Federal Power Act is written in broad strokes that leave room for considerable discretion by the regulators. In *Chevron U.S.A. vs. Natural Resources Defense Council, Inc.*, the U.S. Supreme Court called for deference to administrative agencies as long as they were operating within the scope of their legal powers and applying their expertise based upon evidence and reasonable judgment. The broad language of the Power Act, coupled with the principles enunciated in the *Chevron* case, provided the FERC with considerable powers to re-shape energy markets, a course which they have been pursuing for more than a generation. What would the weakening of the *Chevron* doctrine mean for FERC and its ability to shape electricity markets and enforce its rules? Would appellate courts effectively "retry" matters FERC decided and reconsider all of its aspects? Would the courts require more explicit congressional delegation for FERC to act? Do courts, or Congress, for that matter, possess the expertise to resolve the arcane issues regulators deal with? Would judges seize on issues such as process and jurisdiction and pay short shrift to the substantive issues before them (a course that some saw exemplified in *EPSA vs. FERC,* where the Courts focused in on jurisdictional questions and virtually ignored the central question in that case, how to price demand response)?

Moderator: **Ashley Brown**, Harvard Kennedy School

Jonathan Siegel, George Washington University of Law
Christopher Walker, Ohio State College of Law
Daniel Lyons, Boston College Law School
John Shepherd, Federal Energy Regulatory Commission

10:30 am **Coffee Break**

10:45 am **Discussion**

12:00 pm **Adjourn**