Agenda

Michigan Public Service Commission (PSC) Rules of Practice and Procedure and Guidance Documents — *J. Hanselmen*

- PSC hearing procedures
- Review of PSC guidance documents
- PSC informal procedures – mediation etc.
- Formal complaints

PSC Jurisdiction, Authority Oversight — *J. Janiszewski*

- Jurisdiction over generation and transmission facilities
- Jurisdiction over service areas
- Approval options for generation facilities
- Issues outside PUC jurisdiction

Understanding Utility Easements and Rights of Way — *D. Sullivan, J. R. Gehring*

- Current law on utility rights of way
  - Federal laws and regulations
  - State laws and regulations
- Types of utilities affected
  - Electric, water, natural gas, telecommunications, satellite communications
- Basis for and definition of the easement
- Encroachments and interferences
- Maintenance
- Environmental issues
- Condemnation law
- Current issues involving utility easements

Alternative Energy Providers and Regional Energy Markets — *L. Babcock*

- Electric competition In Michigan and regional electric markets
  - Electric competition – how it started and what it looks like in the rest of the US.
  - Electric competition in Michigan – the history, from 1998 to present
  - Electric competition in Michigan – the likelihood of a competitive future
- Regional electric markets
  - Regional electric markets – what they are
  - Regional electric markets – why they matter
  - Regional electric markets – how they affect power supply in Michigan
  - Regional electric markets – what happens next

National Pollutant Discharge Elimination System (NPDES) Construction Storm Water Permitting and On-line Permitting Process — *S. Mikalonis*

- NPDES program overview
- Construction stormwater permit requirements
- Construction stormwater compliance and enforcement
- Requesting authorization on-line

Issues in Michigan Energy and Electric Utility Regulation
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Learning Objectives

You'll be able to:

Explore Michigan Public Service Commission (PSC) jurisdiction over generation and transmission facilities.

Discuss PSC hearing procedures and review guidance documents.

Examine federal and state law governing utility easements and rights of way.

Develop strategies for maintaining easements and preventing encroachments.

Explore electric competition and regional electric markets in Michigan.

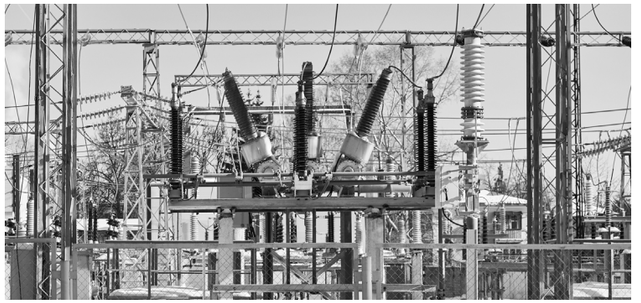
Evaluate stormwater permitting and management for electric utility facilities.

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Discuss Michigan Public Service Commission (PSC) jurisdiction and regulated entities

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Learn about utility easements and rights of way

Examine alternative energy providers and regional energy markets

Review regulations for stormwater permitting for utility facilities

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Faculty

Jason Hanselman *Attorney at Dykema*
Mr. Hanselman regularly practices before the Michigan Public Services Commission and has advised and represented public utilities and other energy providers on complex matters involving rate increase requests, power supply and gas cost recovery, and certificates of public convenience and necessity for various types of facilities. Mr. Hanselman regularly represents Michigan's electric cooperatives on business, governance, and regulatory matters and serves as outside general counsel for Wolverine Power Marketing Cooperative. Mr. Hanselman assists clients in negotiating and drafting power purchase agreements and retail sales agreements. Additionally, on behalf of several public utilities, he has facilitated franchises and consents with hundreds of municipalities in Michigan.

John Janiszewski *Attorney at Dykema*
Mr. Janiszewski is a senior attorney in Dykema's Lansing office. Mr. Janiszewski specializes in government relations and administrative law while representing clients in highly-regulated industries. Before joining Dykema, he served as an Assistant Attorney General for the State of Michigan within the Environment, Natural Resources, and Agriculture Division. During this time, Mr. Janiszewski served as first chair on numerous electric and natural gas ratemaking proceedings before state and federal administrative agencies. He gained substantial experience in public utility regulation, energy law, and environmental law while advising and representing agencies such as the Department of Environmental Quality, Department of Natural Resources, Department of Agriculture, and the Michigan State Police. Mr. Janiszewski received the Attorney General's Top Civil Litigator award in 2014 for his work in the Special Litigation Unit representing the Attorney General in ratemaking proceedings before the Michigan Public Service Commission and appellate courts. His work experience includes serving as an adjunct professor of Business Law & Ethics at Michigan State University's Eli Broad College of Business. Mr. Janiszewski graduated *magna cum laude* from the Michigan State University College of Law. While in law school, he served as the Managing Articles Editor for the *Journal of Business & Securities Law*.

Devin R. Sullivan *Shareholder with Zausmer, P.C. in Farmington Hills, MI*
Mr. Sullivan's practice focuses on energy law, eminent domain, real property law, and commercial litigation in both trial and appellate courts. He has represented a variety of agencies in eminent domain and land acquisition matters, including utilities, water authorities, road commissions, and state departments. Mr. Sullivan earned his undergraduate degree from the University of Michigan – Ross School of Business before attending Harvard Law School, and is the President of the Harvard Law School Association of Michigan. Mr. Sullivan has been named a Rising Star by Superlawyers and One to Watch by Best Lawyers.

John R. Gehring *Associate with Zausmer, P.C. in Farmington Hills, MI*
Mr. Gehring concentrates his practice on eminent domain and commercial litigation, using his critical thinking and advocacy skills to achieve positive outcomes for the firm's clients. He has represented a variety of agencies in eminent domain and land acquisition matters and large financial institutions in commercial disputes. Mr. Gehring received his Bachelor of Arts in Biology, *magna cum laude*, from Carleton College. He then earned a Master of Public Health in Epidemiology from the University of Michigan before attending Michigan State University College of Law, graduating *summa cum laude*. Mr. Gehring has been named to Best Lawyers Ones to Watch in 2021.

Lisa Babcock *Attorney in East Lansing*
In her 15 years of energy regulatory experience, Ms. Babcock has worked for both the public and private sectors and with utility commissions and legislative bodies. A former newspaper reporter, Ms. Babcock began working for the Michigan Senate's minority policy staff in 1996. At that time, Michigan hoped to be the first state to deregulate its electricity market. Deregulation came years later, but Ms. Babcock's interest in energy policy was piqued and she enrolled in law school. She then clerked in the Regulatory Affairs Division of the Michigan Public Service Commission, where she was responsible for drafting commission orders and creating administrative rules on animal contact current, or "stray voltage," an issue that had been unresolved for a decade. After graduating from law school, Ms. Babcock worked at the MPSC's "21st Century Energy Plan," which created a renewable portfolio standard, certificate of need process for new energy plants, and other updates to Michigan's 1939 energy statute. Ms. Babcock later worked for Integrys Energy Services, primarily monitoring legislation and regulatory affairs in New York and the ISO-NE states. She is a co-author of the January 2011 Michigan Bar Journal article "Changes in the Law Governing Public Utilities." Ms. Babcock is a graduate of Michigan State University College of Law and the University of Michigan.

Saulius Mikalonis *Attorney at Plunkett Cooney*
A senior attorney in Plunkett Cooney's Bloomfield Hills office, Mr. Mikalonis leads the firm's Environment, Energy and Resources Law and Cannabis Law industry groups. Mr. Mikalonis focuses his practice on all aspects of environmental, energy and sustainability law. His experience in environmental litigation includes environmental consultant malpractice, cost recovery, toxic torts, solid and hazardous waste facilities citations and wetland issues. He also practices regularly before state and federal agencies, including the Michigan Department of Environmental Quality, the Environmental Protection Agency and the Federal Energy Regulatory Commission. Mr. Mikalonis has developed particular expertise in the cutting-edge issues of environmental, natural resources and energy law concerning greenhouse gases, renewable energy and green building. His environmental law practice also entails litigation and regulatory issues pertaining to Michigan's medical cannabis industry. His due diligence activities include assessments for the development of solar and wind power projects. Mr. Mikalonis has been published extensively on various environmental topics, and he frequently provides legal updates to professional and business organizations. He was the author of a long-standing blog, titled: "Green Blawg," for MLive.com and now blogs for Crain's Detroit Business, addressing laws, regulations, court decisions and policies pertaining to environmental issues.

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