

FERC & CFTC Compliance Summit 2010
April 19-21, 2010—Washington, DC

Tuesday, April 20, 2010|Day One

8:00 – 9:00 **Networking Breakfast and Registration**

9:00 – 9:15 **Welcoming Comments**

Jeff Schlueter, *Vice President, Legal Markets*, NEXIDIA INC.

9:15-10:00 **FERC Investigation and Enforcement—Understanding the Differences Between Reliability and Market-Based Processes**

While the Energy Policy Act of 2005 greatly expanded FERC's enforcement authority and ability to impose financial penalties for both reliability and market manipulation offenses, the processes for doing each have both significant differences and considerable overlap. This talk will analyze the key aspects of these processes.

Presenter:

John Moot, *Energy Regulation and Litigation*, SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP & AFFILIATES

10:00-10:45 Networking Break

10:45-Noon **Emerging Directions in Enforcement**

This panel will provide an overview of developments on the enforcement fronts and their implications.

Moderator:

Andrea Wolfman, *Counsel*, ALSTON + BIRD

Panelists:

Geoffrey Aronow, *Partner*, BINGHAM MCCUTCHEN LLP

Vincenzo Franco, *Associate*, VAN NESS FELDMAN, P.C.

David Perlman, *Partner*, BRACEWELL & GIULIANI

Kenneth Raisler, *Partner*, SULLIVAN & CROMWELL, LLP

Robert Wargo, *Manager, Compliance Enforcement*, RELIABILITY FIRST CORPORATION

12:00-1:30 Group Luncheon

1:30-2:15 **Organizational Structures to Achieve & Maintain Compliance**

Beyond the necessities of achieving barebones compliance with FERC and CFTC standards, committing to the development of an effective compliance organization is a key metric in not only meeting requirements of the standards, but also in the level of sanctions that might be levied due to a verified violation. This presentation will discuss roles and responsibilities for compliance within organizations, and how to structure an effective compliance program that matches operations.

Presenter:

Brian Goldstein, *Senior Consultant*, NAVIGANT CONSULTING, INC.

- 2:15-3:00 **Establishing an Ongoing Compliance Process**
 Many organizations facing an audit have had significant difficulties in gathering and organizing the necessary data, with the potential of creating downstream problems resulting in enforcement actions. This presentation will discuss how to best implement a compliance program, including how to define and prioritize compliance requirements, map requirements to relevant business activities, and assign functional responsibilities for compliance activities.
Presenter:
Rick Starkweather, *Partner*, SCOTTMADDEN INC.
- 3:00-3:30 Networking Break
- 3:30-5:00 **Improving Data Collection and Compliance through Software-based Reporting Systems**
 Many organizations have come to the conclusion that better data collection and reporting is a necessity in order to cope with the new regulatory environment. These presenters will discuss the potential of software to automate the documentation process and aid in responding to auditors' requests. Those that have implemented software solutions will share lessons learned from the experience.
Moderator:
Peter Y Malyshev, *Of Counsel*, WINSTON & STRAWN LLP
Presenters:
Larry Navarro, *Senior Solutions Consultant*, AXENTIS, part of ARC LOGICS, a WOLTERS KLUWER BUSINESS
Kathy Benini, *Managing Director*, MARKITSERV
James Heinzman, *Managing Director of Compliance Solutions*, ACTIMIZE

Wednesday, April 21, 2010|Day Two

- 8:55-9:00 **Welcoming Comments**
Jeff Schlueter, *Vice President*, LEGAL MARKETS, NEXIDIA INC.
- 9:00-10:15 **What to Do if Faced with a Compliance Audit or Investigation**
 This panel will review how FERC is handling audits of compliance systems versus investigations of suspected wrongdoing, and will lay out some best practices for dealing with these situations in the new enforcement regime.
Moderator:
Bethany Bryant Dukes, *Associate*, DICKSTEIN SHAPIRO LLP
Panelists:
Mark Bennett, *Vice President of Regulatory Compliance*, COMPETITIVE POWER VENTURES, INC.
Benjamin Church, *Director of Reliability*, NEXTERA ENERGY RESOURCES, LLC
David Fishel, *Assistant General Counsel*, ENTERGY LEGAL SERVICES
Andrea Wolfman, *Counsel*, ALSTON + BIRD
- 10:15-10:45 Networking Break
- 10:45-11:30 **Mitigating & Aggravating Factors in Regulatory Actions**
 This presentation will explore discretionary factors that may affect the severity of enforcement actions and penalties.

»» What mitigating and aggravating factors can affect regulatory actions?

»» What are the potential impacts of each potential factor?

Presenter:

Robert Fleishman, *Counsel*, COVINGTON & BURLING LLP

11:30

Summit adjourns