

FERC Compliance Summit 2009
September 23-25, 2009—Washington, DC

Thursday, September 24, 2009:

- 8:30 – 8:45 **Welcoming Comments by Summit Chair:**
- Rick Starkweather**, *Partner*, SCOTTMADDEN INC.
- 8:45-9:30 **Keynote Address: The Future of Compliance and Enforcement at FERC**
- Joseph Kelliher**, *EVP of Federal Regulatory Affairs*, FPL Group, Inc. and *Former Chairman*, FERC
- 9:30-10:15 **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.
- John Moot**, *Partner, Energy Regulation and Litigation*, SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
- 10:15-10:45 Morning Break
- 10:45-Noon Panel Discussion: **Emerging Directions in Enforcement**
This panel will provide an overview of developments on the enforcement fronts and their implications.
- Moderator:*
Deborah Carpentier, *Partner*, DICKSTEIN SHAPIRO LLP
- Panelists:*
Geoffrey Aronow, *Partner*, BINGHAM MCCUTCHEN LLP
Vincenzo Franco, *Associate*, VAN NESS FELDMAN
Peter Malyshev, *Of Counsel*, WINSTON & STRAWN LLP
David Perlman, *Senior Vice President*, BRACEWELL & GIULIANI
Kenneth Raisler, *Partner*, SULLIVAN & CROMWELL, LLP
- Noon-12:30 **Luncheon Keynote Address: An Update on Reliability Compliance and Enforcement**

Roger Morie, *Reliability Committee Chair*, FERC

12:30-1:30

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 sanction that might be levied due to a verified violation. This presentation will discuss roles and responsibilities in compliance within organizations, and how to develop an effective compliance program.

Alex Goldberg, *General Counsel*, SEMINOLE ENERGY SERVICES, LLC

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 ways that compliance management can be incorporated into workflow and become a more systematic effort.

Rick Starkweather, *Partner*, SCOTTMADDEN INC.

3:00-3:30

Afternoon break

3:30-5:00

Implementing Software Reporting, Data Collection and Compliance Systems
Many organizations have come to the conclusion that better data collection and reporting is a necessity 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.

Presenters:

Larry Navarro, *Senior Solutions Consultant*, AXENTIS

Mohan Ponnudurai, *Application Engineer*, ASSURX INC.

Peter Stapleton, *Senior Principal Product Manager*, CA GRC Manager, CA, Inc.

5:00-6:00

Networking Reception

Friday, September 25, 2009:

8:45-10:15

Panel Discussion:

What to Do If You Are 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:

Deborah Carpentier, *Partner*, DICKSTEIN SHAPIRO LLP

Panelists:

Mark Bennett, *Vice President of Regulatory Compliance*,
COMPETITIVE POWER VENTURES, INC.

John L. Hairston, J.D., CCEP, *Chief Compliance Officer/Manager, Agency Compliance and Governance - DG*,
BONNEVILLE POWER ADMINISTRATION

Karl Moor, *Transmission Compliance Officer*, SOUTHERN
COMPANY

R. Michael Sweeney, Jr., *Partner*, HUNTON & WILLIAMS LLP

10:15-10:45

Morning 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?

Robert Fleishman, *Of Counsel*, COVINGTON & BURLING LLP

11:30

Summit adjourns