



## SUMMIT AGENDA

### Tuesday September 21, 2010:

<i>Status and Outlook for OTC Derivatives and Futures Reform</i>
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8:00 – 9:00 *Registration & Continental Breakfast*

9:00 – 9:15 **Welcome & Introduction by the Summit Chair**  
**Paul Cusenza**, *Chief Executive Officer*, NODAL EXCHANGE, LLC

9:15 – 9:45 *Presentation:*

#### **New Directions in OTC Derivatives & Swaps Regulation**

- Redefining commodity trading—how broadly defined will hedging be? How much dynamic hedging will be allowable before being considered financial trades?
- Reducing systemic risks in futures, derivatives and swaps trading—the role of central clearing and margin limits
- Increasing market transparency through real-time reporting
- Who is likely to be covered under the new regulations?
- Who will likely be able to take advantage of exemptions?
- What swaps will require mandatory clearing, and what will be able to be customized?
- What will the collateral requirements be for non-cleared swaps?

**Paul Architzel**, *Partner*, ALSTON + BIRD LLP

9:45 – 10:45 *Dual Presentation:*

#### **The Emerging New Regulatory Roadmap – The CFTC, FERC & SEC Overlap**

Emerging legislation may create new oversight authority for the CFTC and SEC, including things that were taken off the table by the CFMA. As the energy-trading sector has been traditionally regulated by FERC, the possibility of a significant overlap of jurisdictional authority exists, including reporting and enforcement. How could the roles of these organizations be harmonized? This dual presentation will discuss the road forward.

**Kenneth Raisler**, *Partner*, SULLIVAN & CROMWELL LLP  
**Stephen Senderowitz**, *Partner*, WINSTON & STRAWN LLP

10:45 – 11:15 *Morning Networking Break*

11:15 – Noon *Panel Discussion::*

**Harmonizing U.S. Regulations with Foreign Boards**

- What compliance issues relating to Anti-Money Laundering Rules, OFAC, FCPA and other U.S. and non-US laws and regulations are applicable?
- How are efforts progressing to harmonize regulatory approaches, particularly in Canada and the European Union?
- What are the legal challenges to obtaining access to markets outside the US?
- How are cross-border compliance, supervision issues, and conflicting US and non-US requirements likely to be resolved?

Moderator: **Sharon Brown-Hruska, Ph.D.**, *Vice President*  
NERA ECONOMIC CONSULTING

Panelists:

**Carolyn Jackson**, *Counsel* ALLEN & OVERY

**Richard Parlour**, *Principal*,  
FINANCIAL MARKETS LAW INTERNATIONAL

12:00 – 12:30 *Special Pre-Luncheon Presentation*

**Central Counterparty Clearing of Nodal Power Futures**

**Paul Cusenza**, *Chief Executive Officer*, NODAL EXCHANGE, LLC

**Randi Abernethy**, *Senior Manager*, LCH. CLEARNET LIMITE

12:30 – 1:30 *Group Luncheon Sponsored by:*



*Impacts of OTC Derivatives and Futures Reform on Energy Trading Operations*

1:30 – 2:15 *Panel Discussion:*

**End-Users' Perspectives on the Impacts of Reforms on Energy Markets**

- How do you envision interacting with dealers?
- Will your hedging activities be affected?
- Will real-time reporting requirements limit the participation of smaller traders?
- How will real-time reporting requirements affect your trading operations?

- Are you concerned about margin and collateral requirements, and their potential impacts on balance sheets?
- Will you be seeking out new partners to assist with collateral requirements?
- The energy business has traditionally utilized many customized deals and transactions—do you think those will still be able to be done?
- Do you see long-term physical contracts as a viable alternative to hedging via futures and swaps?

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

**Lael Campbell**, *Senior Counsel*,  
 CONSTELLATION ENERGY COMMODITIES GROUP  
**Ike Gibbs**, *Head, Global Compliance & Regulatory*,  
 CONOCO PHILLIPS COMPANY  
**Craig Goodman**, *President*,  
 NATIONAL ENERGY MARKETERS ASSOCIATION (NEMA)

2:15 – 3:00 *Panel Discussion:*

### **Financial Traders' Perspectives On Energy Futures, Derivatives & Swaps Markets**

- Will the activities of financial traders in the market change due to new definitions and real-time reporting requirements?
- What roles might hedge funds play as exchange and clearing members?
- Will the requirement for non-Major Swaps Participant counterparties needing outside advisors affect market liquidity?
- Will some deals move offshore?
- Will there be new opportunities for arbitrage?
- How will position limits affect your trading?
- How will your hedging operations be affected?
- Will there be an adverse effect on liquidity and price as a result of OTC derivatives and futures reform?

Moderator: **Sharon Brown-Hruska, Ph.D.**, *Vice President*  
 NERA ECONOMIC CONSULTING  
 Panelists:

**James Burr**, *Vice President, Energy Products*, FCSTONE TRADING  
**Adam Felesky**, *CEO*, BETAPRO MANAGEMENT  
**Jennifer Han**, *Assistant General Counsel*,  
 MANAGED FUNDS ASSOCIATION  
**Douglas Hepworth, CFA**, *Director of Research*,  
 GRESHAM INVESTMENT MANAGEMENT

3:00 – 3:15 *Afternoon Networking Break*

3:15 – 4:00 *Panel Discussion:*

### **Effective Central Clearing of Contracts**

- What impact will OTC and CDS initiatives have on the traditional clearing business?
- Which existing exchanges are likely to become dominant registries?
- Are any new entrants likely to emerge?
- Will new platforms be needed and available for the execution of swaps?
- Will clearinghouses offer products to create registries on behalf of market participants?
- Will there be other ways exchanges and clearinghouses might assist market participants?

Moderator: **Peter Malyshev**, *Of Counsel*, WINSTON & STRAWN LLP

Panelists:

**Trabue Bland**, *Director of Regulatory Affairs & Assistant General Counsel*, INTERCONTINENTAL EXCHANGE (ICE)

**Anita Herrera**, *Chief Compliance Officer*, NODAL EXCHANGE, LLC

**Julius R. Leiman-Carbia**, *Vice President, IST Compliance*, BP AMERICAN COMPLIANCE & ETHICS

4:00 – 5:00 *Panel Discussion:*

### **Financial Institutions' Perspectives on the Impacts of Derivatives, Futures and Swaps Reforms in Energy Markets**

- Will financial institutions continue providing credit support to physical commodity traders?
- Will trading desks be spun off from banks—and if so, how will capitalization be affected?
- How will new OTC derivatives and futures regulations affect new commodities markets such as renewable energy products and carbon trading?
- How might new definitions of Swaps Dealers and Major Swaps Participants affect brokers?
- How will traditional business lines be affected?

Moderator: **David M. Perlman**, *Partner*, BRACEWELL & GIULIANI LLP

Panelists:

**Alexandra Guest**, *Global Co-Head of Commodities, Futures & e-Commerce Compliance*, BARCLAYS CAPITAL

**Ann Sacra**, *President & COO*, NODAL EXCHANGE, LLC

**Lauren Teigland Hunt**, *Managing Partner*, TEIGLAND-HUNT LLP

**Sebastian Tiger**, *Director, Legal & Compliance*, CREDIT-SUISSE SECURITIES USA, LLC

**Wednesday, September 22, 2010:**

*Impacts of OTC Derivatives and Futures Reform on Compliance Management*

8:00 – 9:00 *Registration & Continental Breakfast*

9:00 – 9:05 **Welcome & Introduction by the Summit Chair**  
**Paul Cusenza**, *Chief Executive Officer*, NODAL EXCHANGE, LLC

9:05 – 9:30 *Panel Discussion:*

**Role of Trading Software & Systems in Assisting with Clearing, Tracking and Reporting**

Revised trading rules incorporating central clearing and real-time reporting provisions to increase transparency in commodities markets will undoubtedly increase the reporting burden for both end-users and financial traders. This panel will explore how this burden might be eased through software and automated services.

Moderator: **John Leonti**, *Senior Attorney*, TROUTMAN SANDERS LLP

Panelists:

**Tom Platt**, *Director of Legal Business Development*, NEXIDIA, INC.

**Michel Zadoroznyj**, *Vice President, Product Center, Treasury and Regulatory Compliance Division*, TRIPLE POINT TECHNOLOGY, INC.

9:30– 10:00 *Presentation:*

**How Emerging CFTC Market Regulations May Affect Compliance**

- Compliance with respect to new regulated categories, such as Swap Dealers, Major Swap Participants, Swaps Repositories, Swap Execution Facilities
- Registration of market participants
- Mandatory clearing—new provisions for Derivatives Clearing Organizations
- Mandatory trading—new category of Alternative Swap Execution Facility
- Mandatory reporting—new category of Swap Repository, and the impacts of real-time reporting
- Expanded definition of swaps
- Margin requirements—where expanded capital requirements might or might not apply
- Segregation of collateral

**Peter Malyshev**, *Of Counsel*, WINSTON & STRAWN LLP

10:00 – 10:15 *Morning Networking Break*

10:15 – 11:15 *Presentation:*

**Understanding The Effects of Market Manipulation Standards**

Differentiating between legitimate risk-taking and market manipulation can be difficult in complex energy markets, and is likely to become even more difficult in the aftermath of financial reform. What criteria can be used to determine whether price reflects supply and demand? This presentation will discuss how to protect your organization in the course of developing and reporting prices.

- Impact of replacement of “intent” with “recklessness” as a conduct standard
- Distinguishing reporting
- Distinguishing bona fide prices
- Trading behaviors and how the various agencies’ manipulation standards would apply

**Geoffrey Aronow**, *Partner*, BINGHAM McCUTCHEON  
**Charles Cerria**, *Associate General Counsel – Trading*,  
HESS CORPORATION

11:15 – 12:15 *Dual Presentation:*

**Initial Steps to Compliance with the Proposed OTC Laws and Regulations**

- Examining and assessing your existing book and operations
- Steps in filing for a 2H or 2G exemption
- What new reporting may need to be put in place
- What new filings may need to be made
- Leveraging existing FERC and other compliance systems
- Evaluating whether desks or businesses will need to be restructured

*The Policy Perspective:*

**Dan Berkovitz**, *General Counsel*, U.S. COMMODITY FUTURES TRADING COMMISSION (CFTC)

*The Implementation Perspective:*

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

12:15 *The Summit Adjourns*