



Hidden Gem

Discovering USD's Energy Policy Initiatives Center (EPIC)

BY PAMELA WILSON



Stories about a fractured arctic iceberg twice the size of Manhattan and global sea levels that may rise as much as 55 inches this century recently made national headlines. Closer to home, a tiny think tank at the University of San Diego School of Law is focused on the local implications of these challenges.

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John Leslie



USD's Energy Policy Initiatives Center (EPIC) has already demonstrated impressive achievements since it opened in 2005. Yet few San Diego lawyers know it exists. John Leslie, a partner at the San Diego office of McKenna Long & Aldridge whose practice includes energy law, notes, "I'm not sure local attorneys are aware of the capabilities EPIC has and the resources it provides."

The center is training a new generation of lawyers who are pursuing careers in energy and climate law policy and industries. "EPIC is a gem," agrees USD law graduate Thomas Del Monte, now president and general counsel of San Diego start-up Interra Energy. He calls EPIC's director, Scott Anders, "a really inspirational guy ... Scott has this infectious enthusiasm for the topic that seems to rub off on a lot of people. [He]

The key mission of EPIC is "to do good, fact-based analyses that can be used to inform policy,"
Scott Anders



was instrumental in shaping the direction of my career. I am very thankful for that."

Annually, EPIC sponsors two energy law courses, a practical clinic and a nationally recognized symposium. A select group of clinic students conduct in-depth analyses on a problem posed by a public agency, such as the California Energy Commission or the California Public

Utilities Commission (CPUC). With guidance from an attorney, students present their conclusions in a face-to-face meeting at the end of the semester. "There are three to five law students in a room with 10 to 20 agency representatives posing challenging questions," says Anders. "It's a fascinating and rewarding aspect of EPIC's offerings." A public agency gets thorough research to help inform emerging public policies, while students have the opportunity to research a project extensively and interact with professionals in the field.

Study topics have included eliminating regulatory barriers to technology that captures polluting methane gas at dairy farms and converts it to renewable electricity. This year students are analyzing which government agencies could most effectively regulate the burgeoning electricity consumption of television cable boxes.

The key mission of EPIC is "to do good, fact-based analyses that can be used to inform policy," Anders says. "We don't have a stake in the outcome, we just try to understand the issues and do analyses in a way that is helpful to decision makers."

In addition to the clinic's projects, EPIC has been hired by local government agencies to help develop policies and programs related to energy and climate. Assembly Bill 32, passed in 2006, mandates development of regulations and market triggers to reduce the state's greenhouse gas emissions to 1990s-levels, by the year 2020. Research produced by EPIC is helping local jurisdictions adopt policies to meet AB 32 targets through improved transportation efficiency and other measures. EPIC received City of San Diego funding to help it develop a climate mitigation and action plan.

Two courses developed by EPIC, "Energy Law and Policy" and "International Energy Regulation," give students an introduction to this emerging practice area. Nilmini Silva-Send, EPIC's senior policy analyst, teaches the international energy course each year. Leslie, who has served on EPIC's board since its inception, cites the energy classes as a significant accomplishment. "It's a sustaining educational opportunity being

funded by EPIC," he says.

The institute also received funding from the National Science Foundation to work on a climate change education project in collaboration with academics at Scripps Institution of Oceanography and Cal State University San Marcos. The project, Silva-Send explains, is studying the most effective ways to inform key regional decision makers on the likely effects of climate change in the coming decade.

Initial seed money for EPIC came from a fraction of a settlement in which Duke Energy paid more than \$200 million to resolve claims it overcharged for wholesale electricity during the state's energy crisis of 2000-01. Local agencies have asked EPIC to analyze the impact of renewable energy and greenhouse gas laws and policies. "EPIC has been recognized as a neutral, disinterested party that provides unbiased analysis of the issues," Leslie observes.

USD graduate Del Monte conceived the idea for his start-up company while working on the clinic project studying dairy farm methane capture. Interra Energy is currently ramping up technology to convert biomass, such as yard waste, to a form of charcoal used as a plant nutrient in gardening. Del Monte likens it to "coal mining in reverse" because the process creates gas that can be cleanly burned to generate electricity, and the charcoal produced returns carbon to the earth that would otherwise pollute the atmosphere. "I learned in law school to develop the roll-out strategy to be in harmony with the regulations instead of in conflict."

A second former student whose career path was fundamentally altered by discovering EPIC is Tracy Logan, currently a lead program analyst at the U.S. Department of Energy in Washington, D.C.



"They have three staff and some researchers but what they are able to accomplish is incredible."
Tracy Logan

Logan majored in economics as an undergrad, then worked full-time in SDG&E's accounting department while studying law in USD's evening program in the mid-2000s. A lunch meeting with EPIC director Anders was the beginning of Logan's exploration of how work experience and a law degree could apply to a career in energy policy.



"EPIC is a gem."
Thomas Del Monte




"It's like a powerhouse," Logan says of EPIC. "They have three staff and some researchers but what they are able to accomplish is incredible." Logan enrolled in the energy courses and was hired as a student researcher, tracking all pending state legislation and summarizing and posting laws pertaining to energy on EPIC's website. This data helps the public and decision makers stay informed on proposed regulations. "I had the utility background, but I had never looked at legislation or considered policy-related legal work," Logan says of her work at EPIC. "A focus on policy is appreciated on the East Coast,

but it's rare on the West Coast to have an institution like EPIC. It fills a great gap and is something I am very proud of as an alum of the law school."

Although she misses the Southern California weather she enjoyed growing up, Logan's policy-focused job makes it worth enduring the sweltering heat of D.C. summers. At DOE, Logan helps federal agencies facilitate development of wind, solar and other renewable energy projects on agency lands. Under the federal Energy Policy Act of 2005, 7.5 percent of the energy consumed by federal departments in fiscal year 2013 must come from renewable sources.

Back at EPIC, Anders, Silva-Send and their students are managing another study with potentially far-reaching implications. EPIC was selected to manage a neutral analysis of California's net metering law, which requires utilities to credit, and in some instances pay, ratepayers for energy they generate on-site through rooftop solar panels and other technologies. This year a coalition of utilities lobbied the CPUC to scale back the program, citing costs. That proposal was rejected, but the CPUC called for more study of the economic and policy implications of net metering laws. "Our mission and focus is to do analysis and present the best information we can regardless of the topic or the parties," says Leslie. "Regarding the net metering study, stakeholders on all sides of the issue were happy with EPIC being selected to manage it."

On November 9, EPIC will host its fourth annual symposium, co-sponsored by USD's *Journal of Climate and Energy Law* and the SDCBA. Panels will focus on the law of distributed energy, including distributed generation, which is the production of electricity from many small sources distributed throughout a community, such as rooftop solar and mini-wind turbines. This emerging mode of electricity production is compelling significant change in the business and regulatory models of established utilities that historically drew power from massive gas or coal-burning plants located far from consumers. Anders says the program also will cover energy storage and energy efficiency. "We have a good lineup of speakers," he adds. Paid registration is open to the public. 

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