



**NEW YORK
LAW SCHOOL**

**“SMART” ENERGY REGULATION:
FACILITATING THE DEPLOYMENT OF A NATIONAL,
BROADBAND-ENABLED SMART GRID**

WEDNESDAY, MAY 19, 2010

**THE RITZ-CARLTON
WASHINGTON, D.C.**

Participants include:

U.S. Department of Energy • Federal Communications Commission • Federal Energy Regulatory Commission • Congressional Staff • NARUC-FERC Smart Grid Collaborative • NARUC Telecommunications Committee • NARUC Electricity Committee • Colorado Public Utilities Commission • D.C. Public Service Commission Michigan Public Service Commission • New York Public Service Commission Missouri Public Service Commission • Rhode Island Public Utilities Commission Minnesota House of Representatives • Missouri House of Representatives • Alcatel-Lucent • AT&T • CableLabs • Carnegie Mellon University • Comcast • CTIA-The Wireless Association • Electric Power Research Institute • Florida Biofuels Association Florida Power & Light • Intel • Mayer Brown LLP • National Cable & Telecommunications Association • New Democrat Network • Nokia Siemens T-Mobile • Trilliant • University of South Florida • Utilities Telecom Council USTelecom • Verizon

Agenda

8:15 AM - 8:50 **Registration and Continental Breakfast**

8:50 – 9:00 **Introductory Comments**

Welcome: *Charles M. Davidson, New York Law School*

9:00 – 10:15 **The Broadband-Enabled Smart Grid: Identifying Consensus Across the Energy & Communications Sectors**

This panel will focus on the notion of a broadband-enabled smart grid and will address questions such as: Why is it important from a public policy standpoint to utilize broadband technologies in smart grid deployment? What are the benefits and costs of using broadband? Are electric utilities open to utilizing third-party broadband networks instead of building their own proprietary networks? If not, why not? How can we ensure the most efficient use of resources? If there are roadblocks to partnerships with third-party broadband providers, what are they, and how can they be addressed? Are there myths about broadband providers and electric providers as they relate to smart grid deployment strategies that should be busted? Is there a way to build consensus and work together to achieve the most efficient smart grid deployment without government involvement, or are regulatory reforms necessary? What kind of analysis is needed to ensure that the broadband-enabled smart grid is truly an advantage to the many, and not just to the few? And who should be tasked with that analysis? *Hear from experts in the energy and communications sectors – as well as federal and state regulators – on strategies for spurring consensus across the energy and communications sectors regarding a broadband-enabled smart grid.*

Moderator:

Speakers: *Hon. Garry Brown, New York Public Service
Commission*
Kathy Brown, Verizon
Rob Conant, Trilliant
Ryan Egidi, Department of Energy
Hon. Ed Emery, Missouri House of Representatives
*Hon. Elia Germani, Rhode Island Public Utilities
Commission*

Bret Perkins, Comcast
Nick Sinai, Federal Communications Commission
Dane Snowden, CTIA - The Wireless Association

10:15 – 10:30 **Networking Break**

10:30 – 11:00 ***Keynote Address - How Smart is Federal Energy Regulatory Policy Pertaining to the Smart Grid? Given the investment required, should the U.S. be shooting for “smart enough” or “head of the class” when it comes to the smart grid?***

Keynote Speaker: *The Honorable Marc Spitzer, Commissioner, Federal Energy Regulatory Commission (FERC)*

11:00 – 12:15 ***Out with the Old . . . And In with the New: Assessing the Impacts of the Energy Regulatory Paradigm on Innovation & Identifying Solutions (Collaboration, Regulatory Reforms, etc.)***

The prevailing regulatory structure for the energy sector does not facilitate the most creative and innovative solutions to the nation’s energy problems. Specifically, it is not conducive to broadband-enabled innovation, which is as vital to economic development as the smart grid. Changes to the predominant regulatory approach are necessary to ensure that America’s 21st century energy needs are met in the most reliable and efficient manner. This panel will address the following questions: What are the specific challenges and shortcomings in the current energy regulatory paradigm vis-à-vis facilitating robust innovation? What are the prospects for collaboration between energy companies and broadband network owners? How can interagency cooperation at the state and federal levels be facilitated? What regulatory and policy changes must be made at the local, state, and national levels to better incentivize innovation across the energy sector, collaboration across sectors, and the most efficient smart grid for the benefit of consumers? Specifically, are there innovative approaches for cost recovery that may be used? What policy changes or incentives are necessary to make electric utilities a more natural ally of smart grid deployment? *Hear from an interdisciplinary array of policy experts from state and federal government and the private sector on these issues.*

Moderator:

Speakers: *Hon. Joe Atkins, Minnesota House of Representatives*
Hon. Garry Brown, New York Public Service
Commission
Hon. Matt Baker, Colorado Public Service Commission
Hon. Betty Ann Kane, D.C. Public Service Commission
Kevin Kelly, Federal Energy Regulatory Commission
Ryan Egidi, U.S. Department of Energy
Michael Moynihan, New Democrat Network
Mike Oldak, Utilities Telecom Council
Jeremy Susac, Florida Biofuels Association
Mark Madden, Alcatel-Lucent

12:15 – 1:15

Luncheon Keynote: How the Administration is Accelerating Smart Grid Deployment and its Plans to Address Potential Roadblocks

Keynote Speaker: *Scott Blake Harris, General Counsel, U.S. Department of Energy*

1:15 – 2:30

Privacy: It Doesn't Have to be the Achilles Heel of the Smart Grid

Foremost among issues that could severely impede more robust innovation in the smart grid sector is the debate over ownership of the data generated at the meter, which is the interface of the smart grid and a customer's home, as well as security and privacy concerns regarding the handling of this usage data. These concerns remain unresolved. In fact, the Commerce Secretary has dubbed such vast data collection as both "the major benefit" and "the Achilles' heel" of the smart grid, given the myriad privacy concerns. Still, there must be solutions for extracting the benefits while protecting the sensitive data and the security of the grid. This panel will address these issues, including: After smart grid deployment, how much more information will service providers have access to than they do today? Is this data of a nature that the consumer will consider sensitive, and is the answer to that dependent on whether new entities (other than the electric utility) are privy to usage data? Who owns the data? What access should customers and utilities have to energy use data? Are there existing models for data management practices that have garnered consumer confidence and trust that may be used here? Particularly with respect to commercial and industrial customers, what are the security and competitive issues to consider? Should standards be set for protection of consumer data, and if so, who should be given that authority? Is there a role for the states? Is this something industry can (or does) self-enforce?

Moderator:

Speakers:

Dorothy Attwood, AT&T

Jon Banks, USTelecom

*Richard Cimerman, National Cable &
Telecommunications Association*

*Hon. Maureen Harris, New York Public Service
Commission*

Dr. Marija Ilic, Carnegie Mellon University

Mary Street, Mayer Brown LLP

*Dr. Nicol Turner-Lee, Joint Center for Political and
Economic Studies*

Barbara Tyran, Electric Power Research Institute

Hon. Greg White, Michigan Public Service Commission

2:30 – 2:45

Networking Break

2:45 – 4:00

Extending Innovation into the Home: How to Ensure that Consumers Benefit - and Realize the Benefits - from the Universe of Broadband-Enabled Smart Grid Tools

The value of energy services must be made evident to the customer, to engage them in driving greater innovation – just as they have done in the communications sector – and to avoid backlash that could quash the best-laid plans for large scale smart grid deployment. A variety of innovative tools and services are poised to leverage in-home broadband connections. Real-time data generated by the smart grid will enable customers to track how much energy they use and determine strategies for cutting costs. How can consumers be engaged to utilize the myriad services the smart grid will enable? How do we make them aware of, and put them at ease with, the new demand response capabilities so that the biggest societal benefits of the smart grid can be realized? How do we preemptively deal with – or at least minimize – the likely perception by some that this is more government intrusion that should be avoided? While a series of smart grid pilot projects have increased exposure to the concept, can broadband be the key to commercializing the smart grid in a broad way (in the same way that mobile phones and the related technologies and applications have expanded customer benefits far and above those provided by traditional land-line communications)? This panel will address the many issues related to ensuring that consumers derive maximum value from smart grid-enabled tools and services.

Moderator:

Speakers:

Dave Blank, Verizon
Rob Conant, Trilliant
Dr. Alexander Domijan, University of South Florida
Mark Madden, Alcatel-Lucent
Hon. Erin O'Connell-Diaz, Illinois Commerce
Commission
Roy Perry, CableLabs
Ellen Piccioli, Intel
Hon. Greg White, Michigan Public Service Commission
Seppo Yrjola, Nokia Siemens

4:00 – 4:30

Regulator Wrap-Up: The Takeaways for Charting a Course Towards a National, Broadband-Enabled, Consumer-Centric Smart Grid

With a growing number of smart grid initiatives at the state and federal levels, an immediate concern is that such “hyperactivity” may not be properly focused. *In this wrap-up session, regulators will recap the key takeaways from today’s roundtables and keynotes, highlighting those areas where state and federal regulators and policymakers can work together – across political boundaries and specific jurisdictions – to focus on the overriding goal: the deployment of a national, interoperable, broadband-enabled smart grid that empowers consumers to more efficiently manage consumption.*

4:30 – 5:00

Keynote Address

Keynote Speaker: *The Honorable Philip Moeller, Commissioner, FERC*

About the ACLP at New York Law School

The ACLP at New York Law School is an interdisciplinary public policy program that focuses on identifying and analyzing key legal, policy, and regulatory issues facing the advanced communications sector. For more information, please contact:

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