



Meeting request with Attorney General Pruitt  
andrewpmiller to: Sheila.harder  
Cc: Crystal.drwenski

04/20/2012 09:33 AM

Sheila,

Thank you for getting back to me. The matter I would like to discuss with the General and Crystal is not client-driven. Instead it involves how the General and his colleagues might have an even greater impact on national public policy. The concept I have in mind builds on the momentum created by the States' leadership in challenging Obamacare, however the Supreme Court may actually decide that case.

The touchstone of this initiative would be to organize the States to resist federal "overreach" whenever it occurs. I am not really focusing on "overreach" with respect to an issue involving a single State. Instead where the effort I envision would have the greatest impact is on subjects of national importance to federalism.

One of the controversies, which probably is a priority concern of the General, is EPA's current launch of a regulatory foray with respect to fracking. The rules just proposed represent Lisa Jackson's opening salvo; should Obama be re-elected, there will be all hell to pay. Sound public policy dictates that fracking be the subject of state not federal regulation, as it has been in the past. The practice has now spread over so many States that the question of whether the States are to continue in their oversight role is squarely on the table.

I could go on, but I regard the General as the AG best suited to take the lead on this question of federalism, as well as on some others which may arise. My flight arrives in Chicago at 3:25 P.M. on Sunday; I depart on 3:40 P.M. on Tuesday. I know not the General's schedule. If convenient, I would be pleased to have dinner with him and Crystal Sunday evening. Should this not work, please suggest an alternative. I look forward to hearing from you.

Andy



Oklahoma City Legal Summit on Energy  
andrewpmiller to: Scott.pruitt  
Cc: rhastie, hnbutler, patrick.wyrick

09/17/2012 03:51 PM

General,

As always, I enjoyed being and working with you in DC the end of last week. I am in the process of obtaining a current list of NAAG's Executive Committee and will call you as soon as I receive it. Subsequent to Tim's fundraiser, Rod and I had an opportunity to further discuss your "Legal Summit on Energy." The more we looked at the calendar, the more it seemed to us that the dates of November 15 -16<sup>th</sup> work best. Our reasoning: Thanksgiving week we agreed at our Friday breakfast was out; the last week of November was in conflict with CWAG/NAAG; and any dates in December would be too late.

As to the program itself, the following suggestions are respectfully laid on the table:

1. In the morning session, the agenda should include three nationally recognized speakers:
  - (a) one to talk about the status of existing problem projects, eg., Keystone XL pipeline, Spruce Mine, Pebble Mine and Eagle Mine; (b) another to give a profile of EPA's known and prospective regulatory initiatives; and (c) a third to describe the litigation over energy issues in which the States are then, or are soon to be, participating. These speakers need to be identified and invited soon to ensure their availability.
2. In addition a facilitator, with significant experience in energy and natural resource issues, ought to be selected to guide an afternoon roundtable, as a consequence of which a comprehensive state legal strategy on such issues would be developed and consensus sought.

Last week we talked of creating a working group to help in the development of the summit and relieve folks on the ground, outside of your office staff, of some of the administrative burden. As with everything else, I fully appreciate that you will be making the decision as to who the group's members are. My view is that those copied on this e-mail would be a good start, but I understand you will certainly wish to add others. To get this initiative off the ground, I recommend that we have a conference call later this week at a date and time to be set at your convenience.

Andy

Andrew P. Miller

Washington, DC 20007

andrewpmiller@verizon.net



Energy Summit - November 15th  
andrewpmiller to: Scott.pruitt  
Cc: Patrick.Wyrick, Melissa.houston, hnbutler, rhastie

10/02/2012 06:16 PM

General Pruitt,

As you are aware, I have been trying to reach you about my meeting with General Conway in DC last Thursday. I talk to Melissa yesterday, who advised that you would return to your office tomorrow. Hopefully we can speak then.

In the meantime, I would like to lay another matter on the table which I hope can be addressed in the course of our call:

1. I believe it would constitute a serious mistake to have the Energy Summit sponsored by NAAG. As I mentioned to your staff, were NAAG involved, the entire mission of the Summit would be thwarted by General Madigan's, for example, insisting that pro-industry speakers be offset by Sierra Club acolytes. Indeed General Gansler would in all likelihood try to hijack your Summit. At best you would be left to preside over a debate, rather than a call to arms.
2. There is no need for NAAG's participation in order to achieve a semblance of bi-partisanship. I have reason to believe that, if invited by you, these Democratic AG's would participate: Conway, McDaniel and Phillips. Their presence would be sufficient to squelch any criticism of the Summit's being a partisan jihad.
3. When then General Pryor created RAGA, his aim was to organize a Republican strike force which would effectively impact public policy. In this role, should it pick up some support from the other party so much the better. That said, its mission cannot be diluted by entanglement with NAAG. In the energy and natural resources context, this strike force ought to take the form of a national state AG litigation team to challenge EPA's overreach. At the Summit I would hope a consensus could be reached on the team's agenda so that, like the dalmatian at the proverbial firehouse, it could move out smartly when the alarm sounded.

On our last conference call over a week ago, the issue of what might be the agenda of a NAAG Mid – West Event/Dinner was discussed by those copied on this e-mail. I have since given further thought to that question and offer the following. I conclude that a program focused on the need for "Infrastructure" improvements would be well received:

1. Within the last few days, I met a businessman who owns several large grain farms in Illinois. He was complaining about the fact that American Gulf Coast and East Coast ports had insufficient depth to handle the mega – sized container ships which will soon be able to traverse the newly expanded Panama Canal. This is a problem which faces all mid – western grain farmers, in the export trade, due to their foreign competitors' having deeper ports. Its resolution will require the collaboration of AG's from all state stakeholders.

2. The reliability of the electric grid is a factor, among others, for EPA to consider in issuing regulations. The primary responsibility for ensuring reliability, however, rests elsewhere with, *e.g.*, FERC and ERCC. One of numerous issues is the absence of transmission facilities where needed to transport, for instance, turbine-generated wind power from remote areas. When the economy rebounds, this challenge will become even more daunting and needs to be better understood by the States.
3. A not dissimilar issue relates to pipelines for natural gas produced by means of the fracking process. This technique has greatly increased the supply of gas but, if it cannot be transported, it will not be used. Questions of federal vs. state control over pipeline permitting should be examined with a view to avoiding unnecessary conflict between competing regulatory regimes. Offices of Attorneys General can strive to make this process run more efficiently.
4. An increasing economic problem is the effect of continual drought in the Mid – West on barge traffic which is, of course, a major means of transport for heavy cargo along the Mississippi, Missouri and Ohio Rivers. There is little one can do about the draft of barges and not much about the river bed, except in spot locations. Instead the issue is about how the Corps of Engineers can best maintain adequate water flows. Again, this is a controversy which deserves further airing among both AG's and staff in order to facilitate its less contentious resolution.

General, I am sure you will have additional issues to consider for the Mid- West Event/Dinner. Indeed, you may wish to delete one or more of these suggestions. In any event, I trust that you will find the foregoing to be a useful starting point in framing the agenda.

All the best!

Andy



Conference Call  
andrewpmiller to: Melissa.houston  
Cc: hnbutler, rhastie, patrick.wyrick

10/02/2012 06:02 PM

Melissa,

In light of Rod's e-mail, I will be available tomorrow morning (Wednesday) for a conference call at anytime convenient to the others. As is his custom, Rod will be glad to set it up. I look forward to discussing the various issues confronting us and to deciding at least some of them. As I mentioned on September 14<sup>th</sup>, during our first conference call almost three weeks ago, time is always the enemy in these matters.

Andy

Andrew P. Miller

[REDACTED]  
Washington, DC 20007

[REDACTED]  
[andrewpmiller@verizon.net](mailto:andrewpmiller@verizon.net)



General Pruitt,

This is to confirm that General Conway's schedule is clear for December 3<sup>rd</sup> and 4<sup>th</sup>. I have asked Susan Britton, his Executive Assistant, to put a hold on these dates. As we discussed, however, Jack needs to hear from Joe Crase. Susan is not aware at this point of Jack's getting any call from Joe. Please advise as to where matters stand with respect to closing this loop.

Since December schedules will begin to fill up, in order to maximize the attendance of AG's (and, if an AG already has made another commitment which cannot be changed, of his or her chief deputy or the equivalent), I suggest that a "save the date letter" signed by you be send by the first of next week to the following AG's:

A	W	O	M	AL
K	Y	K	I	
ID	N	T	IN	FL
	D	X		
U	SD	L	O	G
T		A	H	A
A	NE	A	P	SC
Z		R	A	
C	KS	W	KY	VA
O		I		

With a few exceptions each of these States has mining operations and all have energy issues. Moreover, the AG's of every State listed should be sympathetic to our cause.

In regard to the agenda for December 4<sup>th</sup>, as Patrick and Melissa know, our tentative plan, subject to your approval, is to have the first session devoted to "case studies" in which a number of corporations subject to EPA overreach will explain their challenges. I have already signed up my client, TransCanada, to make a presentation on Keystone and am in the process of getting Pebble Partnership to do the same on the Pebble mine and Arch Coal on its Spruce mine. Rod is arranging for the Southern Company to present on Alabama Power. Finally, I am talking with ANGA about having one of its members describe the fracking controversies in either Texas or Wyoming.

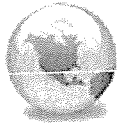
Attached please find the latest version of Henry's budget which I trust that Alliance will be willing to fund in part. Rod and I are seeking to have others contribute as well. Our initiative has the prospect of being a great success. I look forward to working closely with you and your staff in order to see that we accomplish the mission in the days ahead.

Andy  
Andrew P. Miller

[REDACTED]  
Washington, DC 20007  
[REDACTED]



[andrewpmiller@verizon.net](mailto:andrewpmiller@verizon.net) Henry Revised Budget 10-11.docx



## Summit on Federalism - Energy and Natural Resources

andrewpmiller to: hnbutler, rhastie, Melissa.houston,  
Patrick.wyrick

10/16/2012 11:09 AM

In preparation for our conference call on Thursday, I thought it might be useful to sketch out an agenda for December 4<sup>th</sup> off of which all of us could work. Obviously, it will require fine tuning but I trust its structure is one on which we can reach agreement. I also hope we can agree on who should be the speaker at the dinner on December 3<sup>rd</sup>. My concept of the agenda is as follows:

8:00 – 8:45 A. M.	Buffet Breakfast
8:45 – 9:00 A. M.	Introductory Remarks
	General Scott Pruitt
	General Jack Conway
9:00 – 10:15 A.M.	Case Studies
	Keystone
	Arch Coal
	Pebble Management
	(ANGA)
	(API)
	Southern Company
10:15 – 10:30 A.M.	Break
10:30 – 11:30 A.M.	Regulatory Challenges: EXISTING



	AND PROSPECTIVE (Brownell?)
11:30 A.M. – 12:30 P.M.	Litigation: FILED
	AND PROBABLE (Rivkin)
12:30 – 12:45 P.M.	Break
12:45 – 1:45 P.M.	Luncheon Roundtable
1:45 – 3:00 P.M.	Convocation – SETTING PRIORITIES(Adler )
3:00 – 3:15 P.M.	Break
3:15 – 4:30 P.M	Convocation – IMPLEMENTING MECHANICS (Adler)
4:30 – 5:00 P.M.	Summation and Adjournment General Jack Conway General Scott Pruitt

An issue which I would appreciate all of us thinking about is whether from 2:00 P.M. – 5:00 P.M. non-governmental guests should remain in the room. Some AG's might not want them to be there when state legal strategy is discussed. On the other hand, the purpose of the Summit is to develop a strategy to be deployed by States which agree with industry on a specific issue(s), in other words when by definition there is no conflict. A possible solution would be to have non-governmental guests stay in the room after 2:00 P.M but without the right to

participate in the discussion amongst the AG's and deputies, unless so invited to do so on a specific topic by an AG.

Andy

Andrew P. Miller

Washington, DC 20007

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## Summit on Federalism - Energy and Natural Resources

andrewpmiller to: hnbutler, rhastie, Melissa.houston,  
Patrick.wyrick

10/19/2012 07:54 AM

The following is a list of questions which might be addressed in the Summit's afternoon session titled: "Convocation – Implementing Mechanics." I am sure there are questions which should be added to this list. Also the order in which the questions are addressed may require adjustment. Once the list has been finalized, it should serve as the guide for Jonathan Adler in his facilitation of the discussion among the Attorneys General and deputies.

1. How many States, represented in this room, have taken the lead in the past three years, or are now taking the lead or are contemplating taking the lead, in the preparation and filing of multi-state Comments attacking EPA's overreach on federalism grounds?
2. How many States during the period cited, have prepared and filed, or are now in the process of filing, or are contemplating preparing and filing, similar Comments on their own?
3. How many States in the past three years have been or are currently in litigation, or are contemplating litigation, on their own or with others, over issues of EPA's overreach on federalism grounds?
4. When your State has sought the assistance of other States, how have you gone about seeking help? Directly? Through NAAG? Both?
5. How would you rate your success in obtaining the sought for assistance? Do you believe the process could be improved so as to increase the number of States participating so as to advance your State's interests?
6. What do you think of establishing a process for solicitation of state assistance under the umbrella of an informal coalition called "American States United" ("ASU")?
7. Would it be useful for ASU to designate an Executive Director who could receive requests for help from ASU member States, by way of Comments, intervention or amicus filing, and communicate such requests to all other member States?
8. How should the ASU's Executive Director be chosen? Should this not be accomplished through consultation among, and majority vote of, the Attorneys General of ASU member States?
9. Should a job description for the Executive Director be prepared by a volunteer AG's office, represented in the room, and circulated for approval by the AG's of ASU member States? Is there an AG willing to undertake this task?
10. Since a joint effort requires a lead State, how should such leads be selected? Should not the Executive Director at the request of an ASU member State set up a conference call of all member States, and have those States on the call, with an interest in the subject matter, choose a lead by majority vote?
11. What other steps designed to strengthen the state forces of federalism do you suggest?

I propose that these questions be circulated to the AG's present prior to the Convocation – Implementing Mechanics session so that each AG would assume some responsibility for responding to one or more of them. For example, if General Pruitt wishes Clayton Eubanks to


be the ASU's Executive Director, the General might offer his services in that role and General Conway could then second the idea. This session should last only as long as necessary to establish ASU's protocol for response whenever there may arise an issue of EPA's overreach on federalism grounds.

Andy

Andrew P Miller



Washington, DC 20007



[andrewpmiller@verizon.net](mailto:andrewpmiller@verizon.net)



Rivkin's Wake-up Call

andrewpmiller to: hnbutler, rhastie, Melissa.houston,  
Patrick.wyrick

10/29/2012 11:14 AM

Attached please find a copy of a recent op-ed piece in the *Wall Street Journal* which I think you may find of interest.

Andy

Andrew P. Miller

[REDACTED]  
Washington, DC 20007  
[REDACTED]

[andrewpmiller@verizon.net](mailto:andrewpmiller@verizon.net)



WSJ Article from 10-24.docx



**Save the Date**

andrewpmiller to: Ashley.olmstead

Cc: hnbutler, rhastie

11/07/2012 08:13 AM

Ashley,

I am delighted that the Save-the-Date notices have gone out. It would be very helpful if you could forward to Henry, Rod and me, a copy of the list of those receiving the notices, for our ease of reference in the days ahead. Also please advise as to whom we should send copies of our e-mails when we communicate with General Pruitt's office. For example, now that Tom Bates is on board, I assume that he should be added. Similarly, to promote efficiency please copy the three of us here on all communication to DC. Thanks.

Andy

Andrew P. Miller

Washington, DC 20007

[andrewpmiller@verizon.net](mailto:andrewpmiller@verizon.net)

**From:** [Tom.Bates@oag.ok.gov](mailto:Tom.Bates@oag.ok.gov) [<mailto:Tom.Bates@oag.ok.gov>]  
**Sent:** Monday, November 12, 2012 7:54 PM  
**To:** Henry N. Butler  
**Cc:** [Melissa.Houston@oag.ok.gov](mailto:Melissa.Houston@oag.ok.gov)  
**Subject:** RE: Energy Summit

Henry & Melissa,

The General and I spoke with Paul Seby this morning about presenting at the summit on the sue and settle issue. As you know Paul has been very helpful to us in this area and he said he would be happy to provide a sponsorship. Paul's email is [paul.seby@moyewhite.com](mailto:paul.seby@moyewhite.com). His number is 303-292-7934. On another note, the General asked me to touch base to make sure we are monitoring the level of participation at the AG level. He's heard some concerns about the compressed time frame. FUN!!

Tom  
Sent from Lotus Traveler

Henry N. Butler --- RE: Energy Summit ---

From: Henry N. Butler  
To: 'Sarah Lenti', [mourada@cleancoalusa.org](mailto:mourada@cleancoalusa.org)



**FW: Follow-up**  
Harder, Sheila to: [Melissa.Houston@oag.ok.gov](mailto:Melissa.Houston@oag.ok.gov)

11/12/2012 12:14 PM

Melissa,

Lyndon Taylor, EVP of General Counsel, is available at 3:45pm on Wednesday to meet with Mr. Butler. Will that work?

Thank you!

Sheila

**From:** Harder, Sheila  
**Sent:** Monday, November 12, 2012 11:05 AM  
**To:** 'Melissa.Houston@oag.ok.gov'  
**Subject:** RE: Follow-up

Hi Melissa!

Are you referring to Blu Hulseley? If so, his email is [BluHulseley@contres.com](mailto:BluHulseley@contres.com).

I have a request in to Lyndon Taylor about meeting on Wednesday with Henry Butler, Executive Director of the Law and Economy center at George Mason University. I will let you know when he responds. Allen Wright is out of the office all day on November 14<sup>th</sup> and will not be available.

Hope you are doing well!

Thank you!

**Sheila Harder**  
Executive Assistant to William F. Whitsitt, Ph.D.

**Devon Energy Corporation**  
333 West Sheridan Avenue Suite 900  
Oklahoma City, OK 73102  
405 228-8482 Direct  
[Sheila.harder@dvn.com](mailto:Sheila.harder@dvn.com)





224-330-0540 (mobile)

**From:** Harder, Sheila [<mailto:Sheila.Harder@dvn.com>]

**Sent:** Friday, December 14, 2012 11:55 AM

**To:** Henry N. Butler ([hnbutler@gmu.edu](mailto:hnbutler@gmu.edu))

**Cc:** Harder, Sheila

**Subject:** George Mason University Contribution

Good morning, Mr. Butler,

Bill Whitsitt requested that I follow up with you in regards to a \$10,000.00 contribution to the Law & Economics Center at the George Mason University School of Law. Will you please send me an invoice, along with your tax ID number? Upon receiving your request, I will process the invoice as soon as possible.

Have a wonderful holiday season!

Warm regards,

Sheila Harder

Executive Assistant to William F. Whitsitt, Ph.D.

Devon Energy Corporation  
333 West Sheridan Avenue  
Oklahoma City, OK 73102  
405 228 8482 Direct  
[Sheila.harder@dvn.com](mailto:Sheila.harder@dvn.com)



devon

I will contact him today

-----"Henry N. Butler" <[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)> wrote: -----

To: "Sarah Lenti" <[sarah.lenti@gmail.com](mailto:sarah.lenti@gmail.com)>, "Melissa McLawhorn Houston" <[melissa.houston@oag.ok.gov](mailto:melissa.houston@oag.ok.gov)>  
From: "Henry N. Butler" <[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)>  
Date: 01/03/2013 09:19PM  
Subject: Re: Harry Ng

Harry has informed me that API will not be participating in the panels. They don't want it getting back to EPA in DC that they are involved. However, he and Ben Norris will be providing assistance to the panels.

Best,

Henry

Henry N. Butler

Executive Director, Law and Economics Center

George Mason University School of Law

[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)

703-993-8644

224-330-0540 (mobile)

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**From:** Sarah Lenti <[sarah.lenti@gmail.com](mailto:sarah.lenti@gmail.com)>  
**Date:** Thu, 03 Jan 2013 16:57:59 -0500  
**To:** <[Melissa.houston@oag.ok.gov](mailto:Melissa.houston@oag.ok.gov)>  
**Cc:** hnbutler<[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)>  
**Subject:** Harry Ng

Hey, Melissa -- Harry Ng from API was the gentleman who called me today. He is General Counsel and his number was 202-682-8000.

Hope you have better luck!

--

Sarah Lenti  
202-557-5461

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**From:** Henry N. Butler [<mailto:hnbutler@gmu.edu>]  
**Sent:** Friday, January 04, 2013 8:21 AM  
**To:** Melissa McLawhorn Houston  
**Cc:** Sarah Lenti  
**Subject:** Re: Harry Ng

Melissa,

Not sure if that is necessary. Marty Durbin and Harry reached API's decision after weighing risks to the efforts to work with EPA and Dems on the Hill. Harry is going to provide a lot of help to the panels.

We're in good shape with the panels.

Need to continue progress on AG attendance.

Thanks.

Henry  
Henry N. Butler  
Executive Director, Law and Economics Center  
George Mason University School of Law  
[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)  
703-993-8644  
224-330-0540 (mobile)

---

**From:** [Melissa.Houston@oag.ok.gov](mailto:Melissa.Houston@oag.ok.gov)  
**Date:** Fri, 04 Jan 2013 06:08:50 -0600  
**To:** <[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)>  
**Cc:** Sarah Lenti - personal <[sarah.lenti@gmail.com](mailto:sarah.lenti@gmail.com)>  
**Subject:** Re: Harry Ng

From: "Henry N. Butler" <[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)>  
To: [Melissa.Houston@oag.ok.gov](mailto:Melissa.Houston@oag.ok.gov),  
Cc: 'Sarah Lenti - personal' <[sarah.lenti@gmail.com](mailto:sarah.lenti@gmail.com)>  
Date: 01/07/2013 08:36 AM  
Subject: Inhofe  
Sent by: [hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)

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Hi Melissa,

I understand that the Senate will not be in session on January 16-17.

Can we confirm Inhofe?

Thanks.

Best,

Henry

Henry N. Butler  
George Mason University Foundation Professor of Law  
Executive Director, Law & Economics Center  
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703-993-8644

~~224-390-0540 (mobile)~~

[henrynbutler@gmail.com](mailto:henrynbutler@gmail.com) (personal)

**From:** Henry N. Butler [<mailto:hnbutler@gmu.edu>]  
**Sent:** Monday, January 07, 2013 10:23 AM  
**To:** Melissa McLawhorn Houston  
**Cc:** Sarah Lenti  
**Subject:** Re: Inhofe

Melissa,  
Bummer!  
Thanks.  
Henry  
Henry N. Butler  
Executive Director, Law and Economics Center  
George Mason University School of Law  
[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)  
703-993-8644  
224-330-0540 (mobile)

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**From:** [Melissa.Houston@oag.ok.gov](mailto:Melissa.Houston@oag.ok.gov)  
**Date:** Mon, 07 Jan 2013 09:17:05 -0600  
**To:** Henry N. Butler <[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)>  
**Cc:** 'Sarah Lenti - personal' <[sarah.lenti@gmail.com](mailto:sarah.lenti@gmail.com)>  
**Subject:** Re: Inhofe

We can not. He emailed me today. I am working on Plan B. Will keep you posted.

Melissa McLawhorn Houston  
*Chief of Staff*  
*Assistant Attorney General*  
Oklahoma Attorney General E. Scott Pruitt  
313 NE 21st Street  
Oklahoma City, OK 73105  
Phone (405) 522-4422  
[melissa.houston@oag.ok.gov](mailto:melissa.houston@oag.ok.gov)

**From:** [jfoltz3@gmu.edu](mailto:jfoltz3@gmu.edu) [<mailto:jfoltz3@gmu.edu>]  
**Sent:** Friday, January 04, 2013 5:35 PM  
**To:** [Melissa.Houston@oag.ok.gov](mailto:Melissa.Houston@oag.ok.gov)  
**Cc:** Henry N Butler; Hastie, Roderick  
**Subject:** Thoughts on Inviting New Mexico to the Summit?

Melissa,

We were discussing today the possibility of adding New Mexico to the list of states invited to send an AG representative to the Summit. Has New Mexico been involved in any federalism-related energy litigation, or would they be otherwise appropriate to invite?

AG Gary King has been a good friend to the Mason AGEP and I would anticipate we could find someone from the NM office, even on this short notice. Let me know if you have any thoughts. Thanks in advance!

Best,  
Jon

--

Jonathan R. Foltz  
Manager, Attorneys General Education Program and  
Congressional Civil Justice Caucus Academy  
Law & Economics Center  
George Mason University School of Law  
[jfoltz3@gmu.edu](mailto:jfoltz3@gmu.edu)  
703.993.9964  
[www.MasonLEC.org](http://www.MasonLEC.org)

From: Henry N. Butler [mailto:hnbutler@gmu.edu]

Sent: Friday, January 04, 2013 11:53 AM

To: 'Paul Seby'

Subject: RE: Mason AGEP Oklahoma FOSSIL FUEL Summit WORKING AGENDA 12-19-12.docx

Paul,

Please send me the contract information for these folks:

The Coal Industry

Paul M. Seby, Moyer White, Denver, Colorado (Moderator) Karl R. Moor, Senior Vice President and Chief Environmental Counsel, Southern Company Jacob A. Williams , Vice President, Generation Development, Peabody Energy Steve Thompson, Executive Director, Oklahoma Department of Environmental Quality Utility Operator, TBD

Do we still need another participant, or is that the spot taken by Karl?

Thanks.

Henry

Henry N. Butler

George Mason University Foundation Professor of Law and Executive Director, Law & Economics Center George Mason University School of Law

3301 Fairfax Drive

Arlington, VA 22201

hnbutler@gmu.edu

703-993-8644

224-330-0540 (mobile)

**From:** Harder, Sheila [<mailto:Sheila.Harder@dvn.com>]

**Sent:** Monday, January 07, 2013 2:20 PM

**To:** Jonathan Foltz; Whitsitt, Bill

**Cc:** Henry N Butler

**Subject:** RE: Registration Reminder for General Pruitt's Summit on Federalism and the Future of Fossil Fuels

Hi Jon,

I registered Bill Whitsitt for General Pruitt's Summit on Federalism and the Future of Fossil Fuels on December 27<sup>th</sup>. Below is the registration confirmation number.

Please let me know if I can be of further service.

Thank you!

*Sheila Harder*

Executive Assistant to William F. Whitsitt, Ph.D.

**Devon Energy Corporation**

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405 228-8482 Direct

[Sheila.harder@dvn.com](mailto:Sheila.harder@dvn.com)



**devon**

**From:** Jonathan Foltz [<mailto:jfoltz3@gmu.edu>]

**Sent:** Thursday, December 27, 2012 11:52 AM

**To:** Whitsitt, Bill

**Subject:** Registration Confirmation - AGEP Summit on Federalism and the Future of Fossil Fuels



**From:** Rhonda.Geller@oag.ok.gov [mailto:Rhonda.Geller@oag.ok.gov]  
**Sent:** Tuesday, January 08, 2013 6:32 PM  
**To:** rhastie@hunton.com; jha@case.edu; Henry N Butler  
**Cc:** melissa.houston@oag.ok.gov; tom.bates@oag.ok.gov  
**Subject:** Fw: URGENT: Request for Conference Call to Discuss Goals for the AG Strategy Sessions

Henry/Rod/Jonathan:

A Conference Call has been scheduled for Friday, January 11, 2013, at 3:00 PM CST.

Henry has advised that he may or may not be able to participate, but that it is important that the call still take place in order to bring Jonathan up to speed. He believes the other participants will be able to do that even if he is not involved.

The Dial-In Number and the Access Codes for the Conference Call are as follows:

Dial-In Number: 605-475-4800  
Host (General Pruitt, Melissa, Tom) Access Code: 1030632\*  
Participant (Henry, Rod, Jonathan) Access Code: 1030632#

Once you dial the above-referenced Dial-In number, you will be prompted to enter the appropriate Access Code.

If you have any questions, please let me know.

Thanks! -Rhonda

*Rhonda L. Geller*

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Dear Bill:

Your registration has been confirmed. Please save this email for future reference.

**Event:** AGEP Summit on Federalism and the Future of Fossil Fuels

**Attending:** Bill Whitsitt

**Time:** 2:00 PM

**Date:** Wednesday, January 16, 2013

**Confirmation number:** ZXNRJ6RDJ5B

**Registration Information:**

**Registration Items**

Bill Whitsitt

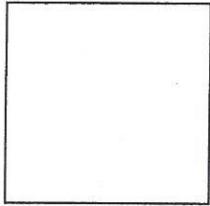
Event Registration

To view or modify your online registration, [Click here](#). You will be asked to enter the confirmation number shown above.

**Having trouble with the link?**

Copy and paste the address listed below into your web browser:

<http://www.cvent.com/d/1DID9NS-vEu1KBSwVAPKAQ/v8v9/P1/5S?>



---

**From:** [jfoltz3@gmu.edu](mailto:jfoltz3@gmu.edu) [<mailto:jfoltz3@gmu.edu>]

**Sent:** Monday, January 07, 2013 12:47 PM

**To:** Whitsitt, Bill

**Cc:** Henry N. Butler

**Subject:** Registration Reminder for General Pruitt's Summit on Federalism and the Future of Fossil Fuels

Mr. Whitsitt,

Thank you again for your willingness to participate in General Pruitt's Summit on Federalism and the Future of Fossil Fuels, on Jan. 16 & 17 in Oklahoma City. We are excited about your participation in the following panel on Jan. 16:

5:00 – 6:30

**The Oil and Gas Industry – Regulatory Challenges to Federalism**

**The Honorable Mark Shurtleff**, Troutman Sanders, Washington (**Moderator**)

**William F. Whitsitt**, Ph.D., Executive Vice President, Public Affairs, Devon Energy Corporation  
**Hydraulic fracturing attorney**, TBD

**Richard O. Faulk**, Gardere Wynne Sewell, Houston

**Christopher J. Dodson**, Deputy General Counsel – Americas, ConocoPhillips

**Peter Kruselnicki**, Vice President, Stakeholder Relations, TransCanada

Could you please complete our online registration at your earliest convenience? This will ensure we have your contact and lodging information. Please use the following link:

<http://www.cvent.com/d/kcq3lj/4W>

**From:** Henry N. Butler [mailto:hnbutler@gmu.edu]

**Sent:** Tuesday, January 08, 2013 5:01 PM

**To:** 'Paul Seby'

**Cc:** Henry N Butler; 'Robert Paduchik'; 'Mark Ourada'; Karl R. Moor; sumitche@southernco.com

**Subject:** General Pruitt's Summit on Federalism and the Future of Fossil Fuels -- INFORMATION REQUEST

Dear Paul,

An updated agenda is attached.

I see that Bob, Mark, Randy Eminger, and you have registered for Summit.

Please have Jacob Williams and Steve Thompson register for the Summit. We need that information for name tags, hotel room block, program, etc.

**All Attendees must pre-register online.** Please go to: <http://www.cvent.com/d/kcq3lj/4W>

I hope you have been in touch with Karl. He needs to register as well. I'm cc'ing him on this message.

Thanks.

Best,

Henry

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-----Original Message-----

From: Mitchell, Susan Camille [mailto:SUMITCHE@southernco.com]  
Sent: Thursday, January 10, 2013 3:53 PM  
To: Henry N Butler; 'Paul Seby'  
Cc: 'Robert Paduchik'; 'Mark Ourada'; Karl R. Moor  
Subject: RE: General Pruitt's Summit on Federalism and the Future of Fossil Fuels  
-- INFORMATION REQUEST

All,

FYI - I just registered Karl Moor for the Summit.

Regards,

Susan Mitchell

andrewpmiller@verizon.net

1/11/2013 9:14:39 AM

To: carlos.muniz@myfloridalegal.com

cc:

Subject: Fossil Fuels Summit –January 16th – 17th; Dinner – January 15th at 7:30 P.M.

Dear Assistant General,

I am now told by George Mason that you are planning to attend the Fossil Fuels Summit on January 16th – 17th. Thus, you may find it convenient to arrive in Oklahoma City late afternoon on Tuesday, January 15th. If so, I wish to invite you to a private dinner that evening at 7:30 P.M. at the Skirvin Hotel.


Joining us will be Peter Kruselnicki, Vice – President for Stakeholder Relations at TransCanada. His company has a vital interest in gaining approval for completion of construction of the Keystone XL pipeline. Up to this point, as you are aware, TransCanada has unfortunately been rebuffed by the Administration.

On Wednesday afternoon Peter is to appear on a panel of the Fossil Fuels Summit. At dinner on Tuesday, however, you will have an uninterrupted opportunity to hear a status report from Peter on what looms ahead. Most importantly you will have a chance to ask questions about the project and obtain authoritative answers.

Should you be able to arrange your travel schedule accordingly, Peter and I would very much appreciate your attendance. The purpose of this meeting is informational and it is understood, of course, that your presence will not bind your State to take any course of action. Please reply, if you would, by phone or e-mail, as indicated below by noon on Friday.

Andy Miller

Andrew P. Miller



Washington, DC 20007

GEORGE MASON UNIVERSITY SCHOOL OF LAW

# LAW & ECONOMICS CENTER

**MASON AGEP**

## SUMMIT ON FEDERALISM AND THE FUTURE OF FOSSIL FUELS

CONVENED BY  
THE HONORABLE E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

**January 16–17, 2013**

**The Skirvin Hilton  
Oklahoma City**





# SUMMIT ON FEDERALISM AND THE FUTURE OF FOSSIL FUELS

Wednesday, January 16 & Thursday, January 17, 2013

Oklahoma City, Oklahoma

Convened by The Honorable E. Scott Pruitt, Attorney General of Oklahoma  
Sponsored by Mason Attorneys General Education Program  
Henry N. Butler, Executive Director, Law & Economics Center

## AGENDA

### Wednesday, January 16, 2013

*Sessions held at the Skirvin Hilton, Venetian Room*

- 1:00 – 2:00 pm**      **Registration**, *The Skirvin Hilton, Venetian Foyer*
- 2:00 – 2:15 pm**      **Welcome and Introductory Remarks**  
**The Honorable E. Scott Pruitt**, Attorney General of Oklahoma
- 2:15 – 3:30 pm**      **Coal Generation – Regulatory Challenges to Federalism**  
**Karl R. Moor**, Senior Vice President and Chief Environmental Counsel, Southern Co.  
**Jacob A. Williams**, Vice President, Generation Development, Peabody Energy  
**Steve Thompson**, Executive Director, Oklahoma Department of Environmental Quality  
**Moderator: Paul M. Seby**, Partner, Moye White
- 3:45 – 4:45 pm**      **Oil and Gas Industry Dynamics**  
**Christopher B. McGill**, Vice President, Policy Analysis, American Gas Association  
**Chris Wright**, CEO, Liberty Resources LLC  
**Moderator: The Honorable Tim C. Fox**, Attorney General of Montana
- 5:00 – 6:30 pm**      **The Oil and Gas Industry – Regulatory Challenges to Federalism**  
**William F. Whitsitt**, PhD, Executive Vice President, Public Affairs, Devon Energy Corp.  
**Roger R. Martella, Jr.**, Partner, Sidley Austin  
**Richard O. Faulk**, Chair, Litigation Department, Gardere Wynne Sewell  
**Christopher J. Dodson**, Deputy General Counsel – Americas, ConocoPhillips  
**Peter Kruselnicki**, Vice President, Stakeholder Relations, TransCanada  
**Moderator: The Honorable Mark L. Shurtleff**, Troutman Sanders
- 6:30 – 7:30 pm**      **Reception**, *Continental Foyer*
- 7:30 – 9:00 pm**      **Dinner**, *Continental Room*  
**Dinner Speaker: Harold Hamm**, Chairman, Continental Resources

### Thursday, January 17, 2013

*AG Strategy Sessions held at the Skirvin Hilton, Venetian Room*

- 7:30 – 9:30 am**      **Working Breakfast**, *Continental Room*
- Suggested Responses to Assaults on Federalism**  
**F. William Brownell**, Partner, Hunton & Williams  
**Kirsten L. Nathanson**, Partner, Crowell & Moring  
**Peter S. Glaser**, Partner, Troutman Sanders  
**David B. Rivkin, Jr.**, Partner, Baker Hostetler  
**Moderator: The Honorable Wayne K. Stenehjem**, Attorney General of North Dakota
- 10:00 am – 12:00 pm**      **AG Strategy Session – AG Offices Only**  
**Facilitator: Jonathan H. Adler**, Professor of Law and Director, Center for Business Law & Regulation, Case Western Reserve University School of Law
- 12:15 – 1:15 pm**      **Working Lunch – AG Offices Only**
- 1:30 – 3:15 pm**      **Continuation of AG Strategy Session – AG Offices Only**
- 3:15 – 3:30 pm**      **Summation and Adjournment – AG Offices Only**  
**The Honorable E. Scott Pruitt**

# Participant List

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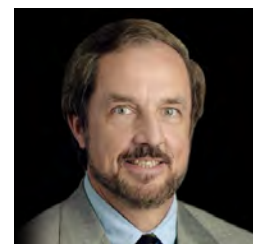
Jonathan H. Adler is the inaugural Johan Verheij Memorial Professor of Law and Director of the Center for Business Law & Regulation at the Case Western Reserve University School of Law, where he teaches courses in environmental, administrative, and constitutional law. Professor Adler is the author or editor of four books on environmental policy and over a dozen book chapters. His articles have appeared in publications ranging from the Harvard Environmental Law Review and Supreme Court Economic Review to The Wall Street Journal and The Washington Post. Professor Adler is a Senior Fellow at the Property & Environment Research Center in Bozeman, Montana, a contributing editor to National Review Online and a regular contributor to the popular legal blog, "The Volokh Conspiracy" (<http://volokh.com>).

Professor Adler serves on the academic advisory board of the Cato Supreme Court Review, the Board of Directors of the Foundation for Research on Economics and the Environment, and the Environmental Law Institute's Environmental Law Reporter and ELI Press Advisory Board.

Prior to joining the faculty at Case Western, Professor Adler clerked for the Honorable David B. Sentelle on the U.S. Court of Appeals for the District of Columbia Circuit. From 1991 to 2000, Professor Adler worked at the Competitive Enterprise Institute, a free market research and advocacy group in Washington, D.C., where he directed CEI's environmental studies program. He holds a B.A. magna cum laude from Yale University and a JD summa cum laude from the George Mason University School of Law.

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Bill is Chairman of the firm's Executive Committee. His practice focuses on environmental litigation, regulation and counseling, including climate change regulation and litigation, clean air regulation, environmental licensing and auditing, and waste management and clean water issues. Bill represents clients in both the United States and Europe. In the United States, his practice involves proceedings before federal and state agencies, courts and Congress; in Europe, it involves advice on European Community law.

Bill is a member of the American Bar Association and is AV Peer Review Rated in Martindale-Hubbell. He is admitted to practice before the U.S. Supreme Court and the U.S. Courts of Appeals for the DC, Second, Fourth, Fifth, Sixth, Seventh and Eleventh Circuits.

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Dr. Henry N. Butler, a leading public policy analyst and specialist in law and economics, is a George Mason Foundation Professor of Law and Executive Director of the Law & Economics Center at George Mason. He has devoted much of his career to improving the country's civil justice system through judicial education programs. Professor Butler most recently served as the first executive director of the Searle Center on Law, Regulation and Economic Growth at Northwestern University School of Law. He has held prior appointments at The Brookings Institute, Chapman University, the University of Kansas, the University of Chicago, and Texas A&M University. From 1986 to 1993, he was a law professor at George Mason and during that period also served as an Associate Dean and Director of the Law and Economics Center.

He received a M.A. and Ph.D. in economics from Virginia Polytechnic Institute and State University and a J.D. from the University of Miami School of Law. He received a bachelor's degree in economics from the University of Richmond.

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Chris Dodson is deputy general counsel, Americas, for ConocoPhillips.

Prior to his current position, Dodson was managing counsel – corporate E&P and was involved in upstream international transactions and operations, and corporate compliance programs. He previously served as Senior Counsel providing legal support to COP's emerging businesses, various corporate groups, projects and initiatives, and the company's interests in CP Chem and DCP Midstream.

Dodson began his career with ConocoPhillips in 1981 as a Production Engineer in the Oklahoma City exploration and production office. He served in various engineering, regulatory, and health, safety and environmental positions while in Oklahoma City. In 1990, he transferred into the Legal function in Houston and provided HSE legal advice to the upstream business and was involved in multi-party Superfund/RCRA sites. He was Vice President and General Counsel of Dubai Petroleum Company from 1996 -1999, and spent time in Business Development managing projects in the Middle East before returning to the Legal function after the ConocoPhillips merger.

Dodson is a member of the Oklahoma and Texas Bar Associations.

A native of St. Louis, Missouri, Dodson holds a Bachelor of Science in Petroleum Engineering from the University of Tulsa (1981) and a Juris Doctorate from Oklahoma City University School of Law (1986 night program).

## Richard O. Faulk

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Richard Faulk chairs Gardere's Litigation Department and the Firm's Environmental Practice Group. He concentrates his practice in complex toxic tort and environmental litigation, including class actions and other "mass tort" cases involving multiple plaintiffs and defendants. He has significant expertise in cases with international implications and comparative mass tort procedures.

Mr. Faulk also leads Gardere's Climate Change Task Force. He and his partner, John Gray, have authored one of the major scholarly papers in the area, *Stormy Weather Ahead: The Legal Environment of Global Climate Change*. This comprehensive article has been presented at conferences of the U.S. Chamber of Commerce, in media events at the Washington Legal Foundation, and at various professional development seminars for lawyers, engineers, and businessmen. Since climate change is a multi-disciplinary issue that affects clients in a variety of ways, Mr. Faulk has assembled a Task Force that includes not only trial and appellate lawyers, but also lawyers from the corporate, environmental, tax, and intellectual property areas, as well as respected experts in the field.

In over 35 years of practice, Mr. Faulk has served as lead counsel for toxic tort and environmental litigation in Texas and other jurisdictions. He has defended claims for a variety of injuries and illnesses, including various forms of cancer and neurotoxic effects, and has assembled a group of highly qualified medical, safety, and engineering experts to assist in defending his clients.

Mr. Faulk is also experienced in environmental litigation, including groundwater contamination cases, cost recovery and contribution actions under CERCLA and state environmental laws, and "neighborhood" exposure cases alleging residential toxic exposures and property value diminution from alleged pollution released by manufacturing facilities.

Mr. Faulk received the 2003, 2009, and 2012 Distinguished Legal Writing Awards presented by The Burton Awards for Legal Achievement. He is regularly recognized as a Texas Super Lawyer by Law & Politics Media Inc., and since 2004 has been annually listed in Chambers USA: America's Leading Lawyers for Business. In 2005, Mr. Faulk addressed the National Academy of Sciences regarding the reliability of admissibility of scientific evidence in the courts.

## Hon. Tim C. Fox

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Tim Fox was born in 1957 as the fifth and last child of a hard-working Hardin, Montana family. Like many kids in small agricultural communities, Tim began working at a young age, and soon developed a strong work ethic thanks in part to the depression-era work ethic of his parents, Rich and Roberta Fox. He attended Hardin public schools, and graduated from Hardin High School, and the University of Montana with degrees in geology (1981) and law (1987). A standout athlete in high school and college, and an amateur athlete after college, Tim knows how to set and achieve goals, how to lead, and how to be a team player.

After serving as a law clerk to Associate Justice L.C. Gulbrandson of the Montana Supreme Court, Tim began practicing law with the Billings, Montana law firm of Moulton, Bellingham & Longo in 1988. He first entered public service in 1990 when recruited to develop a new environmental regulatory program for the Montana Board of Oil and Gas Conservation. After three years as a State of Montana employee, he established a solo law firm in Billings where he served as a contract public defender for the City of Billings practicing criminal law, in addition to maintaining a civil law practice. Tim and his family moved to Helena, Montana in 1995 to assist then Governor Marc Racicot in his bid for reelection. Shortly after arriving in Helena, he went to work for the Montana Department of Environmental Quality as a Special Assistant Attorney General. In 1998, Tim was promoted to a Division Administrator management position with the DEQ where he managed people, programs, and budgets for the people of Montana. In 1999, Tim was hired as Vice-President and Legal Counsel for a Helena-based national bank, Mountain West Bank. He served in that position for over four years before re-entering private practice with the law firm of Gough, Shanahan, Johnson & Waterman, PLLP.

In his 25 years of experience as a Montana attorney, Tim has litigated numerous complex cases for individual Montanans and Montana businesses. Like many dedicated Montana attorneys, Tim devotes considerable time to providing pro bono legal services to Montanans who cannot afford an attorney, and to charitable and faith-based organizations. In one recent case, Tim helped the Alliance Defense Fund defend an East Helena Baptist church and its Pastor when the Montana Commissioner of Political Practices prosecuted the Church and its Pastor for speaking about Biblical truth from the pulpit.

Through the years, Tim has served in leadership positions on the board of directors of low income and disabled housing projects in Billings, two Montana symphony orchestras (Billings and Helena), a faith-based private K-12 school, the Carroll College Saints Athletic Association, and the Florence Crittenton Home, among other charitable and faith-based organizations. As a member of the Board of Delegates of the University of Montana Alumni Association, Tim strives to improve the quality of Montana's secondary education institutions. Tim was also appointed by Governor Marc Racicot to serve on the board of directors of the Montana Historical Society, and by Governor Judy Martz to serve on the Montana State Banking Board. His community leadership, together with over seven years as a State of Montana public servant, make Tim uniquely qualified to be Montana's next Attorney General.

Tim's brothers are Dr. Richard A. Fox, Jr. a retired University of South Dakota professor, Mike Fox, a retired National Park Service employee, Steve Fox, a retired Montana public high school teacher, and Dennis Fox who manages the family business in the Hardin area. Tim is married to the former Karen Wagner of Idaho Falls, Idaho, and together they have four children – Anna McMahan, Michael McMahan, Laura McMahan, and Caroline Fox – and one grandchild, Grace Olivia Emmert.

## Peter S. Glaser

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Peter practices in the energy and environmental law fields and is the chair of the firm's Climate Change Practice Team. He represents electric utility, mining and other energy industry companies and associations, as well as other businesses, on regulatory and commercial matters. He specializes in environmental regulation and litigation, particularly in the area of air quality and global climate change. He has participated in numerous EPA rulemakings and judicial appeals and in various state, federal, and local siting and permitting proceedings. Given his strong background, he has been asked to testify five times before Congress on climate change issues. Peter has also represented numerous coal producers and coal purchasers on a variety of commercial and contract matters, including litigated disputes, and his experience extends to proceedings before the STB and FERC.

## Harold Hamm

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Mr. Harold G. Hamm, LLM, serves as Executive Chairman of the Board of Continental Resources Inc. and has been its Chief Executive Officer since 1967. Mr. Hamm served as the President of Continental Resources Inc. from October 2008 to November 2009 and previously from 1967 to October 3, 2005.

He served as Chief Executive Officer and Interim President of Hiland Holdings GP LLC., a General Partner of Hiland Holdings Gp Lp., from April 18, 2007 to June 11, 2007. He served as President and Chief Executive Officer of Continental Gas Inc. since December 1994 and then served as Chief Executive Officer until 2004. He founded Save Domestic Oil, Inc. He also co-founded the Domestic Energy Producers Alliance to preserve the oil and gas markets for oil and gas produced in the United States. Mr. Hamm has been Chairman of the Board of Directors of Hiland Partners GP LLC, the General Partner of Hiland Partners, LP since October 2004. He has been Chairman of the Board of Directors and Director of Hiland Partners GP Holdings, LLC., since May 2006. He served as the Chairman of Save Domestic Oil, Inc. Mr. Hamm has been a Director of Hiland Partners GP, LLC since October 2004. He has been an Executive Director at Continental Resources Inc. since 1967. He has been a Director of Complete Production Services, Inc. since September 12, 2005. He serves as a Director of Oklahoma Medical Research Foundation. He served as a Director of Continental Gas Inc. since December 1994. Mr. Hamm served as the Chairman of Oklahoma Independent Petroleum Association from June 2005 to June 2007 and its Vice President of the Western Region. He served as a founding board member of the Oklahoma Energy Resources Board. Mr. Hamm served as President of the National Stripper Well Association. He serves on the Executive Boards of the Oklahoma Independent Petroleum Association and served on board of Oklahoma Energy Explorers.

In 2011, he was inducted into the OIPA's Wildcatters Hall of Honor, the association's highest recognition.

## Peter Kruselnicki

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Peter Kruselnicki joined TransCanada in March 2007 as Vice-President, Public Sector Relations. In his current role, he is responsible for managing TransCanada's government relations, community relations and community investment. Prior to joining TransCanada Mr. Kruselnicki had worked for the Alberta Government for 26 years in a number of senior official capacities including Chief of Staff to the Premier, Deputy Minister of Finance and Secretary to Treasury Board and Deputy Minister of Labour. Prior to joining the Labour Ministry he spent 16 years in Alberta Public Works Supply and Services in various senior capacities. Mr. Kruselnicki spent nine months in New Zealand in a secondment to the New Zealand government State Services Commission in 2005 prior to returning to assume the Premier's Chief of Staff responsibilities. Mr. Kruselnicki graduated from the University of Manitoba in 1976 with a Bachelor of Science in Civil Engineering. He also attended the Banff School of Advanced Management in 1987. Peter is a member of the Association of Professional Engineers, Geologists and Geophysicists of Alberta.

Mr. Kruselnicki has had extensive experience, involvement and implementation of strategic policy development in the Province of Alberta. He has also had extensive experience in working with all levels of government, industry and professional associations. Mr. Kruselnicki has also served on a number of Crown Corporation Boards including the Alberta Capital Finance Corporation, Alberta Pension Administration Corporation and the Credit Union Deposit Guarantee Corporation. He also served on the Careers, the Next Generation board for seven years.

## Roger R. Martella, Jr.

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Roger Martella is a partner in the Environmental Practice Group at Sidley Austin LLP. He recently rejoined Sidley Austin LLP after serving as the General Counsel of the United States Environmental Protection Agency, concluding 10 years of litigating and handling complex environmental and natural resource matters at the Department of Justice and EPA. Mr. Martella's practice focuses on three primary areas: advising companies on strategic approaches to address climate change, promote sustainability, and utilize clean energy; environmental and natural resource litigation and mediation; advising multinational companies on compliance with environmental laws in the United States, China, the European Union, and other nations.

As General Counsel of the EPA, Mr. Martella served as EPA's chief legal advisor supervising an office of 350 attorneys and staff in Washington and 10 regional offices. At EPA, Mr. Martella served as Agency counsel on six Supreme Court decisions, including *Massachusetts v. EPA* (climate change); *Defenders of Wildlife v. EPA* (finding no Endangered Species Act duty to consult when approving state water program); *EPA v. Rapanos and Maine v. S.D. Warren* (landmark decisions addressing federal jurisdiction over waters of the United States); *Environmental Defense v. Duke Energy* (addressing Clean Air Act enforcement against powerplants); and *U.S. v. Atlantic Research Corp.* (the Court's most recent decision regarding CERCLA).

Mr. Martella graduated from Vanderbilt Law School, where he was Editor in Chief of the Vanderbilt Law Review, and Cornell University, where he studied environmental science. Following law school, he clerked for the Hon. David M. Ebel of the Tenth Circuit Court of Appeals.



## **Christopher B. McGill**

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Mr. McGill is the Vice President Policy Analysis at the American Gas Association (AGA), which is headquartered in Washington, D.C. AGA is a national trade association providing services and advocacy for more than 200 local natural gas utility and other members.

Mr. McGill's work is in the assessment of future supplies of natural gas, natural gas production, unconventional gas operations and completion technologies, underground storage, key pipeline transportation issues, winter heating season planning, key developments in natural gas markets and other related topics in the gas industry. He guides the analytical support for policy initiatives at the association and is an active spokesperson on many natural gas topics, representing local gas utility points of view to industry, regulators, legislators and the public.

Mr. McGill previously worked as an exploration geologist before joining AGA. He holds a Bachelor of Science degree in Geology from Madison College in Harrisonburg, Virginia (1975) and a M.B.A. from Old Dominion University in Norfolk, Virginia (1988). Mr. McGill has been a member of the American Association of Petroleum Geologists for more than 30 years.

## **Karl R. Moor**

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Karl Moor, who joined Southern Company in 1998, is senior vice president and chief environmental counsel where he is responsible for providing legal advice and policy guidance on environmental matters affecting the operation of the Southern Company system's fleet of generating plants. Previously he served as vice president and associate general counsel, providing counsel for litigation and public policy as well as legal expertise in compliance and other regulatory matters.

Prior to joining Southern Company, Moor was a partner with the law firm Balch & Bingham LLP in its utility, legislative and regulatory section. He also served six years in the U.S. government, holding various positions on the Senate Judiciary and Labor and Human Resources committees and in the Reagan administration. He earned his law degree from Georgetown University Law Center. Moor has a range of experience in federal, regulatory and legislative matters that affect energy producers as well as extensive experience with the Federal Power Act and the Clean Air Act.

With 4.4 million customers and more than 43,000 megawatts of generating capacity, Atlanta-based Southern Company is the premier energy company serving the Southeast. A leading U.S. producer of electricity, Southern Company owns electric utilities in four states and a growing competitive generation company, as well as fiber optics and wireless communications. Southern Company brands are known for excellent customer service, high reliability and retail electric prices below the national average. Southern Company also is continually ranked among the top utilities in Fortune's annual World's Most Admired Electric and Gas rankings.

## **Kirsten L. Nathanson**

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Kirsten L. Nathanson is a partner in the firm's Environment & Natural Resources Group, focusing on environmental litigation, enforcement defense, risk assessment, and regulatory counseling under the major federal environmental and public lands statutes. Her litigation experience covers the Clean Water Act, Clean Air Act, Endangered Species Act, FIFRA, NEPA, SMCRA, RCRA, and CERCLA, encompassing citizen suit defense, regulatory challenges, remediation cost recovery and defense, Administrative Procedure Act actions, and EPA enforcement.

She is admitted to practice before the U.S. Supreme Court and numerous federal appellate and district courts nationwide. Kirsten currently serves as Co-President of the Washington, D.C. Chapter of the Women's Energy Network. She is a Past President and a member of the Board of Trustees of the Energy & Mineral Law Foundation and also leads the Crowell & Moring Women Attorneys' Network.

## Hon. E. Scott Pruitt

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Attorney General E. Scott Pruitt was elected as the 17th Attorney General of the State of Oklahoma on November 2, 2010. Attorney General Pruitt has quickly risen as a national leader in the cause of restoring limited government and the proper balance of power between the states and the federal government.

As a first priority in office, Attorney General Pruitt established Oklahoma's first Federalism Unit in the Office of Solicitor General to more effectively combat unwarranted regulation and systematic overreach by federal agencies, boards and offices. Pruitt currently serves as chairman of the Republican Attorneys General Association (RAGA) and vice-chairman of the Midwest Region of the National Association of Attorneys General (NAAG). Under his leadership, attorneys general have come together to advance policies and legal strategies that protect the interests of their states from an overly intrusive federal government, with a particular focus on domestic energy security and production. Attorney General Pruitt has led the charge with repeated notices and subsequent lawsuits against the U.S. Environmental Protection Agency for their leadership's activist agenda and refusal to follow the law.

In response to a personal call to defend the needs of children who are less fortunate, Attorney General Pruitt worked to negotiate a state settlement through the Department of Human Services that will dramatically improve foster care in Oklahoma. He was awarded the "Hero Award" by the Marland Children's Home for his efforts to prevent closure of the home and eviction of children who are emotionally disabled. In 2011, Attorney General Pruitt received the Humanitarian Award by Oklahoma CARE, a coalition of ministries and providers who deliver care for troubled children and their families.

Before being elected Attorney General, Pruitt served Broken Arrow, Coweta and Tulsa in the Oklahoma State Senate where he served for eight years, four of those as Assistant Republican Floor Leader. In the Senate, he was the leading spokesman for workers' compensation reform, lawsuit reform and greater accountability for government spending. He championed traditional, faith-based legislation that included allowing faith-based organizations to partner with the state in helping prisoners successfully re-integrate into society after their sentences were fulfilled.

Attorney General Pruitt's record of defending religious freedoms began during his time in the state Legislature with his efforts to author and successfully pass the Religious Freedoms Act, making Oklahoma one of the first states to pass an act that makes it more difficult for a government to burden an individual's right to practice their faith, especially in public. His efforts continue as Attorney General, joining six states to fight the federal health care mandate that will require religious groups to violate their beliefs. In 2012, Pruitt was selected to serve as a trustee for The Southern Baptist Theological Seminary.

From 2003 to 2010, Attorney General Pruitt was co-owner and managing general partner of the Oklahoma City Redhawks, the Triple-A baseball team in Oklahoma City. The team, under his leadership, regularly rated among the league's leaders in attendance and merchandise sales.

Pruitt grew up in Lexington, Kentucky, where he graduated high school and earned a scholarship to play baseball as a second baseman at the University of Kentucky. He earned a bachelor's degree in communications and political science at Georgetown College before being accepted to the University of Tulsa College of Law. After working his way through law school and earning a Juris Doctorate, Pruitt ventured into private practice, specializing in constitutional and employment law.

The Attorney General and his wife of 21 years, Marlyn, are raising two children, McKenna and Cade, in Tulsa. The Pruitts are members of the First Baptist Church of Broken Arrow, where Pruitt serves as deacon.

## David B. Rivkin, Jr.

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David B. Rivkin, Jr., is a member of the firm's litigation, international and environmental groups and he co-chairs the firm's appellate and major motions team. He has extensive experience in constitutional, administrative and international law litigation.

Mr. Rivkin has been involved in numerous high-profile cases. He has represented the 26 States that have challenged the constitutionality of the Patient Protection and Affordable Care Act and was the lead outside counsel in the District Court and Court of Appeals. He also represented the Republic of Croatia before the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice for a number of years on a wide range of issues involving international humanitarian law and the laws of war. Mr. Rivkin also has considerable experience with litigation involving national security-related matters, including defending Bivens actions brought against former Secretary of Defense Donald H. Rumsfeld. From 2004 through 2007, he served as an expert member of the United Nations Subcommission on the Promotion and Protection of Human Rights.

Mr. Rivkin has represented corporations in alien tort statute and civil RICO litigation, as well as in challenges to federal agency actions and constitutional challenges to state statutes. He has provided compliance advice to companies, as well as handled enforcement proceedings before government agencies on issues arising out of various multilateral and unilateral sanctions (ITAR, EAR and questions relating to dealings with proscribed countries), Foreign Corrupt Practices Act (FCPA), anti-boycott issues and environmental and energy matters.

From 1993 to December 1999, Mr. Rivkin was a member of the Hunton & Williams law firm. Prior to returning to private practice, Mr. Rivkin served from 1987-1993 in various capacities in the federal government. During 1992-1993, he was Associate Executive Director and General Counsel of the President's Council on Competitiveness at the White House. While there, he was responsible for the review and analysis of legal issues related to the regulatory review conducted by the Council.

Mr. Rivkin also served as the Associate General Counsel, U.S. Department of Energy (DOE), from 1990-91. At DOE he was responsible for international, constitutional, environmental and energy matters, including global climate change problems, natural gas, hydro and electricity issues, development and implementation of the Natural Energy Strategy, implementation of the Clean Air Act Amendments of 1990, wetlands policy and related issues, development of RCRA and Clean Water Act legislative proposals and deregulation of energy markets. Mr. Rivkin played a significant role in developing the Reagan and Bush Administrations' regulatory and legislative proposals affecting natural gas and electric utility industries.

In addition to his positions with the Council on Competitiveness and the Department of Energy, he served in the office of then Vice President George H.W. Bush as Legal Advisor to the Counsel to the Vice President, in the White House Counsel's Office and as Deputy Director of the Office of Policy Development (OPD), U.S. Department of Justice. While at OPD, he worked on a wide variety of constitutional, domestic and international issues, including judicial selection, legal policy, immigration and asylum matters and intelligence oversight.

Prior to embarking on a legal career, Mr. Rivkin worked as a defense and foreign policy analyst, focusing on Soviet affairs, arms control, naval strategy and NATO-related issues, and served as a defense consultant to numerous government agencies and Washington think tanks.

## Paul M. Seby

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Paul Seby, a partner at Moye White, co-chairs the firm's Energy, Natural Resources, and Environmental Group. Paul is a leading practitioner of environmental law in the Rocky Mountain region and was recently recognized by Law Week Colorado as "Lawyer of the Year" for 2009. Paul's work focuses on achieving client goals in the areas of air and water quality, mining, wildlife and endangered species, land use, BLM and U.S. Forest Service public lands issues, wetlands, recycling and waste disposal, and underground contamination. Paul also possesses extensive experience in EIS/NEPA compliance, permitting, negotiating with government agencies and adversary groups, litigation involving environmental issues, and expert witness selection and coordination.

In governmental policy development, Paul has represented clients in federal and state rulemaking and policy development concerning air and water quality, waste disposal, and surface and ground water standards. In the permitting arena, Paul's experience extends to air permits, water discharge permits, reclamation permits, Section 404 permits, and federal rights-of-way. In the judicial arena, Paul has won several notable cases before the Supreme Court of the United States, U.S. Court of Appeals, the Colorado Supreme Court, and many other lower courts. Paul has also defended clients in federal and state enforcement proceedings and has prosecuted cases against agencies to force (as well as overturn) administrative agency regulations and decisions.

Paul's in-depth understanding of government programs and how agencies work gives him a "leg up" in achieving client objectives. Paul has also assisted legislative sponsors in drafting and testifying on, several amendments to Colorado and neighboring states' waste management, recycling, and air and water quality laws. Paul understands that achieving successful client outcomes often requires more than a traditional "legal approach." As such, Paul also works with client teams to create strategies with legislative, political, administrative, judicial, and public education components. Paul also works with members of the Firm's Business and Real Estate practice groups to address the diverse nature of environmental issues that come into play in lending transactions and during mergers and acquisitions. His decades of experience help him develop practical and workable solutions to challenges which can arise in the context of corporate transactions.

## Hon. Mark L. Shurtleff

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Mark L. Shurtleff was re-elected as the Utah Attorney General in November 2008 with a strong 70% of the vote; and is now serving as the first three term attorney general in Utah history. In his first 8 years in office, the number of meth labs in Utah was reduced by 98% and he has talked to thousands of students and parents about the dangers of drugs and led the effort to obtain millions of dollars in funding for education and rehabilitation. His Internet Crimes Against Children Task Force has received national recognition and since Shurtleff has been in office, over 500 internet predators and child pornographers have been arrested and convicted (with a 99% conviction rate.) The number of sex offenders in Utah prisons has increased by more than 50%. In addition, Attorney General Shurtleff has toured the state and helped develop technology to teach parents and children how to be safe online.

Shurtleff set up Utah's AMBER Alert, which became a model for the nation and has received national awards, and he led the development of the first statewide Child Abduction Response Team. He developed the first statewide identity theft database, the Identity Theft Reporting and Information System or IRIS. The website is a one stop resource for victims to file online complaints with law enforcement, clear their credit and learn how to better protect their identities. His office is now working hard to expand IRIS nationwide.

Attorney General Shurtleff was born and raised in Utah, graduating from Brighton High School, Brigham Young University and the University Of Utah College of Law. He is the author of *Am I Not a Man? The Dred Scott Story*, a historical novel about the man behind the landmark legal case. He served in the U.S. Navy Judge Advocate General (JAG) Corps as an Officer and Attorney, prosecuting hundreds of cases from 1985 to 1990. Shurtleff was a private practice trial lawyer in California from 1990 to 1993. He returned to Utah to serve as an Assistant Attorney General from 1993 to 1997. During that time, Shurtleff was appointed Section Chief for Civil Rights & Corrections and served as the lead attorney for public safety. From 1997 to 1998, he was a Deputy County Attorney for Salt Lake County. He also served as a Small Claims Judge Pro Tem in the Third District Court and a law enforcement and corrections instructor.

Attorney General Shurtleff is a Past Chairman of the Conference of Western Attorneys General (CWAG), and has served several times on the Executive Committee for the National Association of Attorneys General (NAAG). In addition, he serves on the Board of Directors of the America-Israel Friendship League, Fight Crime: Invest in Kids Association and the Washington Legal Foundation. Locally, he serves on the Boards of the Utah Prosecution Council, Commission on Criminal & Juvenile Justice, the Constitutional Defense Council, Governor's Child & Family Cabinet Council and Utah Citizens Against Pornography.

Mentoring and volunteerism have been a major part of Shurtleff's life. He has been a Boy Scout leader for 22 years and in March 2007 he was honored with the Silver Beaver Award. He is an anti-drug lecturer in our schools, an At-Risk Youth Mentor, and has coached youth basketball, soccer, volleyball and softball. He is currently the Honorary Chair of the Utah Mentor Network and has personally mentored two elementary school students. He has received numerous awards for protecting children including the 2004 "Champion of Children" Award, the 2005 Utah "Protector of Children" Award, the 2005 "Guardian of the Light" Award, the 2006 Internet Safety Person of the Year by the Boys and Girls Clubs. He has also been honored as the 2006 "Humanitarian of the Year" by the Conference for Community and Justice, and the 2007 "Statesman of the Year" by George Wythe College. In November 2006 he received the highest award given by Mexico to a non-Mexican, The Order of the Aztec Eagle, presented to him by President Vicente Fox.

Most importantly, he and his wife, M'Liss, have been married 27 years and are the parents of five incredible children and two grandchildren.

## Hon. Wayne K. Stenehjem

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Attorney General Wayne Stenehjem was born in Mohall, North Dakota. He graduated from the University of North Dakota and received his law degree from the UND School of Law in 1977. He is married to Beth Bakke Stenehjem and has a son, Andrew.

Stenehjem was elected to the North Dakota House of Representatives in 1976, serving for two terms until his election to the ND Senate in 1980. He served for twenty years in the Senate until his election to the Office of Attorney General. Stenehjem served on the Judiciary Committee throughout his tenure in the Legislature, and was Chairman of the Senate Judiciary Committee from 1995-2000. He was elected President Pro Tempore of the Senate for the 1999 Legislative Session. In January 2001, Stenehjem was sworn in as the State's 29th Attorney General. He was reelected in 2004, 2006 and 2010.

Since taking office Wayne has:

- Made drug enforcement a priority, proposing legislation to developing a drug enforcement initiative which coordinates law enforcement, health and human service agencies, and as well as addiction counseling, youth education, and stronger penalties for offenders.
- Launched the state's sex offender website to provide parents and other concerned citizens with access to information about the most dangerous sex offenders in the state.
- Worked to enact and enforce legislation to curb methamphetamine (meth) use and addiction in the state by restricting retail sales of certain products used to manufacture meth, to provide mandatory treatment for drug offenders, and increase criminal penalties for drug offenders which has resulted in a dramatic reduction in the production and use of meth in North Dakota.
- Established the state's Do Not Call list, giving North Dakota consumers welcome relief from unwanted telemarketing calls.
- Introduced an online Identity Theft program, designed to provide North Dakota victims with "one click" access to all the information and forms necessary to document and identity theft.
- Launched the state's "Cold Case Investigations" squad to assist local law enforcement agencies with unsolved missing person and homicide cases. The squad utilizes advances in forensics and DNA technology and new investigative techniques to re-investigate evidence and explore new leads.
- Established, in 2010, the RX TAKE BACK Program, to provide a safe and secure way for residents to dispose of unwanted medications at no cost. The disposal program accepts all over-the-counter and prescription medications – including controlled substances. The Take Back units, which are similar to the needle disposal containers in hospital rooms but on a much larger scale, are located in the lobby of local law enforcement agencies. The program is operated by the Attorney General's office at no cost to the participating communities or the local law enforcement agencies. To date, it is the nation's only ongoing, permanent, statewide program.

Attorney General Stenehjem is a member of numerous boards and commissions, including the Board of University and School Lands, Industrial Commission (which oversees all state-owned industries including the Bank of North Dakota and the State Mill and Elevator), Drug and Alcohol Commission (chair), Judicial Council and Pardon Advisory Board.

He was named one of Ten Outstanding Legislators in the US by the Association of Government Employees, and is the recipient of "Champion of the People's Right to Know" award; SBAND Legislative Service Award; "Friend of Psychology" award; the 2005 North Dakota Peace Officer's Association's Lone Eagle Award, was inducted into the Scandinavian American Hall of Fame in 2007, and was named the 2011 Bismarck State College Alumnus of the Year.

## Steve A. Thompson

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Steve Thompson has a long history of state service, culminating with his current leadership of the Oklahoma Department of Environmental Quality (DEQ). He was appointed as Executive Director of the DEQ in July 2002, after having served as Deputy Executive Director since August 1993.

During his tenure with the DEQ, Mr. Thompson has been an active and consistent advocate for Oklahoma in many national efforts. Especially notable is his ongoing leadership role in the Environmental Council of the States (ECOS), the national organization of state environmental directors, for which he served as President in 2004 and 2005. He currently serves on the National Environmental Finance Advisory Board.

Prior to his tenure at DEQ, Mr. Thompson held the positions of Director of the Oklahoma Department of Pollution Control and Assistant Secretary of the Environment, as well as management positions in the private sector.

In 2009, the Oklahoma Chapter of the American Society for Public Administration awarded Mr. Thompson the "Distinguished Public Service Award", recognizing his high standards of excellence in public service and his dedication to Oklahoma.

Mr. Thompson is a 1970 graduate of the University of Oklahoma with a degree in Business Administration. He resides with his wife Linda, on their family farm, near El Reno, Oklahoma. He is a proud grandpa to grandsons Sayer and Sutherlin and granddaughter Sheridan, who live with their parents, daughter Cydni and son-in-law Brantley, in Locust Grove, Oklahoma.



## **William F. Whitsitt**

Executive Vice President  
Public Affairs  
Devon Energy Corporation  
333 West Sheridan Avenue Suite 900  
Oklahoma City, OK 73102  
Phone: 405.552.3556  
[Bill.Whitsitt@dvn.com](mailto:Bill.Whitsitt@dvn.com)



William F. Whitsitt was elected to the position of executive vice president Public Affairs in August 2008. Prior to joining Devon, Whitsitt spent 11 years in Washington D.C. as a public affairs consultant representing a broad range of clients including Devon. Whitsitt previously served as director of governmental affairs for one of the world's largest law firms and held the position of vice president of worldwide marketing and public affairs for Oryx Energy Co. He has served as chief of staff to a U.S. Senator and as a legislative assistant in the Senate and House of Representatives. Whitsitt holds a doctoral degree in Public Administration from George Washington University.

## **Jacob A. Williams**

VP Global Energy Analytics  
Peabody Energy  
701 Market St. Suite 800  
St. Louis, MO 63021  
Phone: 314.342.7569  
[jwilliams@peabodyenergy.com](mailto:jwilliams@peabodyenergy.com)



Mr. Williams joined Peabody Energy in 1999 and is currently Vice President of Global Energy Analytics leading global analysis of energy and coal markets for Peabody. Previously, Jacob was Vice President of Generation Development leading Peabody's partnering efforts for the largest coal plant to be built in the U.S. in 30 years; the 1,600 MW clean-coal Prairie State generation plant, which started up in 2012. He is past Chairman of the Western Business Roundtable's Energy Committee and Electricity Subcommittee. He has also been involved in various international, national and state level energy and transmission studies including the 2011 and 2012 International Energy Agency's World Energy Outlook, Western Governor's transmission study, the Kentucky Energy Task Force and the Illinois Coal Task Force.

Prior to joining Peabody, Mr. Williams held various positions at Alliant Energy (formerly Wisconsin Power & Light) in Power Marketing and Trading and Generation Planning. Mr. Williams has a BS in Electrical Engineering from the University of Illinois in 1985 and a MBA from University of Wisconsin-Madison in 1992.

## Chris A. Wright

CEO

Liberty Resources  
1200 17th Street  
Suite 2050  
Denver, CO 80202



Mr. Chris Wright is the CEO Liberty Resources, a Bakken focussed E&P company. Chris is also the CEO of Liberty Oilfield Services, a provider of hydraulic fracture stimulation services. He founded Pinnacle Technologies in September 1992 and was CEO and Chairman for 14 years. Pinnacle developed monitoring technologies to map and monitor the motion of fluid deep underground, primarily employed to map the growth of hydraulic fractures. These technologies include microseismic, tiltmeter, fiber-optic, INSAR, and ultra-high resolution GPS. Pinnacle's most significant achievement was to lead the innovation in fracturing practices that led to the commercialization of shale gas production -- initially the Barnett Shale with Mitchell Energy. Chris has consulted and taught courses on all six inhabited continents and authored or co-authored over 60 technical papers and articles. He has received numerous industry awards and several U.S. patents. Chris was the Chairman of Stroud Energy prior to its sale to Range Resources in 2006. Chris has served on the board of directors of several companies, including TAS (industrial energy technology company), Travanti Pharma (pharma device company), Kerogen Exploration, and PyraMax Ceramics (oilfield proppants). Chris completed an undergraduate degree in Mechanical Engineering from MIT and then performed graduate work in Electrical Engineering at both UC Berkeley and MIT.

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# General Contact Information

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mjones34@gmu.edu

[www.MasonAGEP.org](http://www.MasonAGEP.org)

# Mason Attorneys General Education Program Schedule 2013

## **AGEP Public Policy Conference on Privacy, Regulation, and Antitrust**

Wednesday, January 16 – Friday, January 18, 2013  
George Mason University School of Law

## **AGEP Third Annual Public Policy Institute on Financial Services**

Wednesday, May 1 – Friday, May 3, 2013  
George Mason University School of Law

## **AGEP Public Policy Institute on Counterfeiting and Piracy**

Tuesday, May 7 – Thursday, May 9, 2013  
Mystic, CT

## **AGEP Public Policy Conference on Competition, Search, and Social Media**

Tuesday, May 14 – Thursday, May 16, 2013  
George Mason University School of Law

## **AGEP Public Policy Conference on the Law & Economics of Privacy and Data Security**

Tuesday, June 18 – Thursday, June 20, 2013  
George Mason University School of Law

## **AGEP Economics Institute**

Sunday, September 29 – Wednesday, October 2, 2013  
George Mason University School of Law

**Apply online at [www.MasonAGEP.org](http://www.MasonAGEP.org).**

**Questions?** Contact Jon Foltz, Manager, AGEP at [jfoltz3@gmu.edu](mailto:jfoltz3@gmu.edu) or 703.993.9964.

## Jessica A Clark

---

**From:** Henry N. Butler [henrynbutler@gmail.com]  
**Sent:** Wednesday, January 23, 2013 9:10 PM  
**To:** 'Taylor, Lyndon'; 'Whitsitt, Bill'  
**Subject:** Proposal to Establish an Environmental Federalism Alliance at GMU LEC - CONFIDENTIAL  
**Attachments:** Funding Prospectus ENVIRONMENTAL FEDERALISM ALLIANCE at GMU LEC 1-23-13 draft.pdf

Dear Bill and Lyndon,

It was a real pleasure to see you guys at General Pruitt's Summit. Thanks so much for Devon's generous support. I hope that you found the Summit to be valuable. Bill, your comments were certainly well received.

General Pruitt seemed very pleased with the work we accomplished during the closed-door strategy session. Among other things, the AGs discussed the need for an entity to provide a sustained public policy platform for research, outreach, education, and coordination on the role of federalism with regards to energy production and natural resource development. There is a strong need for an entity to coordinate state AG reviews of perceived overreach of the Federal government as well to help restore a balance with the States.

Please find attached a confidential draft of a proposal to establish such an entity at the Law & Economics Center. The Environmental Federalism Alliance, which would be a bi-partisan effort, would involve an Information Clearinghouse, an AG Working Group, AG Education Programs, Peer-Reviewed Research, and other activities deemed beneficial to the protection of federalism, private property rights, free and open markets, and the rule of law.

As a first step, I envision hiring an experienced attorney -- perhaps from an AG office -- to direct this project.

I would appreciate your comments and suggestions. And, of course, I would appreciate it if Devon would take a leadership role by making a substantial founding grant to get us up and running.

This is not an inexpensive endeavor. But, as you know, the stakes are high.

Thanks.

Best,

Henry

Henry N. Butler  
George Mason University Foundation Professor of Law and Executive Director, Law & Economics Center  
George Mason University School of Law  
3301 Fairfax Drive  
Arlington, VA 22201  
[hnbutter@gmu.edu](mailto:hnbutter@gmu.edu)  
703-993-8644  
224-330-0540 (mobile)

## Swanson, Cory

---

**From:** Spohn, Katie <Katie.Spohn@nebraska.gov>  
**Sent:** Tuesday, January 22, 2013 2:41 PM  
**To:** Tom.Bates@oag.ok.gov; jessica.blome@ago.mo.gov; Cookson, David; clayton.eubanks@oag.ok.gov; hurdler.fox@gmail.com; nancy.korting@alaska.gov; bgrant@law.ga.gov; melissa.houston@oag.ok.gov; Johnson, Blake; kendra.jones@arkansasag.gov; jeremy.knee@ago.mo.gov; manningp@michigan.gov; pmcconkie@utah.gov; cate.crutcher@myfloridalegal.com; frederick.nelson@ohioattorneygeneral.gov; solens@law.ga.gov; bradford.phelps@arkansasag.gov; ramirez@ag.state.la.us; scott.pruitt@oag.ok.gov; delberta.pfeifer@ksag.org; sonneveltd@michigan.gov; Spohn, Katie; stjohnm@doj.state.wi.us; wstenehjem@nd.gov; Terri.Connell@state.co.us; saexeter@utah.gov; kturner@ago.state.al.us; Rich.Williams@state.sd.us; mwood@ago.state.ms.us; patrick.wyrick@oag.ok.gov; npeterson@law.ga.gov; Swanson, Cory; Jeff.Chanay@ksag.org  
**Subject:** Federalism in Environmental Policy  
**Attachments:** FEP Contact List.xlsx

Dear Colleagues,

This message is in follow-up to the excellent Environmental Conference put on last week by George Mason University and hosted by the Oklahoma Attorney General's Office. I trust you all made it home safely and hope you found the information to be very useful. In order to continue our coordination of efforts regarding Federalism in Environmental Policy, I am seeking input from each state who participated at the conference to confirm I have accurate contact information for your state and that all appropriate members of your staff are included on communication regarding this issue.

If each state would confirm the accuracy of the contact information for the individuals on the attached spreadsheet, I would be very grateful. If you have any revisions or additions, please let me know. In addition, I will be reaching out to other states that were not in attendance at the conference who have previously expressed an interest in this issue. Once I have a completed list, I will proceed with sharing the list with the entire group.

Thank you, everyone. I look forward to continuing to build upon the critical work accomplished at the conference last week.

Katie Spohn

Deputy Attorney General  
Nebraska Attorney General's Office  
(402) 471-2834  
Email: [katie.spohn@nebraska.gov](mailto:katie.spohn@nebraska.gov)

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State	Last Name	First Name	Title
AK	Geraghty	Michael	Attorney General
AL	Turner	Kevin	Chief Deputy Attorney General
AR	Jones	Kendra	Assistant Attorney General
AR	Phelps	Bradford	Chief Deputy Attorney General
CO	Suthers	John	Attorney General
FL	Muniz	Carlos	Chief Deputy
GA	Grant	Britt	Counsel for Legal Policy
GA	Olens	Sam	Attorney General
GA	Peterson	Nels	
KS	Chanay	Jeff	Deputy Attorney General
KS	Schmidt	Derek	Attorney General
LA	Phillips	Trey	First Assistant Attorney General
MI	Manning	Peter	Division Chief of the Environment, Natural Re
MI	Sonneveldt	Daniel	Assistant Attorney General
MO	Blome	Jessica	Assistant Attorney General
MO	Knee	Jeremy	Assistant Attorney General
MS	Woods	Mary Jo	Special Assistant Attorney General
MT	Fox	Tim	Attorney General
MT	Swanson	Corey	
ND	Stenehjem	Wayne	Attorney General
NE	Bruning	Jon	Attorney General
NE	Cookson	David	Chief Deputy Attorney General
NE	Johnson	Blake	Assistant Attorney General
NE	Spohn	Katie	Deputy Attorney General
OH	Nelson	Frederick	Senior Advisor to the Attorney General
OK	Bates	Tom	First Assistant Attorney General
OK	Eubanks	Clayton	Assistant Attorney General
OK	Houston	Melissa	Chief of Staff
OK	Pruitt	Scott	Attorney General
OK	Wyrick	Patrick	Solicitor General
SD	Williams	Richard	Assistant Attorney General
UT	McConkie	Paul	Assistant Attorney General
UT	Swallow	John	Attorney General
WI	St. John	Kevin	Deputy Attorney General



## Swanson, Cory

---

**From:** Cookson, David <david.cookson@nebraska.gov>  
**Sent:** Tuesday, February 05, 2013 3:43 PM  
**To:** kendra.jones@arkansasag.gov; charles.moulton@arkansasag.gov; Swanson, Cory; clayton.eubanks@oag.ok.gov; melissa.houston@oag.ok.gov; patrick.wyrick@oag.ok.gov; abrasher@ago; rtambling@ago.state.al.us; Brad Phelps (bradford.phelps@arkansasag.gov); Carol Isaacs (isaacsc@michigan.gov); Mattioli, Mark; Turner, Kevin; tom.bates@oag.ok.gov; manningp@michigan.gov; Spohn, Katie; Johnson, Blake  
**Subject:** Federalism in Environmental Policy Proposal  
**Attachments:** EPA Actions.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### Communications Coordination Committee Members:

First of all, thank you to each of you for volunteering to serve on the Federalism in Environmental Policy (FEP) Communication Coordination Committee.

The document attached to this email contains a non-exclusive list of EPA actions Nebraska considers to be of particular importance to the State Attorneys General and their respective environmental and natural resources agencies. The list is organized in terms of the items' temporal priority. We propose that working groups be formed and each tasked with specific action items.

Please review this list and provide feedback to the Committee including any additional issues you want to see monitored and addressed, as well as proposing appropriate actions to be taken on each of the listed items. In an effort to begin communicating with the entire State group as soon as practicable, please provide your feedback by February 8, 2013. At that time, we would propose that an updated version of the attached document be circulated to all State contacts on the listserv asking each to note the working groups in which they want to participate.

We plan to contact George Mason University to inquire further about setting up a website on their server to act as a clearinghouse as we begin to generate more content in the future. In addition to feedback on the attached document, please provide any thoughts you may have regarding a clearinghouse and/or an arrangement with George Mason University to provide support for that project.

David D. Cookson  
Chief Deputy Attorney General  
State of Nebraska  
(402) 471-3812 work  
(402) 430-4219 cell

## Current Actions

### **1. Finding of Failure to Submit SIP for 2008 Ozone Standard**

- A. Issued for 28 states on January 15, 2013
- B. Becomes effective on February 14, 2013
- C. This issue may warrant a soft response. The EPA is obligated to update the 2008 Ozone standard and has expressed their intention to make a significant downward adjustment. This places state agencies in a position where they have to commit resources to develop an infrastructure SIP to address the 2008 standard only to have to immediately begin developing a revised SIP to address the new Ozone standard when it is issued later this year. Making this practical reality more visible to lawmakers and the public may put pressure on the administration to address these inefficiencies.

### **2. Implementation of the SO<sub>2</sub> 1-Hour Standard**

- A. Evaluation and designations of air quality control regions currently underway by State agencies
- B. EPA will review the process the state's evaluations and will either approve said evaluations or reject such evaluations and will provide the basis for that decision and will designate the particular air quality control region as attainment or non-attainment.
- C. There is also a potential dispute looming with environmental NGOs over the state's use of modeling, rather than monitoring, data.
- D. AGs should determine where their States are at with regard to the implementation process

### **3. Potential "SIP Call" Based on Startup, Shutdown, Malfunction Exception**

- A. Environmental groups have petitioned for EPA to issue a SIP Call to 39 States whose SIPs contain an SSM exception
- B. States should be prepared to respond to the SIP Call when, and if, issued by EPA
- C. States may consider revising their SIPs to conform to current EPA policy which allows for enforcement discretion and affirmative defenses to be used in ascertaining penalties for excess SSM emissions. Environmental NGOs want no form of SSM exemption to be allowed.

## Future Actions

### **1. Greenhouse Gas Standards for New and Existing and/or Modified Units**

- A. Final standard for new sources potentially issued in the next few months
- B. Proposed standard for existing and/or modified units will likely come at about the same time as the final standard for new sources
- C. The real impact to states will come when GHGs from existing and modified EGUs are regulated. Any increase in emissions from an EGU will require the source to install NSPS-compliant control, likely a very costly retrofit.
- D. States should be prepared to respond to a lawsuit by Environmental NGO's when the final rule for new sources is issued. If EPA maintains the distinction between "new" and "modified" sources, as was done in the proposed rule, a challenge will undoubtedly be raised.
- E. The GHG issues raised in 09-1322 are not likely to be reviewed by the Supreme Court, so it looks like we are going to be seeing these new rules this year.

## **2. Revised Ozone NAAQS**

- A. EPA on a March 2013 deadline for revised standard
- B. The current 8-hour standard of 75 parts per billion will be revised downward likely between 60-70 parts per billion. For Nebraska, a standard lower than 67 ppb will cause attainment problems in the eastern portion of the state.
- C. The States will certainly want to submit comment on the proposed revision when it is issued. Rather than leaving ourselves with 30 or 60 days to draft comments, work could begin now on comments in anticipation of the rule.

## **3. Hydraulic Fracturing**

- A. Efforts at regulating hydraulic fracturing are ongoing at the federal, state, and local levels and aim at various aspects of the process, i.e. air emissions, wastewater, groundwater contamination, etc.
- B. Each State's Attorneys General should make themselves aware of the efforts that are occurring at the state and local levels while monitoring the efforts being made at the federal level

## **4. Final Cooling Water Intake Structure Rule**

- A. June 27, 2013 deadline for final rule
- B. The proposed rule's finding that the best technology available to address impingement is close-cycle cooling would require very costly, water intensive technology (i.e., cooling towers).
- C. The States should be prepared for the reality that the final rule will look like the proposed rule (with any modification being that EPA chooses closed-cycle cooling as BTA to address entrainment as well). The response will be a challenge to the final rule in the Circuit Court of Appeals.

## **5. Regulation of Coal Combustion Residuals Under RCRA**

- A. EPA is under pressure to treat CCR as hazardous waste but says review effort will take until 2014
- B. Treating CCR as hazardous waste would require very costly upgrades of current treatment facilities, or the construction of new facilities. The States would have to determine how to deal with the current CCR stores during the upgrade period.
- C. Soft response is needed now. CRS is revising their December 5, 2012 report on the issue. Concern should be voiced to lawmakers.

## **6. Effluent Limitations for Steam-Generated EGUs**

- A. No real timeline on EPA's consideration of controls on the discharge from scrubbers

## **7. Revision of the Effluent Limitation Guideline for Power Plants**

- A. EPA will propose revisions to the current ELG by April 19, 2013

**FEP Planning Committee – June 27, 2013 Conference Call**

**Attendance: Alabama, Arkansas, Michigan, Montana, Nebraska, Oklahoma, and West Virginia**

**1. Greenhouse Gas Standards for Existing and/or Modified Units**

- A. 2010 Settlement Agreement with States and Environmental Groups required GHG NSPS for both new and existing sources
- B. April 15 and 17, 2013 Notices of Intent to Sue
  - I. 21-State coalition of AGs drafted response and request to be involved in settlement discussions
- C. Presidential Memorandum and Climate Action Plan – June 25, 2013
  - I. **NE, OK, and MI White Paper commenting on EPA's lack of authority to be used in Washington DC will be circulated for joinder early next week.**
- D. EPA Re-Proposal of New Source NSPS
  - I. September 30, 2013: will be circulating a comment letter for AG's and state environmental agencies to consider upon re-proposal.

**2. CSAPR**

- A. SCOTUS granted cert June 24, 2013
  - I. **Party States should be receiving an update from NE and TX in the very near future**
  - II. **Amicus effort: Likely to be lead by WV**

**3. Effluent Limitation Guideline for Power Plants (\* potential comment opportunity)**

- A. EPA released ELG on April 19, 2013
  - I. **Comments due August 6, 2013 (EPA-HQ-RCRA-2013-0209): Oklahoma will put something together for circulation**

**4. PM 2.5 (\*potential amicus opportunity)**

- A. WildEarth Guardians sued EPA on May 15, 2013 over Utah and Idaho SIPs to force implementation of the new 2012 standard under Subpart 4 as well (i.e. *NRDC v. EPA* applies to all particulate standards, not just the 1997 version at issue in that case) (D. Co.): **Nebraska will observe and inform the states if an amicus opportunity arises. We do not want unfriendly legal precedent established without an opportunity to share our views on the issue.**

**5. Other Items to Be Addressed**

**A. EPA FOIA Request Update:**

On May 31, 2013, Oklahoma received another denial of the fee waiver appeal when EPA concluded that the waiver was moot because there was no proper FOIA request before the agency. **OK will be filing suit in the W.D. of Oklahoma in the near future. OK will cover the costs of**

**litigation and welcomes all states to participate who were parties to the original FOIA request. Paul Seby will be helping OK with their efforts.**

**B. Center for Cooperative Federalism**

Clayton is working on the application for a 501 (c)(3) organization

**C. BLM-Fracking Rule: Clean Water Act Issue**

Oklahoma is drafting a comment letter for circulation

**D. EPA Authority over Non-Tribal Minor Sources on Reservation**

Michigan is having issues with EPA asserting authority over non-tribal (minor) air emission sources located on reservation and inquired as to whether other states were experiencing similar issues. Oklahoma is litigating the issue right now with EPA.

**6. Next Call: August 8, 2013 at 11:00 EDT, 10:00 CDT, 9:00 MDT.**

Oklahoma City, OK 73102  
405 228-8482 Direct  
Sheila.harder@dvn.com<mailto:Sheila.harder@dvn.com>

<mime-attachment.gif>

From: Ashley.Olmstead@oag.ok.gov<mailto:Ashley.Olmstead@oag.ok.gov> [  
mailto:Ashley.Olmstead@oag.ok.gov]  
Sent: Thursday, June 06, 2013 9:01 AM  
To: Harder, Sheila  
Subject: Meeting

Hi Sheila,

I was hoping to set up a meeting with Mr. Whitsitt and General Pruitt here in our office. I am looking at Friday, June 21st. Our hopes are to have Leonard Leo and Paul Seby come in as well. If they are not able to fly in we will try and make sure they can at the least be on a conference call. The purpose of the meeting is to discuss the Center for Energy Independence. If you could give me a few times that would work on the 21st then I will coordinate with the others. I appreciate your help and look forward to finally meeting you on Friday!

Thanks,  
Ashley

Ashley Olmstead  
Executive Assistant  
Oklahoma Office of Attorney General  
(405) 521.3921  
313 NE 21st Street  
Oklahoma City, OK 73105

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devon devon



Good meeting -- and Congrats again!  
Whitsitt, Bill to: melissa.houston@oag.ok.gov  
Cc: "Wright, Allen", "Rockwood, Brent"

06/13/2013 01:12 PM

Melissa --

Please thank Scott for including me in the meeting today. I think we got to a good place with respect to the clearinghouse concept to assist AGs in addressing federalism issues.

Also, please pass along the attached article as an example of the specialized media treatment of today's excellent decision!

*Bill*

William F. Whitsitt, Ph.D.  
Executive Vice President  
Public Affairs

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devon

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Water - SC Decision - Justices Rule for OK... (E&E News 6-13-13).pdf



Re: Meeting  
Harder, Sheila to: Ashley.Olmstead@oag.ok.gov

06/06/2013 07:28 PM

Ashley,

That's great! I will get this on Bill's calendar.

Can't wait to meet you tomorrow!

Sheila

Sent from my iPhone

On Jun 6, 2013, at 4:44 PM, "Ashley.Olmstead@oag.ok.gov<  
mailto:Ashley.Olmstead@oag.ok.gov>" <Ashley.Olmstead@oag.ok.gov<  
mailto:Ashley.Olmstead@oag.ok.gov>> wrote:

We can make 10am CST on June 13th work- we will meet here in our office. Paul Seby will be joining us and we will conference in Leonard Leo.

Thanks for your help and let me know if you need any other information.

Ashley  
Ashley Olmstead  
Executive Assistant  
Oklahoma Office of Attorney General  
(405) 521.3921  
313 NE 21st Street  
Oklahoma City, OK 73105

---

From: "Harder, Sheila" <Sheila.Harder@dvn.com<  
mailto:Sheila.Harder@dvn.com>>  
To: "Ashley.Olmstead@oag.ok.gov<mailto:Ashley.Olmstead@oag.ok.gov>"  
<Ashley.Olmstead@oag.ok.gov<mailto:Ashley.Olmstead@oag.ok.gov>>  
Date: 06/06/2013 03:45 PM  
Subject: RE: Meeting

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Hm... On June 13th, the only time Bill is not available is 10:30am - 2pm. If the meeting only lasted an hour we could schedule the call at 10:00am, if that helps. Is General Pruitt set on Bill coming to his office? Bill could do a conference call from Devon at 10:30am. He just has a guest coming around 11:30am and will need to be here in time to greet them.

The June 14th times did not work for him.

Bill is available on Tuesday, June 18th, at 4:00pm and he looks wide open for Monday, June 24th.

Just let me know and we will get this confirmed.

Thanks!





**AG Miller's Memo**

andrewpmiller to: Scott.pruitt

Cc: Ashley.olmstead, tom.bates, jmcpherson

04/23/2013 03:06 PM

**General Pruitt:**

In response to Jim McPherson's e-mail to you of last week allow me to make the following observations as a longstanding friend of NAAG:

1. "Andy expressed surprise at many of the underlying facts he was not aware of but declined to modify his memo in light of those facts." – I have no idea what Jim can possibly be talking about. I gave him a copy of my September 21, 2012, memo to you (see attached) on Monday, April 15, 2013. We did not discuss it then or since. I had told Jim of its existence when we met on March 25<sup>th</sup>, but he did not view it at that time. All relevant facts, whether underlying or not, are known or knowable to any serious observer of NAAG. Notwithstanding Jim's assertion, I deny that he or anyone else ever requested me to "modify [my] memo" in any respect. In light of the memo's date of origin, it was long gone by March 2013.
2. "What Andy fails to explain is how we got to the current membership [of the Executive Committee]. He suggests some political party bias ... which couldn't be further from the truth." – I stand by my statement as to the political imbalance on the Executive Committee. Indeed, having forwarded my memo before Rob McKenna stepped down, the ratio of D's to R's is even worse now: 9 D's to 3 R's. For an organization which claims to be internally bi-partisan, I find this unfortunate. The ratio could have been improved somewhat if NAAG's leadership had seen fit (1) to arrange for an R to be elected Chair of the Mission Foundation's Board and (2) to appoint 1 D and 2 R's to the Executive Committee. These moves would have resulted in a current ratio of 7 D's to 5 R's. I respectfully submit that the present imbalance is not predestined.
3. "Andy's suggestion at (sic) some 'departure from principle' is simply not true." – My "departure from principle" point is clearly correct regarding the past practice of having "each NAAG Committee headed by two co-chairs, one from each party." This even – handedness, when implemented by NAAG's President Steve Carter, represented a positive step toward the achievement of institutional balance. I regret that Steve's principle has been abandoned. As to Committee membership there has never been a parallel principle, nor do I, as an interested observer, advocate one. I do believe, however, that NAAG's leadership should encourage AG's from both parties to volunteer to serve on each of its Committees. This would avoid having some Committees populated by AG's of only one party, as is currently the case.
4. "Andy's reference to Ms. Milliken is very unfair and offensive." – Since the "lore" of political partisanship, which Jim refers to, is an accurate depiction of NAAG's reality at that time, it is absurd to characterize my reference as either "unfair" or "offensive". As you know, the perceived "disrespect" for R AG's and their views led to the formation of RAGA; during the same period, some R AG's threatened to withdraw their States completely from involvement in NAAG. I had hoped that, with Chris' departure, NAAG

would move beyond the contentiousness of such internal divisions. When I prepared my memo, however, I was struck by how easy it was to confirm my sense of continuing partisan imbalance. Should it reflect an ongoing unhappiness by R's with NAAG, such disenchantment is indeed regrettable.

The facts I reported to you in my memo are mathematical in nature and cannot be dismissed by repetitive denials of their existence. I had hoped that NAAG's leadership, rather than viewing my memo as "misguided", "divisive" and "unhelpful", to use Jim's words, would act affirmatively to address the challenge I described. It appears from Jim's reaction that I may be disappointed in this regard. For some one who for more than 40 years has sought to help NAAG protect its institutional integrity, this is an untoward turn of events. It reminds me of the child who was chided for suggesting correctly that the Emperor had no clothes.

I would be pleased to discuss this matter with you and Jim further should either of you wish to do so.

Andy

Andrew P. Miller

[REDACTED]  
Washington, DC 20007

[REDACTED]  
[andrewpmiller@verizon.net](mailto:andrewpmiller@verizon.net)



original e-mail to S. Pruitt 9-21-12 - 4-23-13.docx

**From:** Jessica A Clark

**Sent:** Friday, October 11, 2013 8:41 AM

**To:** '[rhastie@hunton.com](mailto:rhastie@hunton.com)'

**Cc:** Henry N Butler

**Subject:** Law & Economics Center: Initiative for Energy & the Environment

Dear Mr. Hastie,

As a follow-up to the message Henry left for you this morning, he asked me to send you a copy of the letter we sent this summer to Mr. Moor (attached), as well as links to our [2012-2013 Annual Report](#) and to our new [Initiative for Energy and the Environment](#). The Initiative link includes the Funding Prospectus as well as a video of our first Initiative event – a preview of the Environmental and Energy Issues coming before the Supreme Court in 2013-2014.

Henry looks forward to catching up with you soon.

Regards,

Jessica

**Jessica A. Clark** | Assistant Director, Development | [Law & Economics Center](#)  
George Mason University School of Law | 3301 Fairfax Drive | Arlington, VA 22201  
Direct: 703-993-8051 | Main: 703-993-8040 | Fax: 703-993-8181

## Richard Faulk

---

**From:** Henry N Butler  
**Sent:** Thursday, October 31, 2013 11:09 AM  
**To:** Karl R. Moor (kmoor@southernco.com)  
**Cc:** sumitche@southernco.com; Richard Faulk; Jessica A Clark; Roderick B. Hastie (rhastie@hunton.com)  
**Subject:** ANY CHANCE WE CAN GET TOGETHER IN WASHINGTON NEXT WEEK? New Initiative for Energy and the Environment -- George Mason Law & Economics Center  
**Attachments:** Mason LEC FY2013 Annual Report & Energy Request to Moor of Southern 8-20-2013.pdf

Dear Karl,

I hope you are doing well. Rick Faulk and I would appreciate the opportunity to visit with you about our Initiative for Energy and the Environment.

I understand that you plan to be in Washington next week for an Energy Conference. Do you have any gaps in your schedule when Rick and I can meet with you?

Thanks.

Best,

Henry

Henry N. Butler  
George Mason University Foundation Professor of Law and  
Executive Director, Law & Economics Center  
George Mason University School of Law  
3301 Fairfax Drive  
Arlington, VA 22201  
hnbutler@gmu.edu  
703-993-8644  
224-330-0540 (mobile)  
www.MasonLEC.org

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**From:** Henry N. Butler [mailto:henrynbutler@gmail.com]  
**Sent:** Thursday, September 05, 2013 11:09 AM  
**To:** 'kmoor@southernco.com'  
**Cc:** 'sumitche@southernco.com'; Jessica A Clark  
**Subject:** New Initiative for Energy and the Environment -- George Mason Law & Economics Center

Dear Karl,

I hope you are doing well. I recently send you some information about the LEC's new Initiative for Energy and the Environment. I understand you have been traveling a lot, so for your convenience I am attached a copy of my cover letter. The supporting documents regarding the Initiative for Energy & the Environment, as well as an electronic version of our Annual Report may be found [here](#).

I look forward to discussing this project at your earliest convenience.

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**From:** Hastie, Roderick [<mailto:rhastie@hunton.com>]

**Sent:** Tuesday, October 15, 2013 4:14 PM

**To:** Jessica A Clark

**Cc:** Henry N Butler; Stone, Scott J.

**Subject:** RE: Law & Economics Center: Initiative for Energy & the Environment - Privileged & Confidential

Privileged & Confidential

Yes, we will see you tomorrow at 10:45 AM. Please proceed to the 9<sup>th</sup> floor reception area of Hunton & Williams 2002 PA Ave, NW.

Thank you.

Rod Hastie

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**From:** Jessica A Clark [<mailto:jclarkw@gmu.edu>]

**Sent:** Friday, October 11, 2013 4:44 PM

**To:** Hastie, Roderick

**Cc:** Henry N Butler

**Subject:** RE: Law & Economics Center: Initiative for Energy & the Environment

Dear Mr. Hastie,

## Richard Faulk

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**From:** Rick Faulk <rfaulk@gmu.edu>  
**Sent:** Sunday, November 10, 2013 11:53 AM  
**To:** Henry N Butler  
**Subject:** Fwd: RAGA in Charleston - Privileged & Confidential

Karl's absence is a disappointment but this is a "target rich" environment. I will work hard to open doors for us. There are lots of corporate members here.

I have dinner with the AGs from Georgia and South Dakota tonight. A few other Capital Club members are also invited but I don't know who they will be.

Rick

Sent from my iPhone

Begin forwarded message:

**From:** "Hastie, Roderick" <[rhastie@hunton.com](mailto:rhastie@hunton.com)>  
**Date:** November 10, 2013 at 11:34:02 AM EST  
**To:** <[rfaulk@gmu.edu](mailto:rfaulk@gmu.edu)>  
**Cc:** <[hnbutter@gmu.edu](mailto:hnbutter@gmu.edu)>, <[krmoor@southernco.com](mailto:krmoor@southernco.com)>  
**Subject:** Re: RAGA in Charleston - Privileged & Confidential

Rick:

I have been made aware that due to a pressing business matter Karl Moor will now not be at the RAGA meeting.

I am around and can catch up anytime over the next two days.

Thanks.

Rod

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**From:** Richard Faulk [<mailto:rfaulk@gmu.edu>]  
**Sent:** Sunday, November 10, 2013 11:13 AM  
**To:** Karl Moor <[krmoor@southernco.com](mailto:krmoor@southernco.com)>  
**Cc:** Hastie, Roderick; Henry N Butler <[hnbutter@gmu.edu](mailto:hnbutter@gmu.edu)>  
**Subject:** Re: RAGA in Charleston

Dear Karl,

As Henry Butler mentioned in the email below, I am attending the RAGA meeting in Charleston and I arrived this morning. I will be here throughout the meeting and will be attending a number of Capital Club events, including today's luncheon.

I'd like to meet you at some point and introduce myself. Is there a convenient opportunity when I might do so? Please let me know.

**From:** Henry N. Butler [mailto:henrynbutler@gmail.com]

**Sent:** Thursday, January 09, 2014 1:26 PM

**To:** 'scott.pruitt@oag.ok.gov'

**Cc:** 'hnbutler@gmu.edu'; Richard Faulk; Jeffrey Smith; 'Tom.Bates@oag.ok.gov'; 'Melissa McLawhorn Houston'

**Subject:** INVITATION TO SPEAK: Public Policy Conference on Energy and the Environment, George Mason Law School, Arlington, Virginia, Monday, April 7, 2014

Dear Scott,

Happy New Year! I hope you are doing well.

After last year's successful Summit on Federalism and the Future of Fossil Fuels, the Mason Law & Economics Center started making plans to launch an Initiative for Energy and the Environment. Richard Faulk, formerly of Gardere in Houston, joined us in July to lead this effort. You may recall that Rick participated in your OKC summit. Here's some more information about the Initiative. <http://www.masonlec.org/programs/initiative-energy-environment>

We're putting together Public Policy Conference on "Energy and the Environment: Old Fuels, New Technologies, and Market Dynamics" to be held at George Mason Law School in Arlington, Virginia on Monday, April 7. I am writing to invite you to participate in the conference. And, yes, I am aware that NAAG is organizing an energy conference in Arkansas for the next day. Needless to say, we're a different breed.

The target audience of our conferences is the Washington public policy community plus senior staff from state AG offices. We will subsidize attendance of AGs and their senior staff. Press coverage will be substantial. All sessions will be live webcast and then posted on our website for future viewing.

Topics include:

- a. Keynote Opening Address on "The Future of Fossil Fuels in the US": Frank Wolek, Professor of Economics and Director, Program on Energy and Sustainable Development, Stanford University
- b. Life after the War on Coal: Clean Coal Technology, Carbon Sequestration, and Exportation of Coal
- c. Hydraulic Fracturing: Oil and Gas Industry Dynamics
- d. Who should regulate hydraulic fracturing?
- e. Roundtable Discussion: Collateral Damage in the War on Carbon.

I would like for you to participate in the **Roundtable Discussion: Collateral Damage in the War on Carbon:** Jobs and the Economy? Free Trade? Federalism? The Rule of Law? Public Health: Wealthier is Healthier? Owners of Natural Resources? Native Americans? World Peace? The Environment? The Roundtable will run from 4:00 to 5:30

Rick Faulk will moderate the panel. We would have you be the first speaker where you would have 15 minutes to issue "the indictment on carbon war crimes." OK, that's a little over the top and not for public consumption, but it would be a nice platform for you to state your views on the what has been coming out of Washington.

I hope you can join us for what promises to be an important public policy event.

**From:** [Katie.Dark@oag.ok.gov](mailto:Katie.Dark@oag.ok.gov) [<mailto:Katie.Dark@oag.ok.gov>]

**Sent:** Tuesday, February 18, 2014 2:32 PM

**To:** Henry N Butler

**Subject:** Oklahoma Attorney General to speak at Public Policy Conference

Mr. Butler,

I wanted to confirm Attorney General Scott Pruitt for the Public Policy conference on Energy and the Environment at the George Mason Law School in Arlington, Virginia on Monday, April 7th, 2014.

The Attorney General looks forward to speaking on the panel concerning Life after the War on Coal.

Please let me know if you need anything from me or if you have any other information concerning scheduling or travel. We look forward to this event.

Please don't hesitate to contact me.

Thanks!

**Katie Dark**

Constituent Services Coordinator

Office of the Attorney General

State of Oklahoma

(405) 522-4400

[katie.dark@oag.ok.gov](mailto:katie.dark@oag.ok.gov)



**From:** Henry N. Butler [<mailto:henrynbutler@gmail.com>]

**Sent:** Tuesday, January 07, 2014 5:21 PM

**To:** Karl R. Moor ([kmoor@southernco.com](mailto:kmoor@southernco.com))

**Cc:** Richard Faulk; Jessica A Clark

**Subject:** INVITATION TO GIVE KEYNOTE ADDRESS: Mason Conference on Energy and the Environment: Old Fuels, New Technologies, and Market Dynamics, April 7. 2014

Dear Karl,

Happy New Year! I hope you are doing well.

I've come across several of Southern's energy ads recently. I'm impressed with the message about the need for a balanced approach to energy policy. I am writing to invite you (or another Southern spokesperson) to give the Keynote Luncheon Address at a conference that is being organized by our new Initiative for Energy and the Environment. [For more information about the Initiative, please see

On Monday, April 7, we will host a Public Policy Conference on "Energy and the Environment: Old Fuels, New Technologies, and Market Dynamics."

The target audience is the Washington public policy community plus senior staff from state AG offices. We will subsidize attendance of AGs and their senior staff. We anticipate substantial press coverage. All sessions will be live webcast and then posted on our website for future viewing.

Panel topics include:

- a. Keynote Opening Address on "The Future of Fossil Fuels in the US": Frank Wolek, Professor of Economics and Director, Program on Energy and Sustainable Development, Stanford University
- b. Life after the War on Coal: Clean Coal Technology, Carbon Sequestration, and Exportation of Coal
- c. Hydraulic Fracturing: Oil and Gas Industry Dynamics
- d. Luncheon Keynote Address, KARL MOOR OR SOUTHERN REPRESENTATIVE
- e. Who should regulate hydraulic fracturing?
- f. Roundtable Discussion: Collateral Damage in the War on Carbon.

I believe that Southern's message will resonate with a serious policy audience. But, they need to hear it again and again. As one of my mentors used to say, "It is only through constant and varied reiteration that reluctant minds come to accept difficult concepts."

I hope you can join us for what promises to be an important public policy event.

There will be a dinner that evening for speakers and AGs.

Thank you for your consideration.

Best,

Henry

Henry N. Butler  
George Mason University Foundation Professor of Law and  
Executive Director, Law & Economics Center  
George Mason University School of Law  
3301 Fairfax Drive  
Arlington, VA 22201  
[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)  
703-993-8644  
224-330-0540 (mobile)  
[www.MasonLEC.org](http://www.MasonLEC.org)

**From:** Jeffrey Smith

**Sent:** Thursday, March 06, 2014 3:17 PM

**To:** [kmoor@southernco.com](mailto:kmoor@southernco.com)

**Cc:** Henry N Butler; [sumitche@southernco.com](mailto:sumitche@southernco.com)

**Subject:** Confirmation of Participation: Energy & the Environment: Old Fuels, New Technologies, and Market Dynamics, April 7, 2014

Dear Karl:

Thank you for agreeing to participate in the upcoming LEC Public Policy Conference on *Energy & the Environment: Old Fuels, New Technologies, and Market Dynamics*. This email will summarize your participation.

You have agreed to participate in the following session:

1. You will give the Luncheon Address at an LEC Public Policy Conference on Monday, April 7, 2014 at George Mason University School of Law in Arlington, VA. You will also attend a dinner for speakers and invited Attorneys General and their senior staff on the evening of Sunday, April 6, 2014. Your topic for your address is "Fueling America's Economy and will be held during the luncheon from 12:30 to 1:40 pm. You should be prepared to speak for approximately 15 minutes and to allow for some questions from the audience.

The LEC will book and pay for your hotel room on the night of Sunday, April 6. Please let us know if you will need any additional nights.

Please respond and confirm that this email accurately reflects your participation. Please also let me know if you have any questions. We are honored by your participation in this Conference and look forward to seeing you soon.

Best,

Henry N. Butler  
George Mason University Foundation Professor of Law and  
Executive Director, Law & Economics Center  
George Mason University School of Law  
3301 Fairfax Drive  
Arlington, VA 22201  
[hnutler@gmu.edu](mailto:hnutler@gmu.edu)  
703-993-8644  
224-330-0540 (mobile)  
[www.MasonLEC.org](http://www.MasonLEC.org)

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**From:** Mitchell, Susan Camille [<mailto:SUMITCHE@southernco.com>]

**Sent:** Monday, March 31, 2014 4:31 PM

**To:** Henry N Butler

**Subject:** Invoice

Hi Henry,

Good to speak with you earlier today. Yes, \$30k is correct for the invoice. Please send to me at your earliest convenience so I may process.

Regards,

Susan

Susan Mitchell, MSEM | Southern Company Services  
Executive Secretary to Karl R. Moor, SVP & Chief Environmental Counsel  
and D. Wayne Moore, VP & Operations Compliance Officer  
Southern Company Operations  
office: 205.257.4676 | mobile: 205.440.9163  
fax: 205.257.2027 | [sumitche@southernco.com](mailto:sumitche@southernco.com)

**From:** Henry N Butler

**Sent:** Tuesday, February 25, 2014 5:21 PM

**To:** jha5@case.edu; jon.bargas@dvn.com; dan.barron@arlp.com; Tom.Bates@oag.ok.gov; jessica.blome@ago.mo.gov; wendy.brooks@wpenergy.com; bbrownell@hunton.com; anita.scheuler@nebraska.gov; jonathan.bunch@fed-soc.org; Henry N Butler; cason.carter@arlp.com; Jeff.Chanay@ksag.org; david.cookson@nebraska.gov; chris.j.dodson@conocophillips.com; ddonohue@wnj.com; reminger@cleancoalusa.org; clayton.eubanks@oag.ok.gov; Richard Faulk; Jonathan Foltz; hurdler.fox@gmail.com; njfrancisco@jonesday.com; nancy.korting@alaska.gov; peter.glaser@troutmansanders.com; bgrant@law.ga.gov; harold.hamm@clr.com; rhastie@hunton.com; melissa.houston@oag.ok.gov; blake.johnson@nebraska.gov; Mary C Jones; kendra.jones@arkansasag.gov; jeremy.knee@ago.mo.gov; peter\_kruselnicki@transcanada.com; mimi.larsen@moyewwhite.com; sarah.lenti@gmail.com; jamie.maddy@chk.com; manningp@michigan.gov; rmartella@sidley.com; pmconkie@utah.gov; cmcgill@aga.org; andrewpmiller@verizon.net; michael.ming@doe.ok.gov; krmoor@southernco.com; Dorysamoore@marathonoil.com; cate.crutcher@myfloridalegal.com; knathanson@crowell.com; frederick.nelson@ohioattorneygeneral.gov; solens@law.ga.gov; mourada@cleancoalusa.org; rpaduchik@cleancoalusa.org; bradford.phelps@arkansasag.gov; ramirez@ag.state.la.us; scott.pruitt@oag.ok.gov; drivkin@bakerlaw.com; Brent.Rockwood@dvn.com; krogers@aga.org; masagsve@nd.gov; delberta.pfeifer@ksag.org; paul.seby@moyewwhite.com; rshelby@aga.org; mark.shurtleff@troutmansanders.com; tskinner@jonesday.com; sonneveldtd@michigan.gov; katie.spohn@nebraska.gov; stjohnkm@doj.state.wi.us; wstenehjem@nd.gov; sstone@hunton.com; Terri.Connell@state.co.us; saexeter@utah.gov; lyndon.taylor@dvn.com; steve.thompson@deq.ok.gov; kturner@ago.state.al.us; mturpen@riggsabney.com; bill.whitsitt@dvn.com; Rich.Williams@state.sd.us; jwilliams@peabodyenergy.com; mwood@ago.state.ms.us; chris.wright@libertyresourcesllc.com; allen.wright@dvn.com; patrick.wyrick@oag.ok.gov

**Cc:** Colleen E Cherico; Karen M Czarnecki; Jeffrey Smith

**Subject:** INVITATION: Public Policy Conference on Energy and the Environment, George Mason Law School, Arlington, Virginia, Monday, April 7, 2014

Dear Friends,

After General Pruitt's successful January 2013 Summit on Federalism and the Future of Fossil Fuels in Oklahoma City, the Mason Law & Economics Center started making plans to launch an Initiative for Energy and the Environment. Richard Faulk, formerly of Gardere in Houston, joined us in July to lead this effort. You may recall that Rick participated in the OKC summit. Here's some more information about the Initiative.  
<http://www.masonlec.org/programs/initiative-energy-environment>

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**From:** Hastie, Roderick [mailto:[rhastie@hunton.com](mailto:rhastie@hunton.com)]  
**Sent:** Friday, March 28, 2014 7:00 PM  
**To:** Henry N Butler  
**Cc:** John Barnes  
**Subject:** RE: Constitutional White Paper - Confidential

Confidential

Henry:

I just got off the phone with General Fox. He has agreed to be your luncheon speaker on April 7. The topic will cover the issue that executive branch agencies can only exercise the authority delegated to them by the Congress. Thus, the President's Climate Action Plan created no new legal rights or obligations. He will speak with John to further refine the speech. They will need to know the details of how long he has etc....

He will not be delivering a white paper, but only give a speech.

Hi Rod,

Yesterday afternoon I gave Tim the materials you sent me. He has a packed schedule today so I'm not sure if he's had a chance to read them yet. I will connect with him as soon as I can today.

Thanks,

John

On Fri, Mar 28, 2014 at 7:51 AM, Hastie, Roderick <[rhastie@hunton.com](mailto:rhastie@hunton.com)> wrote:

John;

I am here all day and can speak about this effort. The paper can certainly be modified should General Fox so desire.

Let me know if we can speak today.

Thanks.

Rod Hastie

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**From:** John Barnes [mailto:[kallutchin@gmail.com](mailto:kallutchin@gmail.com)]  
**Sent:** Thursday, March 27, 2014 11:17 PM  
**To:** Hastie, Roderick  
**Subject:** Re: Constitutional White Paper - Confidential

Thank you!

On March 27, 2014 3:10:52 PM MDT, "Hastie, Roderick" <[rhastie@hunton.com](mailto:rhastie@hunton.com)> wrote:

Confidential

John:

Thank you for speaking with me about the President's Climate Action Plan. As I mentioned, there is a need for a respected legal voice from the States to be heard that the "Plan" in and of itself does not

carry the weight of law. Put another way, the Climate Action Plan is merely the President's preferred climate policy and carries no independent force of law.

General Fox last September joined with several other States in issuing a paper that stressed the limits to EPA's authority, and the role of the States, when seeking to regulate existing power plants. This paper had a real impact on the policy debate in Washington and was viewed as a "shot across the bow". However, we have seen that the Climate Action Plan's stringent goals – notwithstanding the legal constraints limiting EPA action noted by the Attorneys General last September – have been cited in several state regulatory proceedings as if they have, or will have, force of law. We can provide several example of where this is happening.

I am attaching for your consideration a draft white paper along with talking points which could be delivered by General Fox in conjunction with his appearance at the George Mason Public Policy Conference. This paper could be posted on the Mason web-site and separately delivered to the EPA. We envision it being used in many public policy circles as this debate continues.

I do believe this of the style and tone of General Fox. As I know time is short, I would be glad to discuss this effort with him over the phone.

Thank you.

Rod Hastie

**Roderick B. Hastie**  
Senior Director Governmental Relations  
rhastie@hunton.com

Hunton & Williams LLP  
2200 Pennsylvania Avenue, NW  
Washington, DC 20037  
Direct: 202.955.1937  
Fax: 202.828.3715  
www.hunton.com



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**From:** Hastie, Roderick [<mailto:rhastie@hunton.com>]  
**Sent:** Friday, March 28, 2014 4:18 PM  
**To:** John Barnes  
**Cc:** Henry N. Butler  
**Subject:** RE: Constitutional White Paper - Confidential

Confidential

John:

Great. I will stand by.

We certainly think it will be a win-win for the April 7 program and for General Fox. It can also be edited to reflect his style and thoughts.

Thanks.

Rod

**From:** John Barnes [<mailto:kallutchin@gmail.com>]  
**Sent:** Friday, March 28, 2014 3:39 PM  
**To:** Hastie, Roderick  
**Subject:** Re: Constitutional White Paper - Confidential

## Richard Faulk

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**From:** Hastie, Roderick <rhastie@hunton.com>  
**Sent:** Monday, March 31, 2014 5:23 PM  
**To:** 'kallutchin@gmail.com'; Henry N Butler  
**Cc:** Richard Faulk; Jeffrey Smith  
**Subject:** Re: Constitutional White Paper - Confidential

I've got two possible suggestions:

"Is the Climate Action Plan the Law?"

"EPA and the Separation of Powers"

Rod

---

**From:** John Barnes [mailto:kallutchin@gmail.com]  
**Sent:** Monday, March 31, 2014 04:38 PM  
**To:** Henry N Butler <hnbutler@gmu.edu>  
**Cc:** Hastie, Roderick; Richard Faulk <rfaulk@gmu.edu>; Jeffrey Smith <jsmithq@gmu.edu>  
**Subject:** Re: Constitutional White Paper - Confidential

Thanks for the info. I'm working with AG Fox on a speech title and will get back to you ASAP.

Regards,  
John

On Mon, Mar 31, 2014 at 1:35 PM, Henry N Butler <[hnbutler@gmu.edu](mailto:hnbutler@gmu.edu)> wrote:

John,

Tim should plan for 20-30 minutes.

How are you doing on coming up with a title?

Thanks.

Best,

## LEC Public Policy Conference on Energy and the Environment: Old Fuels, New Technologies, and Market Dynamics

**Event Date:** Monday, April 7 to Monday, April 7, 2014

**Location:** George Mason University School of Law, 3301 Fairfax Drive, Arlington, Virginia 22201

**Program Description:** The Law & Economics Center through LEC Initiative for Energy and the Environment hosted a public policy conference on "Old Fuels, New Technologies, and Market Dynamics," which examined the dynamics between environmental issues and the energy market. Panels addressed clean coal technology, carbon sequestration, the future direction of the oil and gas industry, and the regulation of hydraulic fracturing. Keynote speakers included Frank Wolak of Stanford University who discussed, "The Role of Fossil Fuels in the Global Energy Future" and Attorney General Tim Fox of Montana who gave the luncheon address where he discussed federal energy regulation and obstacles to natural resource development.

on panel links below.

### Agenda

#### KEYNOTE ADDRESS: "THE ROLE OF FOSSIL FUELS IN THE GLOBAL ENERGY FUTURE"

**Frank A. Wolak**, Holbrook Working Professor of Commodity Price Studies and Director, Program on Energy & Sustainable Development, Stanford University

#### LIFE AFTER THE WAR ON COAL: CLEAN COAL TECHNOLOGY, CARBON SEQUESTRATION, AND EXPORTATION OF COAL

**Paul Bailey**, Senior Vice President for Federal Affairs and Policy, American Coalition for Clean Coal Electricity

**Jacob A. Williams**, Vice President, Global Energy Analytics, Peabody Energy

**Felice Stadler**, Senior Director, Climate & Energy Program, National Wildlife Federation

**Moderator:** [Richard O. Faulk](#), Senior Director, Energy and the Environment, Law & Economics Center

#### HYDRAULIC FRACTURING: OIL AND GAS INDUSTRY DYNAMICS

**Christopher A. Wright**, CEO, Liberty Resources LLC, Denver

**Erica Bowman**, Vice President of Research and Policy Analysis & Chief Economist, American Natural Gas Alliance (ANGA)

**John A. Arrell, Jr.**, Manager, Market Development and New Products, ATK Defense Group, Missile Products Division

**Moderator:** [Henry N. Butler](#), George Mason University Foundation Professor of Law and Executive Director, Law & Economics Center, George Mason University School of Law

#### LUNCHEON ADDRESS: "HOT AIR AND THE EMPTY CHAIR"

**The Honorable Timothy C. Fox**, Attorney General of Montana

#### WHO SHOULD REGULATE HYDRAULIC FRACTURING?

**Thomas W. Merrill**, Charles Evans Hughes Professor, Columbia Law School

**Michael L. Krancer**, Partner, Blank and Rome, LLP

**Sharon Buccino**, Director, Land and Wildlife Program, Natural Resources Defense Council

**Moderator:** Richard O. Faulk

#### ROUNDTABLE DISCUSSION: COLLATERAL DAMAGE IN THE WAR ON CARBON

**Jobs and the Economy? Free Trade? Federalism? The Rule of Law? Public Health: Wealthier is Healthier? Owners of Natural Resources? Native Americans? World Peace? The Environment?**

**The Honorable E. Scott Pruitt**, Attorney General of Oklahoma

**Dava K. Kaitala**, Senior General Attorney, BNSF

**Shawn Regan**, Research Fellow, PERC - The Property and Environment Research Center

**Nathan D. Richardson**, Visiting Scholar, Resources for the Future

**Frank A. Wolak**, Holbrook Working Professor of Commodity Price Studies and Director, Program on Energy & Sustainable Development, Stanford University

**Moderator:** Henry N. Butler

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## LEC Public Policy Conference on Energy and the Environment: Old Fuels, New Technologies, and Market Dynamics

**Event Date:** Monday, April 7 to Monday, April 7, 2014

**Location:** George Mason University School of Law, 3301 Fairfax Drive, Arlington, Virginia 22201

**Program Description:** The Law & Economics Center through LEC Initiative for Energy and the Environment hosted a public policy conference on "Old Fuels, New Technologies, and Market Dynamics," which examined the dynamics between environmental issues and the energy market. Panels addressed clean coal technology, carbon sequestration, the future direction of the oil and gas industry, and the regulation of hydraulic fracturing. Keynote speakers included Frank Wolak of Stanford University who discussed, "The Role of Fossil Fuels in the Global Energy Future" and Attorney General Tim Fox of Montana who gave the luncheon address where he discussed federal energy regulation and obstacles to natural resource development.

on panel links below.

### Agenda

#### KEYNOTE ADDRESS: "THE ROLE OF FOSSIL FUELS IN THE GLOBAL ENERGY FUTURE"

**Frank A. Wolak**, Holbrook Working Professor of Commodity Price Studies and Director, Program on Energy & Sustainable Development, Stanford University

#### LIFE AFTER THE WAR ON COAL: CLEAN COAL TECHNOLOGY, CARBON SEQUESTRATION, AND EXPORTATION OF COAL

**Paul Bailey**, Senior Vice President for Federal Affairs and Policy, American Coalition for Clean Coal Electricity

**Jacob A. Williams**, Vice President, Global Energy Analytics, Peabody Energy

**Felice Stadler**, Senior Director, Climate & Energy Program, National Wildlife Federation

**Moderator:** **Richard O. Faulk**, Senior Director, Energy and the Environment, Law & Economics Center

#### HYDRAULIC FRACTURING: OIL AND GAS INDUSTRY DYNAMICS

**Christopher A. Wright**, CEO, Liberty Resources LLC, Denver

**Erica Bowman**, Vice President of Research and Policy Analysis & Chief Economist, American Natural Gas Alliance (ANGA)

**John A. Arrell, Jr.**, Manager, Market Development and New Products, ATK Defense Group, Missile Products Division

**Moderator:** **Henry N. Butler**, George Mason University Foundation Professor of Law and Executive Director, Law & Economics Center, George Mason University School of Law

#### LUNCHEON ADDRESS: "HOT AIR AND THE EMPTY CHAIR"

**The Honorable Timothy C. Fox**, Attorney General of Montana

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## Richard Faulk

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**From:** Henry N. Butler <henrynbutler@gmail.com>  
**Sent:** Tuesday, April 08, 2014 2:36 PM  
**To:** 'Hastie, Roderick'; Richard Faulk  
**Subject:** RE: Video - Privileged & Confidential

Yes.

I'm on it.

Just came out of a meeting.

Henry N. Butler  
[henrynbutler@gmail.com](mailto:henrynbutler@gmail.com)  
224-330-0540

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**From:** Hastie, Roderick [<mailto:rhastie@hunton.com>]  
**Sent:** Tuesday, April 08, 2014 2:31 PM  
**To:** Henry N. Butler; Richard Faulk  
**Subject:** Video - Privileged & Confidential

### Privileged & Confidential

Gentlemen:

The conference yesterday was great. I see the entire length of the event is now on-line. Is there any way to parse out the clip of General Fox giving the luncheon address?

Thank you.

Rod

### Bio vCard



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