

How Oil & Gas Technology Investments Help Executives Secure Project Payback

The fall in oil prices has driven energy executives to focus on reducing production costs, according to Schneider Electric. However, are the benefits accrued from this price-influenced cost cutting only temporary or can they be made permanent and sustainable?

Eric Koenig of Schneider Electric will present will discuss that question during [a webinar](#) Oct. 3, 2017, at 9 a.m. CDT.

“Experience evidences the link between influence over costs and project stage. Each specific project lifecycle phase – from conception and front-end design to daily operations– incorporates specific solutions for maximizing profitability,” according to the invitation to the webcast. “Engineering and integration technologies designed to optimize existing architectures, increase production efficiency, and improve safety performance are currently available and are powerful tools for succeeding in today’s challenging marketplace. This webcast will explore how Oil & Gas companies can reinvent their control engineering processes, and leverage these tools to sustain and improve project delivery payback and operational efficiencies.”

During this session explore how to:

- Get up to 20% on CapEx and up to 25% on OpEx savings with a new power distribution approach
- Get up to 14% on CapEx and up to 9% on OpEx with an integrated process, power and safety management
- Implement virtual reality training simulators to secure higher uptime operations and to accelerate the training of Millennial new employees.

– Correct potential errors at earlier stages of the project with engineering simulation tools.

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[FERC is Back and Faces a Full Plate of Electricity Issues](#)



With two new commissioners confirmed by the Senate and sworn in, FERC's seven-month period without a quorum is over and it can get back to business, reports Covington & Burling on its [Inside Energy & Environment](#) blog.

He writes that two more nominations are now before the Senate with a hearing scheduled for Sept. 7. Then the agency should be at full strength within the next few months and ready to take on important policy issues.

"There are quite a few critical generic electricity policy initiatives already teed up and awaiting Commission action. Together, the initiatives address fundamental issues spanning a broad range of FERC's electricity authorities," according to Peterson.

[Read the article.](#)

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Could State Subsidies for Renewable Energy Face Legal Challenges?



In a Maryland case, the U.S. Supreme Court rejected the state's effort to offer incentives for new gas fired power plants, ruling that the subsidies impermissibly encroached on the Federal Energy Regulatory Commission's authority under the Federal Power Act, writes [Hugh E. Hilliard](#), a senior counsel with [O'Melveny & Myers](#). But the Court left open the broader issue of whether states have the power to offer other forms of energy incentives.

"Now several cases before the courts are raising just that question, with potentially far-reaching implications for nuclear and renewable energy, although recent decisions in those cases have upheld state subsidies that are not directly tethered to sales of electric energy at wholesale, which are subject to FERC's exclusive jurisdiction," according to Hilliard.

He writes that the latest developments in federal courts indicate that state subsidies for renewable energy, including

renewable-energy portfolio standards and mandated procurement programs, are safe from challenges, at least for now.

[Read the article.](#)

[BLM Proposes Rescission of 2015 Hydraulic Fracturing Rule](#)

The Bureau of Land Management has announced its recommendation that the hydraulic fracturing rule from 2015 entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” be rescinded, reports Fox Rothschild in its [Energy Law Today](#) blog.

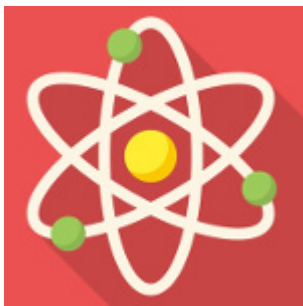
[Melissa J. Lyon](#) explains that in 2015 the BLM had issued regulations that attempted to regulate oil and gas development on federal and tribal lands by focusing on wellbore construction, chemical disclosures and water management.

But litigation kept the final rule from going into effect. Then U.S. District Court Judge Skavdahl ruled that the BLM does not have the authority to enforce the 2015 hydraulic fracturing rule.

[Read the article.](#)

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Quick Legal Appeal in the Works for Illinois Zero-Emissions Credit Ruling



An immediate legal appeal was in the works after a federal judge upheld Illinois' controversial zero-emissions credit program aimed at providing millions of dollars of taxpayer-funded subsidies to keep two money-losing Exelon nuclear plants from closing, [reports Platts](#).

Nuclear generators in other states also are seeking legislative and administrative support to help plants compete against cheaper gas and renewables in a low wholesale power price environment, explains Bob Matyi.

“Chicago-based Exelon, the nation’s largest nuclear generator, won the first round of the legal battle Friday when Judge Manish Shah of the US District Court for the Northern District of Illinois in Chicago dismissed a lawsuit filed late last year by a competitive power group that includes Calpine, Dynegy, NRG Energy and the Electric Power Supply Association,” according to Matyi.

[Read the article.](#)

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Electrification of the Auto Industry Steps on the Gas



On the heels of Volkswagen announcing moves toward electrifying its vehicle fleet, and Tesla beginning its production run of its highly anticipated Model 3, several other recent developments show momentum continuing to build toward the replacement of fossil fuels with electricity to power the cars of the future, reports [Foley & Lardner](#).

The article by Jason P. Britt discusses France's plan to ban the sale of gasoline- and diesel-powered vehicles by 2040, and Volvo electrifying its fleet.

"Even as Brexit and the election of Donald Trump have shown a souring appetite for a global approach to the economy in some sectors, these developments reinforce just how international the auto industry is and will continue to be," Britt writes.

[Read the article.](#)

Tillerson in Focus as Exxon Investigation Intensifies



Image by
[William Munoz](#)

Secretary of State Rex Tillerson is expected to be deposed as New York Attorney General Eric Schneiderman expands his sweeping probe into whether Tillerson's former employer, ExxonMobil, misled investors about the impact of climate change, [reports JWN](#).

"Schneiderman's office considers the nation's chief diplomat a central figure in a case that pits the ambitious Democrat against a Texas energy giant and has divided attorneys general nationwide," according to the report.

Some state prosecutors and Exxon's legal team accuse the New York attorney general of abusing the power of his office to score political points. Schneiderman, however, says he he has the legal authority to depose the secretary of state, who served as Exxon's CEO until joining the Trump administration.

[Read the article.](#)

What Does Your Reservation Clause Mean?

Locke Lord partner [Martin Gibson](#) (Austin) and associate [Kerstie Moran](#) (Houston) co-authored an article examining a decision by the San Antonio Fourth Court of Appeals in *Webb et al. v. Martinez* in a property dispute including reservations of a mineral estate.

The article was originally published by the [National Association Of Division Order Analysts](#).

“This decision further emphasizes the importance of properly phrasing a reservation clause, as to avoid inadvertently granting an interest in a mineral estate. The *Webb* Court demonstrates the way in which courts consistently interpret grantor’s intent based on the plain language of the deed,” according to the authors.

The appellate court affirmed the trial court’s take-nothing summary judgment regarding a property dispute in favor of Martinez. Webb had owned the entire surface and 75% of the mineral estate. The remaining 25% of the mineral estate was owned by a third party. Webb agreed to sell the entire property to Martinez through a contract of sale. The 1998 deed included a reservation clause that was at the heart of the litigation.

[Read the article.](#)

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[Energy Department Seeks Input on Regulatory Reform](#)

The Department of Energy has published a request for information soliciting guidance on potential regulations that should be modified or repealed to reduce burdens and costs, [reports K&L Gates](#).

“This is part of a government-wide initiative to overhaul the federal government’s regulatory regime, set in motion with an executive order signed by President Trump just after his inauguration. This RFI also comes after President Trump signed an executive order, ‘Promoting Energy Independence and Economic Growth,’ which seeks to review all regulatory actions that hamper the domestic production of fossil fuels and nuclear energy,” according to the article.

Authors [Tim L. Peckinpaugh](#), [David L. Wochner](#), [Kathleen L. Nicholas](#) and [David L. Benson](#) write that the RFI sets a July 14, 2017, deadline for public comment.

[Read the article.](#)

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EIA: Global Oil Oversupply Could Return in 2018



The U.S. Energy Information Administration lowered its crude-oil price forecast and raised its production outlook for 2018 in its latest Short-Term Energy Outlook, reports [Oil & Gas Journal](#).

“EIA expects that supply growth from the US, Brazil, and members of the Organization of Petroleum Exporting Countries in 2018 will contribute to world oil inventories increasing by 100,000 b/d in 2018, with the largest builds expected in that year’s second quarter. EIA also forecasts that implied global petroleum and liquid fuels inventories will decline by 200,000 b/d in 2017 and then increase by an average of 100,000 b/d in 2018,” according to the journal.

The agency’s forecast assumes OPEC extends its cuts beyond March 2018, “but that noncompliance, which begins to grow in late-2017, increases somewhat in second-half 2018. Without a further extension of the OPEC agreement, EIA would expect larger inventory builds in 2018 than are included in this forecast.”

[Read the article.](#)

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8th Circuit Makes It Easier For Plaintiffs to Take Fracking Contamination Claims to Trial

A podcast on Kane Russell Coleman & Logan's [Energy Law Today](#) discusses the Eighth Circuit's recent ruling that makes it easier for plaintiffs to take fracking contamination claims to trial.

The podcast also covers the Texas Supreme Court's ruling on the validity of county-wide mineral conveyances, and the Oklahoma Supreme Court's consideration for clarification of the often vexing "marketable product" rule for post-production expense deductions.

Oil-and-gas trial lawyer [Tom Ciarlone](#) of Kane Russell presents the podcast.

[Listen to the podcast.](#)

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Suit for Bad Frac Job

Requires a Certificate of Merit

Gray Reed & McGraw's [Energy & the Law Blog](#) discusses *Perdenal Energy LLC v. Bruington Engineering, Ltd.*, which asked whether a court must dismiss an engineering defect lawsuit filed without a certificate of merit with prejudice or may dismiss without prejudice.

“Texas law requires a plaintiff to file a ‘certificate of merit’ with its original petition for claims arising out of work by licensed or registered engineers,” explain authors [Charles Sartain](#) and [Chance Decker](#). “The certificate must be from a qualified engineer and must detail the manner in which the professional services were faulty.”

They outline approaches for handling this situation, both from the standpoint of the defendant and the plaintiff.

[Read the article.](#)

[Webcast: BP Statistical Review of World Energy 2017](#)



BP Global will present [a webcast](#) discussing data generated by the BP Statistical Review of World Energy, on Tuesday, June 13, 9:30-11 a.m. Eastern time.

Using robust global data, the Statistical Review of World Energy provides an objective overview of what happened to energy markets in 2016, BP Global says on its website.

The 2017 launch webcast will be hosted by Bob Dudley, group chief executive, and Spencer Dale, group chief economist.

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[A New Start for U.S. Offshore Oil, Gas Drilling?](#)



Courtesy of BP

Public Affairs
Staff, via
BOEM.gov

A recent podcast from Columbia Energy Exchange features host Bill Loveless speaking with Tommy Beaudreau, a non-resident Fellow at the Center on Global Energy Policy and partner in the Environment, Land & Resources Department of Latham & Watkins in Washington, D.C.

The podcast series is presented by Columbia University's Center on Global Energy Policy.

In [the podcast](#), the two discuss details of the latest executive order on offshore oil and gas drilling; what political and legal challenges the order will face; how the U.S. government have improved drilling and safety standards since the Deepwater Horizon oil spill; and next steps in the offshore review process.

[Listen to the podcast.](#)

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**Blank Rome Names New
Corporate Litigation Partner**

in Houston



Blank Rome LLP announces that Elizabeth E. Klingensmith has joined the firm as a partner in the Corporate Litigation group and member of the Energy industry team. She is based in the firm's Houston office and joins Blank Rome from Haynes and Boone, LLP.

Klingensmith is the latest addition to the firm's Houston office, which has experienced steady growth since opening six years ago.

In a news release, the firm said:

Blank Rome launched its Houston presence when it combined with Abrams, Scott & Bickley in June 2011, adding leading litigation attorneys with significant energy industry experience. The firm continued its growth in Houston with the addition of the maritime lawyers of Bell, Ryniker & Letourneau, P.C., in August 2013. Two years later, Blank Rome added 23 attorneys and additional staff from the intellectual property law firm of Wong, Cabello, Lutsch, Rutherford & Brucculeri L.L.P. The Houston office continued to diversify in 2016, adding three attorneys in the labor & employment, real estate, and intellectual property and technology groups. The Firm also continues to expand its national energy team, most recently welcoming Partners Amy L. Barrette and Jeremy A. Mercer from Norton Rose Fulbright in its Pittsburgh office.

"We're thrilled that Liz is joining us in Houston," said Alan Hoffman, Blank Rome's Chairman and Managing Partner. "Liz is a natural go-getter and our Houston office and energy industry team will provide her with the opportunity to further develop her already strong energy litigation practice. Liz is also passionate about engaging young and

diverse professionals within the energy sector and we look forward to the mentorship she'll provide for young attorneys at Blank Rome and beyond."

Klingensmith's primary focus is oil and gas litigation. She routinely represents large and small companies in disputes arising from oil and gas operations and transactions in Texas and North Dakota. She has also counseled oil and gas clients in Oklahoma and Louisiana on a pro hac vice basis. Whether in a small-town courtroom or before an arbitration panel comprised of industry experts, she comes prepared with an understanding of the law and facts, and a full appreciation of her clients' business objectives. She capably simplifies complex issues into a persuasive story whether for judge, jury, or mediator.

"Liz is an all-around talented litigator with impressive experience in the oil and gas sector. There are natural synergies between the energy markets in Houston, Pittsburgh, and Philadelphia, particularly as it relates to Marcellus Shale work, and Liz will be a great asset to our teams and our clients in these regions," said Barry Abrams, Administrative Partner of Blank Rome's Houston office.

In addition to her energy-focused work, Klingensmith frequently handles commercial disputes in the construction, real estate, transportation, banking, and professional services industries. She has extensive experience with disputes that involve claims for breach of contract, fraud, breach of fiduciary duty, post-judgment enforcement, theft of trade secrets, breach of employment agreements, conversion, and declaratory judgment.

"I am very excited to join such a highly regarded and accomplished team of attorneys in Blank Rome's Houston office," said Ms. Klingensmith. "It was evident from my first meeting with Blank Rome just how much head and heart the Firm put into establishing and building the Houston

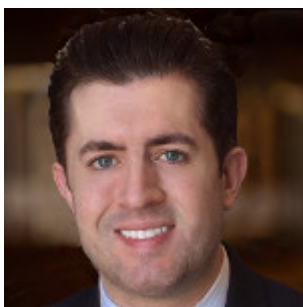
office. I cannot wait to continue to build the Firm's profile in Houston, and collaborate with the Firm's deep bench of talent in other offices. I know this new chapter at Blank Rome will serve my clients well."

Klingensmith serves as the Young Energy Professionals Committee Chair for the Institute for Energy Law, and is passionate about engaging the next generation of energy professionals. The YEP Committee held its first National Young Energy Professionals Law Conference in March 2017.

Klingensmith received her B.A. and B.M. from Rice University and her J.D. from the University of Houston Law Center.

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[Lanier Law Firm Adds Experienced Oil & Gas Attorney Todd Grimmett](#)



Veteran energy company in-house counsel [Todd L. Grimmett](#) has joined [The Lanier Law Firm](#) as a member of the commercial litigation team. His hiring bolsters the firm's growing focus on lawsuits affecting the oil and gas industry, the firm said in a news release.

Grimmett most recently served as an in-house counsel for Oklahoma City-based Chesapeake Energy Corp., one of the

nation's largest natural gas producers. For the past six years, Grimmatt represented Chesapeake in a number of civil litigation matters and provided legal counsel for the company's upstream and midstream divisions. In addition, he directed responses to regulatory inquiries and investigations and was responsible for managing the company's e-discovery department.

Before joining Chesapeake in 2011, he served as a trial lawyer with several Oklahoma-based law firms and tried cases in jurisdictions throughout the Southwest.

"Todd is an exceptional young lawyer with a deep understanding of the energy sector as well as a wealth of practical experience in the courtroom," said Mark Lanier, who founded the firm nearly 25 years ago. "This combination of skills will be a great asset as we take on an increasing number of cases related to oil and gas disputes, as well as other civil litigation matters."

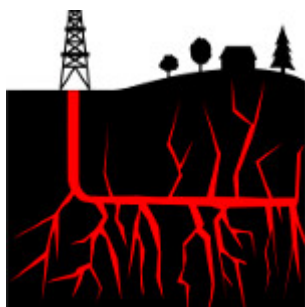
In his new role, Grimmatt is reunited with Regan E. Bradford, former Deputy General Counsel and Assistant Corporate Secretary for Chesapeake, who joined the Lanier Law Firm in 2016.

Grimmatt earned his law degree in 2006 from the University of Oklahoma College of Law, and served as an intern in the office of the Oklahoma Attorney General while in law school. He received his undergraduate degree in business administration from Oklahoma State University in 2001.

The firm has offices in Houston, Los Angeles, and New York.

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The Nation's First Legislative Fracking Ban Is on the Books



In an episode of Kane Russell Coleman Logan's [energy law podcast](#), director [Tom Ciarlone](#) discusses the nation's first legislative fracking ban.

That action came in Maryland when the legislature passed a bill that prohibits petroleum fracking across the state, Ciarlone says. The Maryland governor signed the bill that supplants a two-year moratorium that was set to expire later this year.

The podcast also discusses a lower bar for class certification in royalty underpayment actions, as well as multiple decisions out of the Texas Supreme Court that could spawn a wave of widespread mineral title disputes.

[Listen to the podcast.](#)

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[EPA Announces Methane Rule Reconsideration, Adding to List of Obama-Era Rules Under Review](#)

On April 18, 2017, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced that the EPA will convene a proceeding for reconsideration of certain elements of the 2016 rule establishing methane emissions standards for the oil and gas industry, reports Bracewell's [Energy Legal Blog](#).

Authors [Whit Swift](#) and [Brittany Pemberton](#) write that the Methane Rule applies to oil and gas facilities for which construction, modification, or reconstruction started after September 18, 2015.

"In particular, EPA will reconsider elements of the fugitive emissions monitoring and repair requirements of 40 C.F.R. § 60.5397a, including the inclusion of low-production wells, and the NSPS Subpart 0000a provisions relating to approvals for an alternative means of compliance," they explain.

[Read the article.](#)

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Webcast: Looking to Oil ETFs Ahead of May 25 OPEC Meeting



ETF Trends has posted an on-demand webinar titled "[Navigating the 2017 Oil Market.](#)"

On the recent webcast, *Drill Into the Future of Oil With Wall Street's Top Geopolitical Analyst*, Helima Croft, Managing Director and Global Head of Commodity Strategy Global Research at RBC Capital Markets, and Simeon Hyman, Head of Investment Strategy at ProShares, touched upon various factors that could affect the crude oil prices, including OPEC and policy changes, and looked to investment opportunities to potentially capitalize on the energy market.

The discussion covers:

- **OPEC** – Its role in the current environment
- **Policy** – A look at the key decision makers
- **Risk** – The red herrings versus the real risks
- **Investing** – Different vehicles and strategies

[Watch the on-demand webinar.](#)

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Can Reworking a Saltwater Disposal Well Maintain a Lease?



[Charles Sartain](#) of Gray Reed & McGraw asks the question: Should the sufficiency of reworking operations under the cessation-of-production clause of an oil and gas lease be limited to the producing well?

In his post in the firm's [Energy & the Law](#) blog, Sartain discusses [Crystal River Oil and Gas, LLC et al v. Patton](#), a suit to terminate an oil and gas lease due to cessation of production.

In the case, a saltwater disposal well servicing a producing became inoperable for a a period in 2011. The appellate court found that the trial court's prohibition from considering operations on the salt water disposal well was reversible error.

[Read the article.](#)

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