

James M. (Jamie) Van Nostrand

*West Virginia University College of Law
P.O. Box 6130
Morgantown, WV 26506-6130
(304) 293-4694 (Office)
(304) 777-6050 (Cell)
E-Mail: james.vannostrand@mail.wvu.edu*

Current Position

Associate Professor

Director, Center for Energy and Sustainable Development

July 2011 – present

West Virginia University College of Law

The Center for Energy and Sustainable Development conducts objective, unbiased research and policy analyses; provides a forum for issues to be explored by the various stakeholders; and promotes policies that strike a balance between the development of energy resources and protection of the environment.

Prior Employment Experience

Executive Director

May 2008 – July 2011

Pace Energy and Climate Center
Pace University School of Law

Executive Director of multi-disciplinary research, policy and advocacy organization focused on energy and sustainability issues and climate change law and policy; the Center is active in energy and sustainability policy matters in New York and throughout the Northeast; the Center combines objective, unbiased research and legal and policy analysis with effective advocacy in achieving necessary market and regulatory reforms supportive of renewable energy, energy efficiency and clean distributed generation.

Perkins Coie LLP

Bellevue, WA office
Portland, OR office

October 1985 – November 1999

July 2006 – February 2009

Partner (associate prior to January 1990) in the energy and regulatory practice in Northwest's largest law firm; practice emphasis on electricity and gas regulation, utility mergers and acquisitions, telecommunications and administrative law; recipient of Energy Bar Association 2007 State Regulatory Practitioner of the Year; included in "The Best Lawyers in America" (Wood/White, 10th, 11th, 12th and 13th editions)

Clients/Representative Transactions: PacifiCorp retail rate proceedings (WA); Puget Sound Energy transmission rate proceeding (FERC), retail rate proceedings (WA); Portland General Electric retail rate proceedings (OR); Northwest Natural Gas Company retail rate proceedings (WA and OR); Cascade Natural Gas Company retail rate proceedings (WA and OR); regulatory approval for Macquarie acquisition of Puget Sound Energy (WA); regulatory approval for MDU Resources Group, Inc. acquisition of Cascade Natural Gas Company (WA and OR); regulatory approval for ScottishPower acquisition of PacifiCorp (WA, OR, ID, UT, CA, and WY); regulatory approval for Qwest acquisition of U S WEST (WA); regulatory approval for merger of Puget Sound Power & Light Company and Washington Natural Gas Company to form Puget Sound Energy (WA).

Stoel Rives LLP, Seattle and Portland offices

November 1999 – July 2006

Partner in the Energy & Telecommunications practice group, with practice emphasis on electricity and gas regulation, utility mergers and acquisitions, telecommunications and administrative law

Clients/Representative Transactions: PacifiCorp retail rate proceedings (WA, OR, ID, CA, UT and WY); Portland General Electric retail rate proceedings (OR); Northwest Natural Gas Company retail rate proceedings (OR);

James M. Van Nostrand (continued)

Cascade Natural Gas Company retail rate proceedings (OR); regulatory approval for MidAmerican Energy Holding Company acquisition of PacifiCorp (WA and ID).

New York Public Service Commission, Albany, New York

July 1980 – September 1985

Assistant to the Commission for Opinions and Review (3 ½ years); Assistant to the Chairman (1 ½ years); legal and policy analysis, opinion-writing for commissioners, Chairman in utility rate cases

Education

LL.M., Environmental Law (Climate Change Track), Pace University School of Law (2011)

M.A., Economics, State University of New York at Albany (1985)

J.D., University of Iowa College of Law (With High Honors) (1979)

Order of the Coif; Class Rank 9/201

Associate editor, *Journal of Corporation Law*

B.A., Economics, University of Northern Iowa (With Highest Honors) (1976)

Teaching Experience

West Virginia University College of Law, Morgantown, WV – Associate Professor, Fall 2011 to Present – Teach various energy and environmental courses (Energy Regulation, Markets & the Environment, Science & Technology of Energy, Siting and Permitting of Energy Facilities, Environmental Protection Law, Alternative Energy & Renewable Fuels, Clean Air Act Seminar)

University of Pittsburgh School of Law, Pittsburgh, PA – Adjunct Faculty, Spring 2015 and Spring 2016 – Teach Environmental Law

University of Iowa College of Law, Iowa City, IA – Visiting Professor, Spring 2008 – Taught courses in Energy Law & Regulated Industries, Administrative Law

University of Tennessee College of Law, Knoxville, TN – Visiting Professor, Clayton Center for Entrepreneurial Law, Fall 2007 – Taught courses in Energy Law & Regulated Industries, Business Associations

Lewis & Clark Law School, Portland, OR – Adjunct Faculty, Spring 2007, taught 3-credit course in Energy Law and Economic Regulation of Utilities

Willamette University, Atkinson Graduate School of Management, Utility Management Certificate Program – Assisted in developing curriculum for MBA-level program for utility managers; instructor, 2005 to Present

Northeast Bioenergy and Bioproducts Master Teaching Training Workshop, Pace University, New York, NY – Lecturer on Renewable Energy and Biofuels, July 2011

Publications

“Thinking it Through,” WVU MAGAZINE, West Virginia University (Fall 2015)

“Keeping the Lights on During Superstorm Sandy: Climate Change Adaptation and the Resiliency Benefits of Distributed Generation,” 23 N.Y.U. ENVTL. L.J. 92 (2015)

“Getting to Utility 2.0: Rebooting the Retail Electric Utility in the U.S.,” 6 SAN DIEGO J. CLIMATE & ENERGY L. 149 (2015)

“The Clean Power Plan and West Virginia: Compliance Options and New Economic Opportunities,” June 2015 (with B. Argetsinger, E. Hansen & J. James)

James M. Van Nostrand (continued)

“Carbon Dioxide Emission Reduction Opportunities for the West Virginia Power Sector,” Discussion Paper, October 2014 (with B. Argetsinger, E. Hansen, J. Simcoe)

“EPA Regulation of Carbon Dioxide Emissions from Existing Power Plants under Section 111(d) of the Clean Air Act,” written materials to accompany presentation at 2014 Kentucky Mineral Law Conference, Energy & Mineral Law Foundation

“What’s Coming Down the Tracks for Midstream Operators in 2014? Emerging Issues and Regulatory Update for Crude Oil by Rail,” chapter for proceedings of 35th Annual Institute, Energy & Mineral Law Foundation

“Cogeneration (CHP) Could Stimulate Demand for natural Gas Throughout Region,” Bowles Rice LLP VIEWS AND VISIONS, Summer 2014

“An Energy and Sustainability Roadmap for West Virginia,” 115 W. VA. L. REV. 885 (2013)

“Subject to Debate: Economics, Energy & the Environment,” UNI BUSINESS (Alumni Magazine of the College of Business Administration, University of Northern Iowa (2013), at 10-11

“Energy and Environmental Justice: How States Can Integrate Environmental Justice into Energy-Related Proceedings,” 61 CATH. U. L. REV. 701 (2012)

Chapter 19, “Biofuels”, THE LAW OF CLEAN ENERGY: EFFICIENCY AND RENEWABLES, edited by Michael B. Gerrard, American Bar Association, 2011 (with A. Hirschberger).

“Parametric Insurance: Using Objective Measures to Address the Impacts of Natural Disasters and Climate Change,” 23 ENVTL. CLAIMS J. 227, (2011) (with J. Nevius)

“Implications of a Federal RPS: Will It Supplement or Supplant the Existing State Initiatives?” 41 U. TOLEDO L. REV. 853 (2010) (with A. Hirschberger)

“Legal Issues in Financing Energy Efficiency,” 2 GEO. WASH. J. ENERGY AND ENVTL. L. 1 (2011)

“New York’s Roadmap for Reducing Greenhouse Gases in the Transportation Sector,” 2011 U. ILL. L. REV. 475 (2011) (with A. Hirschberger).

“Preserving the Public Interest through Alternative Dispute Resolution of Utility Retail Rate Cases,” 27 PACE ENVTL. L. REV. 227 (2009) (with E. Honaker)

“Constitutional Limitations on the Ability of States to Rehabilitate Their Failed Electric Utility Restructuring Plans,” 31 SEATTLE U. L. REV. 593 (2008)

“Representing the Utility in State Retail Rate Proceedings,” *The Best Practices of Leading Energy Lawyers: Successful Strategies and Best Practices for Dealing with Energy-Related Legal Issues*, Aspatore, Inc. (2007)

“The Standard for Setting Utility Rates in Wyoming: Restoring the Required Balance Between Investors and Customers,” 4 WYO. L. REV. 245 (2004)

Co-Editor-In-Chief, *Washington Administrative Law Practice Manual*, Butterworth

“The Legislative Evolution of Title I of the Public Utilities Regulatory Policies Act of 1978: A Study in Compromise,” 5 J. CORP. L. 105 (1979)

“Betterment Accounting: A Requiem by the SEC?” 4 J. CORP. L. 213 (1978)

James M. Van Nostrand (continued)

Conferences Organized

“The Intersection of Water & Energy: Implications of Water Protection on Energy Production,” West Virginia College of Law, Morgantown, WV (April 2015)

“Regulation of CO₂ Emissions from Power Plants: Flexibility and the Path Forward for Coal Dependent States,” West Virginia University College of Law, Morgantown, WV (February 2014)

“Natural Gas as the Bridge to Sustainability and Economic Growth: Exploring Policies to Stimulate the Use of Shale Gas Resources,” West Virginia University College of Law, Morgantown, WV (April 2013)

“Drilling Down on Regulatory Challenges: Balancing Preservation and Profitability in the Development of Shale Gas Resources,” West Virginia University College of Law, Morgantown, WV (October 2011)

International Presentations

“Getting to Utility 2.0: Merging Technological Innovation and Capital Deployment with the Energy Market Regulatory Paradigm,” IUCN Academy of Environmental Law, 12th Annual Colloquium, Universitat Rovira i Virgili, Tarragona, Catalonia, Spain (July 2014)

“Distributed Generation as a Climate Change Strategy,” London Climate Change Symposium, Oxford and Cambridge University Club, London, England (June 2013)

“The Potential Role of Natural Gas in Poland’s Energy Planning,” Guest Lecture at Szkoła Główna Gospodarstwa Wiejskiego (SGGW), Warsaw, Poland (June 2013)

“Development Trends and Importance of Natural Gas in the Economy,” Drilling Oil-Gas AGH 2013, Akademia Gorniczo-Hutnicza (AGH), Krakow, Poland (June 2013)

Two-day executive course for national stakeholders on Climate Change Law and Policy, with Professor Nicholas A. Robinson, sponsored by the Environmental Education Center of Ilia State University (Tbilisi Georgia), the Center for Environmental Legal Studies of Pace Law School, and the International Union for the Conservation of Nature (IUCN), Ilia State University Institute of Alpine Ecology, Stepantsminda, Georgia (May 2011)

“Lessons Learned From Emissions Trading Under the Northeast Regional Greenhouse Gas Initiative (RGGI),” Green Korea 2010 Conference, Seoul, South Korea (September 2010)

Testimony

“Regional Impacts of EPA Carbon Regulations: The Case of West Virginia,” Testimony to U.S. Senate Committee on Environment and Public Works, Field Hearing, Beckley, WV (March 2015)

Testimony to West Virginia House of Delegates, Judiciary Committee, regarding HB 2001 (repeal of West Virginia Alternative and Renewable Energy Portfolio Standard) (January 2015)

“Regulatory Hurdles to Cost Recovery for Coal Plant Maintenance and Upgrades,” Testimony to U.S. Senate Energy and Natural Resources Committee, Subcommittee on Public Lands, Forests and Mining, Field Hearing, Morgantown, WV (September 2013)

James M. Van Nostrand (continued)

Other Recent Presentations

- “Trends and Outlook for Workers in the Coal Industry and Coal-Reliant Communities,” Brookings Institution and Columbia Center on Global Energy Policy Workshop, “Building a Better Future for Coal Workers and Their Communities,” Washington, DC (November 2015)
- “Speaking Truth to Power: West Virginia’s Options for Responding to EPA’s Clean Power Plan,” Wheeling Jesuit University, Appalachian Institute, Wheeling, WV (October 2015)
- “The U.S. Clean Power Plan: What Are Our Options?” Allegheny Highlands Climate Change Impacts Initiative 2015 Climate Change Conference, Blackwater Falls State Park, WV (October 2015)
- “EPA’s Clean Power Plan: An Overview and Compliance Options for West Virginia,” Rotary Club of Charleston, WV (October 2015)
- “Response of the Coal-Dependent States to the Clean Power Plan: Litigate, Legislate, Retaliate or Innovate?” Pittsburgh Coal Conference, Pittsburgh, PA (October 2015)
- “EPA’s Clean Power Plan: An Overview and Compliance Options for West Virginia,” Reed Smith Teleseminar: The Coal Industry, Pittsburgh, PA (August 2015)
- “Saving Lives When the Grid Goes Down: Improving the Resilience of the Healthcare System in the Face of Extreme Weather Events,” National Association of County & City Health Officials (NACCHO) Preparedness Summit, Atlanta, GA (April 2015)
- “Regulation of CO₂ Emissions from Existing Power Plants under Section 111(d) of the Clean Air Act: The View from a Coal-Dependent State,” Energy Finance 2015 Conference, Institute for Policy Integrity and the Institute for Energy Economics and Financial Analysis, NYU School of Law, New York, NY (March 2015)
- “(Relatively) Green and Clean: Environmental Impacts of Renewable Electricity Generating Projects,” American Law Institute (ALI) CLE, Environmental Law (co-sponsored by the Environmental Law Institute (ELI)), Washington, DC (February 2015)
- “Regulation of CO₂ Emissions from Existing Power Plants: The Clean Power Plan and Considerations for West Virginia,” Energy Efficient West Virginia, Charleston, WV (December 2014)
- Closing Remarks, “Energy for the Power of 32,” Sustainable Pittsburgh, Pittsburgh, PA (December 2014)
- “Utility of the Future and the Business Model under a New Regulatory Paradigm,” University of San Diego School of Law, Sixth Annual Climate and Energy Law Symposium, San Diego, CA (November 2014)
- “Clean Power and Carbon: A View from the States, Regulation of CO₂ Emissions from Existing Power Plants under the Clean Air Act,” Energy & Mineral Law Foundation, Kentucky Mineral Law Conference, Lexington, KY (October 2014)
- “Regulation of CO₂ Emissions from Existing Power Plants: The Clean Power Plan and Considerations for West Virginia,” Monongahela Group of the Sierra Club and the WVU Sierra Student Coalition, Morgantown, WV (July 2014)
- “What’s Coming Down the Tracks for Midstream Operators in 2014? Emerging Issues and Regulatory Update for Crude Oil by Rail,” Energy & Mineral Law Foundation 35th Annual Institute, White Sulphur Springs, WV (June 2014)
- “Getting to Utility 2.0: The Evolution of the Energy Market Regulatory Paradigm to Accommodate the Customer-Centric Utility of the Future,” Albany Law School Government Law Center and New York State Department of Public Service Symposium “An Energy Agenda for the Future,” Albany, NY (May 2014)
- “Climate Change Adaptation and Electric Utility Planning: The Resiliency Benefits of Distributed Generation and Lessons from Superstorm Sandy,” Ohio Legal Scholarship Workshop, Akron, OH (February 2014)

James M. Van Nostrand (continued)

“Starting from Scratch: Promoting Energy Efficiency Without the Foundations of IRP or an EERS,” American Council for an Energy-Efficient Economy (ACEEE) National Conference on Energy Efficiency as a Resource, Nashville, TN (September 2013)

“Who Has the Power? Panel Discussion/Forum on Electric Utilities in West Virginia,” Wheeling Academy of Law and Science, Wheeling, WV (September 2013)

“Workshop on the Development of Unconventional Hydrocarbons in the Appalachian Basin,” National Research Council, invited participant, West Virginia University, Morgantown, WV (September 2013)

“Coal and Biomass Opportunities: Energy Policies and Environmental Impacts,” Conference on Coal and Biomass Opportunities, Appalachian Hardwood Center and National Research Center for Coal and Energy at West Virginia University (September 2012)

“Energy Trends in West Virginia,” West Virginia Land and Mineral Owners Association Annual Meeting (May 2012)

“Integration of Environmental Issues in Electric Utility Regulatory Proceedings,” Washington & Lee College of Law Energy Symposium (February 2012)

“Adaptation Strategies: Responding to Climate Change as the New ‘Normal’,” Annual Meeting of Association of American Law Schools (January 2012)

“The Future of Energy: A Discussion of Alternative Energy and New Technology,” conference on Environmental Sustainability presented by The Sisters of the Divine Compassion, “Going Green: Moral Imperative and Balancing Act” (May 2011)

“Get Empowered: Renewable Energy Now! A Panel Discussion on Post-Fossil Fuel Energy Solutions that Preserve New York’s Natural Resources,” Westchester for Change (April 2011)

“The Role of Renewable Energy in the US in the 21st Century,” Westchester Community College 2011 Domestic Policy Series (April 2011)

“The Fracking Equation: Natural Gas Extraction plus Clean Water,” 16th Annual Tulane Law School Summit on Environmental Law and Policy: The Energy Equation (April 2011)

“Hydrofracking: The Explosive Issue of Natural Gas Drilling,” Pace Law School Center for Environmental Legal Studies (April 2011)

“Future of Energy,” Bedford 2020 Environmental Action Day, Bedford, NY (January 2011)

“Transforming New York’s Energy System,” Cornell University, ILR School, Global Labor Institute Conference on “Perspectives on the Future of Climate Protection and Economic Development in New York State,” New York City (November 2010)

“Legal and Constitutional Foundation for Addressing Climate Change Issues,” Constitution Day Keynote Address, Dutchess Community College (September 2010)

“Update on Policy Development at the National Level,” Sixth Annual Conference on Renewable Energy in the Pacific Northwest, Law Seminars International, Seattle, Washington (August 2010)

“Indian Point: Reliability, Economic and Environmental Considerations,” New York Association for Energy Economics (July 2010)

“New York’s Roadmap for Reducing Greenhouse Gases in the Transportation Sector,” Second Annual Biofuels Law and Regulation Conference, University of Illinois College of Law (April 2010)

“Implications of a Federal RPS: Will It Supplement or Supplant the Existing State Initiatives?” Climate Change and the Future of Energy, University of Toledo College of Law (March 2010)

James M. Van Nostrand (continued)

- “Legal Issues in Financing Energy Efficiency,” Next Generation Energy and the Law, The George Washington University Law School (February 2010)
- “Understanding Energy in 2010: RECs, CERES, and Beyond,” American Law Institute/American Bar Association, co-sponsored by the Environmental Law Institute, ALI-ABA Teleseminar/Audio Webcast (December 2009)
- “The Impact of the Recession and Stimulus Package on Renewable Energy Development,” Fifth Annual Conference on Renewable Energy in the Pacific Northwest, Law Seminars International, Seattle, Washington (August 2009)
- “Who Will Pay: The Impact of the ACES Act on Utility Rates,” ABA Annual Meeting, Section of Real Property, Trust and Estate Law, “Greenhouse Gas Emissions: Who Will Regulate, How Will It Be Done, and Who Will Pay?” Chicago, IL (July 2009)
- “Northeast Regional Greenhouse Gas Initiative (RGGI) and Carbon Trading,” New Jersey Association of Energy Engineers 2009 Energy Futures Forum, Union, NJ (May 2009)
- “Capturing the Value of Distributed Generation for More Effective Policymaking,” American Solar Energy Society, SOLAR 2009, Buffalo, NY (May 2009)
- “Federal Smart Grid Initiatives,” Pace Environmental Law Society Earth Week Panel: “The Smart Grid: The Legal and Logistical Impediments of Upgrading our Nation’s Electricity Grid,” White Plains, NY (April 2009)
- “Global Warming Today: A Hot Topic in a Cold Economic Climate,” ABA Section of International Law Annual Meeting, Washington, DC (April 2009)
- “Small Cogen: CHP for Individual Buildings in New York City,” New York Chapter of U.S. Green Building Council (January 2009)
- “Nuclear Relicensing Issues: Where Do We Get the Power and at What Price?” Pace Environmental Law Review Nuclear Relicensing Symposium (October 2008)
- “Emerging International Issues in Confronting Climate Change: Adaptation and Allowance Trading,” American Branch of the International Law Association, International Law Weekend 2008 (October 2008)
- “Distributed Energy and the Supply Side of Electricity,” EPA Workshop on Energy and Environmental Sustainability in a Carbon-Constrained Society (September 2008)
- “(Pipe)line Dreams: Solving the Puzzle of Energy Independence,” New York Law School’s “Justice Speaks” Series (September 2008)
- “Update on Renewable Portfolio Standards, Tax Incentives, Other Policy Developments,” Fourth Annual Conference on Renewable Energy in the Pacific Northwest, Law Seminars International, Seattle, Washington (August 2008)
- “The ‘Greening’ of Energy Policies Through Renewable Portfolio Standards,” Climate Change & Human Rights Symposium, University of Iowa College of Law (February 2008)
- “The ‘Greening’ of America’s Energy Policy,” All-Campus Lecture Sponsored by the Clayton Center for Entrepreneurial Law, University of Tennessee College of Law (September 2007)
- “State Regulation After the Repeal of PUHCA,” Energy Bar Association Annual Meeting, Washington, D.C. (April 2006)