

SOLAR ENERGY LAW
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SPRING 2024 SYLLABUS – LAW 6930-22743 – 1 CREDIT

Professor:

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Office Hours: I will remain in the classroom for in-person office hours from (1 hour, 2 days) and be available by appointment.

MEETING TIME:

Monday: 9:00am – 1:00pm

Tuesday: 9:00am – 12:00pm

Wednesday: 9:00am – 1:00pm

Thursday: 9:00am – 12:00pm

Friday: No class

LOCATION:

HH – 285D

COURSE DESCRIPTION AND OBJECTIVES:

In this course you will study the historic and emerging legal issues that have shaped our use of solar energy as an electric generation resource in the United States. It is designed to provide an overview of key topics in solar energy law so that students can develop a foundational understanding of the solar energy industry, how it is financed and developed, as well as analyze some key principles and challenges for solar energy practitioners.

We will begin with an overview of renewable energy regulation in the United States. We will then review federal and state policies affecting the U.S. energy transition before we dive into how large and small solar energy transactions are developed and financed. We will also discuss a Florida-specific case study as we learn about different types of solar facilities, and we will conclude with a study of recent legislation and how it is already shaping the future of solar energy.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to demonstrate an understanding of and critically evaluate:

- The history of renewable energy regulation in the United States
- Existing laws and policies intended to accelerate the U.S. energy transition
- Financing solar energy projects
- Developing solar energy projects
- Distributed generation solar projects and policies
- Recent legislation and regulation and future solar energy business models

REQUIRED READING MATERIALS:

Reading assignments are detailed below. There is no textbook required for this course, and any reading materials are available online. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking

your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

COURSE EXPECTATIONS AND GRADING EVALUATION:

Students will be evaluated based upon a final take-home exam to be administered two weeks after the last day of class.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed 1 absence during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

<u>Session</u>	<u>Topic</u>	<u>Reading</u>
	History of renewable energy regulation in the United States	- David Tuttle et. al, <i>The History and Evolution of the U.S. Electric Industry</i>, The University of Texas at Austin Energy Institute (2016) available here https://energy.utexas.edu/sites/default/files/UTAustin_FCe_History_2016.pdf [22 pages] - Danielle Stokes, <i>Renewable Energy Federalism</i>, 106 Minn. L. Rev. 1757 (2022) [53 pages] - Tory Rule, <i>Utility Mission Creep</i>, 56 U.C. Davis L. Rev. 591 (2022) [36 pages]
	Existing laws and policies intended to accelerate the U.S. energy transition	- Nadia Ahman, Uma Outka, Danielle Stokes, Hannah Wiseman, <i>Synthesizing Energy Transitions</i>, 39 Ga. St. U. L. Rev. 1087 (2023) [28 pages] - Shelley Welton, <i>Decarbonization in Democracy</i>, 67 UCLA L. Rev. 56 (2020) [51 pages] - Uma Outka, <i>'100 Percent Renewable': Company Pledges and State Energy Law</i>, 2019 Utah L. Rev. 661 (2019) [21 pages]
	Financing solar energy projects	- Kendall R. Fisher, <i>Federal Tax 101: Wind and Solar Projects</i>, 2022 No. 4 FNREL-INST 8 (Oct. 27-28, 2022) [13 pages] - Elizabeth Koniers Brown, <i>Expert Q&A: Joseph M. Karp of Winston & Strawn on Renewable Power Purchase Agreements</i>, 39 No. 07 Westlaw Environmental Journal 11 (2018) [4 pages] - Michael Mendelsohn and Claire Kreycik, <i>Federal and State Structures to Support Financing Utility-Scale Solar Projects and the Business Models Designed to Use Them</i>, NREL Technical Report NREL/TP-6A20-48685 (2012) available here https://www.nrel.gov/docs/fy12osti/48685.pdf [33 pages] - Am. Council on Renewable Energy, <i>Renewable Energy PPA Guidebook for Corporate and Industrial Purchasers</i> (2016) available here https://perma.cc/LK8L-948G [23 pages]
	Developing solar energy projects	Jessi Honig, <i>Local Restrictions on Renewable Energy Siting in the United States</i>, 74 Hastings L.J. 1483 (2023) [15 pages]

		• Uma Outka, <i>Renewable Energy Siting for the Critical Decade</i>, 69 U. Kan. L. Rev. 857 (2021) [25 pages] • <i>Chapter L: Energy Infrastructure, Siting, and Reliability</i>, 2021 ABA Env't Energy, & Resources L.: Year in Rev. S-1 (2021) [12 pages] • Melinda Taylor, <i>Peril and Promise: The Challenge of Siting Renewable Energy and Infrastructure</i>, 18 Tex. J. Oil Gas & Energy L. 42 (2023) [17 pages] • Jay Blake, <i>Utility-Scale Battery Storage: Solving the Intermittency Issues of Wind and Solar Power Generation</i>, 22 Hous. Bus. & Tax L. J. 301 (2022) [23 pages]
	Distributed generation solar projects and policies	• Samuel Moore, <i>Identifying the Pillars of a Pro-Solar Energy Policy: A Multi-State Survey of Distributed Solar Energy Generation Laws</i>, 5 Oil & Gas, Nat. Resources & Energy J. 695 (2020) [20 pages] • Linn Bumpers, <i>Community Solar: A Solution to Solar Problems with Significant Legal Barriers</i>, Geo. Envtl. L. Rev. Online 1 (2020). [2 pages] • Eric Kerschen, <i>Free Rider Problem or Customer Control Problem? Utilities' War on Distributed Generation</i>, 70 U. Kan. L. Rev. 139 (2021) [26 pages] • Lauren Gillespie, <i>It's Always Sunny in Florida: Reexamining the Role of Energy Monopolies After Recent Solar Ballot Initiatives</i>, 42 Wm. & Mary Envtl. L. & Pol'y Rev. 1051 (2018) [19 pages]
	Recent legislation and regulation and future solar business models	• SEIA Fact Sheet, <i>Celebrating One Year of the Inflation Reduction Act</i> (2023), available here https://www.seia.org/sites/default/files/2023-08/IRA%201-Year%20Impact%20Factsheet.pdf [2 pages] • Emma Penrod, <i>IRS details which renewable energy components must be made in the US to qualify for IRA tax credits</i>, Utility Dive (May 15, 2023), available here https://www.utilitydive.com/news/irs-guidance-renewable-energy-made-in-us/650228/ [2 pages] • Kevin B. Jones et. al., <i>How Virtual Power Plants Can Advance Electrification and Mitigate Infrastructure Needs As We Race To Meet Our Climate Challenges</i>, 13 San Diego J. Climate & Energy L. 135 (2022) [41 pages] • Rafael Leal-Arcas et. al., <i>Regulation and Innovative Finance for Sustainable Energy</i>, 34 Emory Int'l L. Rev. 435 (2020) [75 pages] • Jessica Guarino, Tyler Swanson, <i>Emerging Agrovoltaic Regulatory Systems: A Review of Solar Grazing</i>, 12 Chi.-Kent J. Envtl & Energy L. 1 (2022) [25 pages]
	Review time	(no reading)