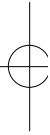

Energy Policy: The REEL World



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Energy Policy: The REEL World

*Cases and Materials on Resources,
Energy, and Environmental Law*

Marla E. Mansfield

THE UNIVERSITY OF TULSA
COLLEGE OF LAW

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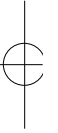
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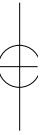


Preface

This book could be titled several ways. One alternative is “Environmental Law in Context: Energy and Natural Resources Law.” Such a title would emphasize that environmental law saturates the study of so-called “energy law” and that environmental law itself could be understood better by placing it in the context of a crucial industry, one which must meet both market demands and the need to maintain a sustainable world. The energy industry is a microcosm of all industries and almost all of the major environmental statutes may be introduced in this setting. Moreover, because of the impact of mining, damming water, or burning fuel, how energy is pursued fundamentally affects the quality of our environment.

The current book title—“Energy Policy: The REEL World”—emphasizes that the book surveys numerous fields. Traditional “energy law” deals with two main subject matters. First, it details the laws an energy producer must comply with in order to harness or produce an energy source, be it oil, natural gas, uranium, solar energy, or water power. This often requires knowledge of natural resources law. Second, an energy law text must examine governmental regulation of energy producers, which often took the form of economic regulation of utilities. The latter concern is the realm of regulated industries law. However, since the 1970s, “regulation” is sometimes synonymous with environmental regulation and the energy producer and marketer cannot ignore these dictates. Therefore, however titled, a journey through this material shows the interrelationship of several fields of law.

An explanation of the organization of the material is in order. First, the basic legal framework of the United States is examined to learn the nature of the players who shape energy law and policy. Next, over-riding constitutional issues such as federalism and the limits of regulatory authority are reviewed. The book then details traditional economic regulation. Next, the various energy fuel cycles are examined, beginning with oil and gas. Federal and state regulation of the gas industry is then scrutinized. Two additional regulatory arenas then follow: electric regulation and the particular laws governing hydro-electric development. By proceeding in this manner, the reader receives an early grounding in all the matters subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC). After completing this overview of constitutional, administrative, and regulatory law, the text moves to a general introduction to environmental law. This discussion will continue through the material examining the fuel cycles of coal, uranium, and alternative energy sources. Finally, the book explores access to water, public lands, and Native American lands.



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I also am indebted to three other colleagues, who with Don Zillman and myself, have formed “The Energy Law Group.” The result of our collaboration with James Hickey, Suedeem Kelley, and Joseph P. Tomain is a one-volume treatise on energy law and policy, entitled *ENERGY LAW AND POLICY FOR THE 21ST CENTURY* (Rocky Mountain Mineral Law Foundation 2000). For all my four colleagues have taught me and encouraged me, I voice my appreciation.

I also wish to thank my research assistants, Jason Aamodt (J.D. 1998) Carman Alford (J.D. 1999) and Brandon Edginton (J.D. 2000) and the students in my Energy Policy classes who have painstakingly read this manuscript. The work on this book has also been supported by a sabbatical from the University of Tulsa and I acknowledge the support of Dean Martin Belsky and my colleagues at the University of Tulsa College of Law.

Finally, I dedicate this book to my husband, Larry Hill, and our daughter, Lorene Hill.



Energy Policy: The REEL World

