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SUMMARY

Strategic leader on energy market and regulatory issues; manager of large organizational budgets; project/program innovator; public speaker and author; experienced negotiator; government relations and legal counselor.

<http://www.linkedin.com/in/david-wooley-a0a8486>

<http://www.kfwlaw.com>

PROFESSIONAL EXPERIENCE

Visiting Professor & Director Center for Environmental Public Policy, Goldman School of Public Policy, University of California, Berkeley

Berkeley, California

September 2017 to Present

Manage public policy research projects affecting energy, environmental and climate; convene stakeholder dialogues to address air quality problems associated with shipping and transport; manage executive training for electric power executives and staff from India; teach courses on environment, energy and climate topics.

Of Counsel, Keyes & Fox LLP

Oakland, California

July 2012 to Present

Represent clients on rate design, grid access, distribution system planning, distributed-generation, and utility-of-the-future proceedings before state regulatory commissions. Successfully opposed proposals for increased customer charges or demand charges in four general rate cases in PA, MT and TX (2015-2016). Filed multiple rounds of comments in the NY PSC REV proceeding

Principal, Wooley Energy & Environment

Berkeley, California

January 2012 to Present

Consultant to private foundations, NGOs and clean energy industry – providing advice on regulatory compliance, policy advocacy, fundraising and grant making strategy in the areas of renewable energy, energy efficiency, air quality, carbon pollution control, natural gas, combined heat and power, and transmission policy. Clients have included: Energy Foundation; Future 500, Institute for Industrial Productivity; National Parks & Conservation Association; Regulatory Assistance Project; and Natural Resources Defense Council.

Vice President for Domestic Policy Initiatives, The Energy Foundation

San Francisco, California

March 2003- December 2011

Managed a \$22 million/year domestic grant making program; responsible for strategy development on climate, renewable energy, energy efficiency, transmission, building codes, appliance standards, power generation and air quality. David launched new grant operations on industrial efficiency, CHP, coal, carbon capture and sequestration and natural gas. David led a team that helped design a greenhouse gas emission target for California (June 1, 2005). During his tenure at EF, energy efficiency investment by regulated electric and gas utilities quadrupled, and spread from the coasts to Midwest, Intermountain West and Southern Regions.

Founding Partner, Young, Sommer . . . LLC

Albany, New York

1999-2003

A private law practice specializing in environmental and energy law, government relations, renewable energy development, utility law and compliance counseling. Helped initiate NY's role in the Regional Greenhouse Gas Initiative (RGGI).

Counsel, Clean Air Task Force

Boston, Massachusetts & Albany, New York October 1996 - February 2003
Counsel to air quality advocacy and education project. Represented citizen groups in environmental-related rulemakings and litigation over federal and state power plant emission controls, New Source Review enforcement, and ambient air quality standards. Appointed by U.S. State Department as an NGO Member of US Negotiating Team in talks on the US-Canada Air Quality Agreement, Ozone Annex (2000). Member, Governor Pataki's Greenhouse Gas Taskforce, whose recommendations led to the NY Renewable Portfolio Standard and the Regional Greenhouse Gas Initiative (RGGI).

Director, Northeast State Policy Project, American Wind Energy Association

Albany, New York and Washington, DC 1999-2003
Represented wind industry on utility procurement, transmission rules, and state policy developments in Northeast States. Appointed to NJ Governor's Renewable Energy Task Force. Convinced Pataki Administration to implement a renewable portfolio standard in NY.

Professor for Environmental & Energy Law, Executive Director, Pace Energy Project

Pace University School of Law, White Plains, New York January 1990 – August 1999
Led an energy policy advocacy project active in NY, NJ, PA, MI and FL on energy efficiency investment, renewable energy policy, state energy planning, and electric power regulation. Lead counsel for environmental and consumer groups in the NY Public Service Commission case that restructured the electric utility industry. Convinced officials to establish a fund (initially \$87 million/year) to support energy efficiency services and renewable energy development. Taught courses on energy and environmental law, managed student interns in the Energy Project and served as a full member of the law school faculty.

Assistant Attorney General, New York State Department of Law, Environmental Protection Bureau,

Albany, New York 1980 - 1989
Lead counsel in acid rain litigation for coalition of northeastern states and national environmental groups. Organized lobbying efforts, public information meetings, press statements and speeches for Attorney General on air quality issues. Represented NY in court actions under Clean Water Act, State Environmental Quality Review Act, and Clean Air Act, involving solid waste incineration, gasoline vapor control, power plant emissions, smog control, enforcement and federal grants.

EDUCATION

Juris Doctor, Rutgers University, School of Law, Newark, N.J.,
Bachelor of Arts, Rutgers College, New Brunswick, N.J. (Departmental Honors in History).

PROFESSIONAL PRACTICE

Admitted to Practice Law:

New York
New Jersey
Pennsylvania (inactive)
West Virginia (inactive)
U.S. Supreme Court

Specialization:

Air Quality & Climate Policy
Energy Policy & Utility Regulation
Administrative Law
Appellate Practice
Government Relations

AWARDS & COMMUNITY SERVICE

SMART Wind Consortium Participant and contributor to *Smart Wind Roadmap; Action Plan for Distributed Wind*, 2015-2016. Distributed Wind Energy Association, <http://distributedwind.org/>.

Strategic Advisory Group, Institute of Industrial Productivity, 2012-2016

Distinguished Achievement Award, 2011, Conference of the Coal Funders Group, for work in reducing pollution from coal-fired power generation.

Steering and Executive Committees, RE-AMP 2007-2011. RE-AMP is a network of 144 nonprofits and foundations working in eight Midwestern states on energy policy.

Appointed to the NY *Greenhouse Gas Task Force* by Governor George Pataki, and served as author of paper on renewable energy potential for the Electric Sector Working Group, 2001-2002.

Appointed to Governor McGreevy's *Renewable energy Task Force*. Recommendations were adopted in 2006 to expand renewable portfolio standard in New Jersey.

Advisory Board, Project for Sustainable FERC Policy, 2002-2011

State Advocacy Award, American Wind Energy Association, June 2001, for efforts to reform state energy policy to promote development of renewable energy resources.

Appointed by State Department as an NGO *Member of US Delegation* to negotiations on an *Ozone Annex* to the 1991 US-Canada Air Quality Accord, June-December 2000.

Advisor, New York State Energy Research & Development Authority, Energy Smart Programs, co-author of 2000 Evaluation Report, 1995-2003.

Distinguished Achievement Award, Adirondack Council, 1987, for efforts to control acid rain.

Recognized by Canadian Coalition on Acid Rain as one of 29 North Americans who made important contributions to the passage of the 1990 Clean Air Act Amendments, Nov. 1990, Toronto, Ontario.

Vice-Chairman, Committee on Air Quality, American Bar Association, Section of Natural Resources, Energy and Environmental Law, 1984 to 1992.

Member, Air Management Advisory Committee, New York State Department of Environmental Conservation, 1991 to 1995.

Board Member, Hudson River Sloop Clearwater, Poughkeepsie, NY, 1990 to 1996; elected Executive Committee Member in 1991, Vice President 1993.

Chairman, Subcommittee on Energy, Environmental Law Section, NY State Bar Assn., 1993 - 2000.

References

- Randal Swisher, former Executive Director, American Wind Energy Association, rswisher@awea.org, 301-588-8506.
- Richard Ottinger, Former Dean, Pace University School of Law, rottinger@law.pace.edu, 914-422-4121.
- James Sevinsky, former Senior Counsel, Environment, Health and Safety, GE Energy, jimsevinsky@icloud.com, Schenectady, NY 12345. 518-385-8080.
- Ralph Cavanagh, Senior Council, Natural Resources Defense Council, rcavanagh@nrdc.org. San Francisco, CA 415-875-6100.
- Denis Hayes, President, Bullitt Foundation, denis@bullitt.org, Seattle, WA. 206-343-0807.

PUBLICATIONS

Books & Chapters

Clean Air Act Handbook, 3rd through 27th Editions, West Group, (1993-2018).

Air Pollution, Squillace, M., Wooley, D. Anderson Publishing, Environmental Case Book Series, 1998.

New York Environmental Law Series, Thompson Professional Publishing, 1995, author of chapters on federal and state air pollution regulation, emission monitoring, reporting and recordkeeping, global warming, municipal and medical waste incineration; member of publication Advisory Board.

Environmental Cost of Electricity, Ottinger, R.L., Wooley, D.R. et al., Oceana Publications, Inc., September 1990.

Commentary

"Investment in Wind Energy Creates Potential Power Source," Capital District Business Review, Vol. 27, No. 43, January 29, 2001.

"Retail wheeling' proposes to break up utility monopoly," Westchester Business Journal, April 3, 1995.

"Power & Efficiency," Commentary, Albany Times Union, Sunday, May 11, 1996.

"The Cooperative Way to Save Energy," The New York Times, Business Section, Viewpoints, page 11, Sunday, January 3, 1993.

"Legal House of Horrors - Clean Air Act Citizen Suits," Environmental Law Institute, The Environmental Forum, Vol. 7, January/February 1990, pp. 25-29.

Articles & Reports

Financing Low- and Zero- Emission Freight Transportation Technologies in California, https://gspp.berkeley.edu/assets/uploads/page/Funding_Programs_Summary_final_August_29.pdf. *Advancing Environmental Justice*.

A New State Regulatory Framework to Abate Community-Level Air Pollution Hotspots and Improve Health Outcomes, August 2017, Goldman School of Public Policy, UC Berkeley <https://gspp.berkeley.edu/centers/cepp/environmental-justice-and-climate-policy-solutions-dialogue/executive-summary>.

Combined Heat and Power (CHP) as a Compliance Option under the Clean Power Plan, A Template and Policy Options for State Regulators, Prepared for the American Gas Association and the American Chemistry Council, by Institute for Industrial Productivity, April 2016, http://www.dgardiner.com/wp-content/uploads/2016/04/CHP-Pathway_Full-Report_Final.pdf.

Power Plant Carbon Standards and Solar, Proceedings, Solar 2014, American Solar Energy Society and InterSolar Conference, July 2014.

The Clean Air Act Amendments of 1990: Opportunities for Promoting Renewable Energy, National Renewable Energy Laboratory, December 11, 2000, Technical Report NREL/SR-620-29448; <http://www.nrel.gov/docs/fy01osti/29448.pdf>.

A Guide to The Clean Air Act For The Renewable Energy Community," published by the Renewable Energy Policy Project, Washington, DC, March 2000.

Environmental Comparability Natural Resources & Environment, American Bar Association, Section on Natural Resources, Energy and Environmental Law, Vol. 12, No. 4, Sp. '98.

1997 Air Quality Standards: It's Not Over Yet, Environmental Manager's Compliance Advisor, published by Business & Legal Reports, October 20, 1998.

Real Planning, Sham Competition and State Regulation, Regulating Regional Power Systems, Clinton Andrews, Editor, Quorum Books, 1995, *Proceedings of Electricity and Federalism Symposium*, Woodrow Wilson School, Princeton University, June 24-25, 1993.

Public Interest Perspective on Industrial Energy Efficiency, Wooley, D.R., Callaghan-Klein, R., Goldstein, D., published in Proceedings of Workshop On Partnerships For Industrial Productivity Through Energy Efficiency, September 1993.

The Environmental Costs of Fuel Choices: Implications for Natural Gas, Ottinger, R. and Wooley, D., published in The Case for Natural Gas, Center for Public Policy, University of Houston, September 1991.

A Comparison of Emissions and Externality Costs of Waste-To-Energy and Coal-Fired Electric Power Plants," published in External Costs of Electric Power, Springer-Verlag, Heidelberg, FRG, 1991.

Incorporating the Cost of Protecting the Environment Into Decisions About Electric Power, Perspectives in Energy, Vol. 1, pp. 95-114, Pion Publications, London, May 1991.

Acid Rain Control and Energy Conservation In New York, *Proceedings, Implementing the 1990 Clean Air Act Amendments in New York State*, New York State Bar Association, April 25th 1991.

Contributor to "The Year in Review," 1985 - 1990, Natural Resources Law, American Bar Association.

A Kinder Gentler Air Toxics Policy, Natural Resources and Environment Journal, American Bar Association, Vol. 4, #1, Spring 1989, pp. 29-32, 55-57.

Acid Rain Litigation: Recent Developments, National Environmental Enforcement Journal, Vol. 4, #3, April, 1989, pp. 13-15.

Commentary--The Acid Test, The Environmental Forum, Vol. 5, #4, Sept/Oct 1988, p. 4.

Scientific Uncertainty, Agency Inaction and the Courts, Proceedings: Conference on Acid Rain, Center for Environmental Information, Elsevier Science Pub., December, 1986.

Acid Rain: Canadian Litigation Options in U.S. Court and Agency Proceedings, University of Toledo Law Review, Vol. 17, No. 1, pp. 139-151, Fall 1985.

1985 Acid Rain Developments, Environmental Law Section Journal, N.Y. State Bar Association, Vol. 5, No. 4, December, 1985.

Congress and Acid Rain in 1984, Adirondack, Vol. XLVIII, No. 2, pp. 23-24, February 1984.

Cumulative Impacts and the Clean Air Act: An Acid Rain Strategy, Albany Law Review, Vol. 47, No. 1, pp. 37-61, Fall 1982.

Acid Rain, Current Regulatory Framework, Canada-U.S. Law Journal, Vol. 5, pp. 59-65, 1982.

MAJOR CASE DECISIONS AS LEAD COUNSEL OR PRINCIPAL

Application of El Paso Electric Company to Change Rates, Texas Public Utility Commission Docket No. 44941, resolution of rate design dispute via all party settlement approved by Commission July 2016. The agreement withdrew proposals for increased customer charges and demand charges for residential electric customers who use behind-the-meter distributed renewable generation.

Opinion and Order: Pennsylvania Public Utility Commission, et al. v. PECO Energy Company, R-2015-2468981; and, Pennsylvania Public Utility Commission v. Petition of PPL Electric Utilities Corporation, Docket No R-2015-2469275 – resolution of rate design, interconnection and demand charge dispute via all party settlements approved by Commission. December 2015.

Order Adopting Regulatory Policy Framework and Implementation Plan. State Of New York Public Service Commission, Case 14-M-0101 – Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision, February 2015.

:
Led team that helped develop California Greenhouse Gas Emission Reduction Targets, adopted by Governor Arnold Schwarzenegger, June 2005.

Led team that developed a paper for California Public Utility Commission, *Achieving a 33% Renewable Energy Target*, November 1, 2005.

Advisory Committee member for Expanded Renewable Portfolio Standards, Board of Public Utilities, State of New Jersey, 2005-6.

New York Renewable Portfolio Standard, NY Public Service Commission, 2005.

New York Public Service Commission, Opinion No. 01-6, approving Renewable Energy Marketing and Wind Energy Transmission Facility Expansion provisions in merger proceeding involving Niagara Mohawk and National Grid, Case No. 01-M-0075, 2001.

In Re Tennessee Valley Authority, United States Protection Agency, Environmental Appeals Board, served as counsel for interveners in case which upheld Clean Air Act enforcement action under New Source Review provisions, CAA Docket # 00-6 (September 15, 2000) later reversed in TVA v. Whitman, 336 F2d 1236 (11th Cir. 2003).

USEPA NOx SIP Call Rulemaking; represented organizations from Mid-West, Mid-Atlantic, Southern and New England States in public hearings and written comments. Rulemaking (October 1998) resulted in a million ton seasonal reduction in nitrogen oxide emissions in 19 eastern states.

New York Public Service Commission, Opinion 98-3 (January 30, 1998) Case 94-E-0952 In the Matter of Competitive Opportunities Regarding Electric Service (Establishes, a fund of \$233 million, over three years, for RD&D, energy efficiency and renewable energy development).

New York Public Service Commission, Opinion 96-20 (May 20, 1996) Case 94-E-0952 In the Matter of Competitive Opportunities Regarding Electric Service (Order eliminated retail electric monopoly and created new funding mechanisms for energy efficiency and renewable energy).

New York Public Service Commission, Opinion 94-23 (issued and Effective Nov. 3, 1994) Proceeding on Motion of the Commission to Examine the Plans for Implementation of Renewable Resources as Part of Meeting Future Electricity Needs in New York State (approving settlement providing for utility acquisition of 300 MW of renewable energy generating resources).

New York Public Service Commission, Opinion No. 94-15, Opinion and Order Regarding Flexible Rates in Proceeding on Motion of the Commission to Address Competitive Opportunities Available to Customers of Electric and Gas Service (established eligibility requirements for rate discounts for manufacturing customers, including energy efficiency investments).

New York Public Service Commission, Case 28223, decisions of August 27th, 1991 and November 27th, 1990 in Proceeding to Inquire Into the Benefits to Ratepayers and Utilities from Implementation of Conservation Program That Will Reduce Electric Use (requiring improvements to utility energy conservation programs).

Application of Multiple Interveners v. Public Service Commission of New York, 166 A.D. 140; 569 N.Y.S. 522 (1991 (Sup. Ct. Appellate Division, Third Dept.)(Counsel for Amicus Curie National Audubon Society in successful defense of state PSC policies to encourage energy conservation).

Natural Resources Defense Council v. Administrator, 902 F2d. 962, (D.C. Cir. 1990)(Successful challenge to EPA's failure to promulgate of National Ambient Air Quality Standard for particulate matter in regard to visibility and acid rain effects).

American Petroleum Institute v. Jorling, 710 F. Supp. 421 (N.D.N.Y.1989)(successful defense of state regulation of motor vehicle fuel volatility).

Environmental Defense Fund v. Thomas, 870 F2d. 872 (2nd Cir. 1989)(to compel the EPA Administrator to revise the National Ambient Air Quality Standard for sulfur oxides).

56 Federal Register 5488-5527 (February 11, 1989) principal counsel for coalition of states and environmental groups in litigation and negotiations leading to first national emission controls for waste-to-energy plants).

State of New York v. U.S. Environmental Protection Agency, 852 F2d. 574 (D.C. Cir. 1988)(tested the use of interstate air pollution provisions of the federal Clean Air Act (CAA) to control acid rain).

NRDC v. New York State Department of Environmental Conservation, 668 F. Supp. 848 (S.D.N.Y. 1987), 834 F2d. 60 (2nd Cir 1987)(action to force revision of state implementation plan under CAA.

Thomas v. State of New York, 802 F2d. 1443 (D.C. Cir. 1986); 613 F. Supp. 1472 (D.C.D.C. 1985)(tested the use of international air pollution provisions of the CAA to control acid rain).

MAJOR CONFERENCE PRESENTATIONS

Natural Gas Problem Statement, Energy Finance Conference, Institution for Energy & Economic Analysis, NY, NY, March 13, 2017.

Natural Gas: New Regulatory Frontier, Midwest Energy Advocates' Conference, Sponsored by Regulatory Assistance Project & Energy Foundation, Chicago. November 11, 2016.

Federal Carbon Controls and Renewable Energy Compliance Options, Renewable Energy Markets Conference, San Francisco, CA, October 2016.

Energy Efficiency Compliance Pathways Under USEPA Carbon Emission Rule: Combined Heat and Power, Joint Meeting of NARUC, NASEO and NAACA Officials, Washington, DC, December 4, 2014.

Regulatory Trends, Wins, Losses and Opportunities, Distributed Wind Energy Association, All-State Summit, Albany NY. October 15, 2014,

Federal Carbon Pollution Standards and Solar Power, American Solar Energy Society, Solar 2014 Conference, San Francisco, July 2014.

State Flexibility, Cooperative Federalism & Carbon Controls for Electric Power Plants, Northwestern School of Law, Second Annual Searle Center Conference on Federalism and Energy, Chicago, Nov.14-15, 2013.

Industrial Combined Heat & Power Opportunities In the Southern Company System, Southern Company: 2030 and Beyond, 2013 Stakeholder Forum, Atlanta, Georgia, April 30-May 1, 2013.

Coal Decline in US, Financial Risk and Competition, Conference on Europe's Impact and Influence on the Global Coal Sector, Chatham House, London, December 14, 2012.

US Gas Industry Reform: Methane Losses, Well Integrity, Surface Waters & Pipelines, Climate Works Foundation, Global Network Meeting, June 6, 2012, San Francisco.

US Combined Heat & Power Strategy, Institute for Industrial Productivity, Network Summit, Paris, France, May 2012.

Utility Business Models & CHP, California-France Forum on Energy Efficient Technologies, San Francisco, CA, October 25, 2011

Clean Air Act and Energy Efficiency: CSPAR Rule and EE/RE Set Asides ACEEE Conference on EE as a Resource, Denver, Colorado, September 27, 2011

Energy Efficiency: NGO/Industry Partnership, Annual conference, National Association of Energy Service Companies, Beverly Hills, California, November 16, 2009,

Energy Efficiency Imperative, World Energy Engineering Conference, Association of Energy Engineers, Washington D.C., November 4, 2009

Climate Policy in the US, Annual Retreat, Environmental Grant makers Association, Anchorage, Alaska, September 2009

Federal Policy Opportunities to Advance Energy Efficiency, Clean Technology Conference and Expo, Houston Texas, May 2009

"Energy Efficiency in the Time of Global Warming" Alliance to Save Energy, Great Energy Efficiency Day, Washington DC, February 14, 2007.

Annual Conferences of American Wind Energy Association, numerous presentations in 2006, 2004, 2003, 2002, 2001, 2000 and 1999 on state renewable energy policies, federal air quality regulations affecting wind generation, transmission interconnection requirements.

New Source Review: Citizen Group Perspective, American Bar Association, Section on Natural Resources & Environmental Law, Teleconference on the Clean Air Act Developments, March 2002.

"Impacts of Divesting Electric Generation on the Environment," Spring Meeting of the New York State Bar Associations Committee on Public Utility Law, Albany, NY, May 1, 1998.

"Energy Efficiency in New York," Energy, Buildings, Economics & the Environment Conference (April 21, 1998), CUNY Graduate Center, NYC, sponsored by USDOE, USEPA, AGA, the Durst Organization, NYSERDA, Con Edison, Tishman Realty and NY Building Congress.

Acid Deposition & Smog: Regional and National, & International Solutions, Eastern Canada Transboundary Smog Group, Commission for Environmental Cooperation, Northeast States For Coordinated Air Use Management, Montreal Canada, February 18, 1998.

Environmental Group Perspective, Conference on Utility Sector Emission Reductions, Center for Clean Air Policy, Mansfield Room, Capitol Building, Washington D.C., November 17, 1997.

Workshop Presentation on Use Of Models Addressing Ozone Control Issues In New York State & The Northeast, Conference on The Adirondacks and Beyond - Forum on Air Quality, New York. Saratoga Springs, NY Nov. 12-13, 1997, SUNY College of Environmental Science and Forestry.

Electric Industry Restructuring In The United States: Implications For Quebec Conference on The Future of Electricity in Quebec, Montreal Canada, November 5, 1997.

New Ambient Air Quality Standards for Ozone & Particulate Matter, ABA-EPA Air Quality Conference, Asheville, North Carolina, Grove Park Inn, October 15, 1997.

Soot, Smog And Pollywogs: The Saga Of The NAAQS Revisions, Section on Natural Resources & Environmental Law, American Bar Association and U.S. EPA, NY, NY, June 12, 1997.

Environmental Aspects of Utility Price Deregulation, National Conference of State Legislators, Conference on Electric Utility Restructuring, Grand Hyatt Hotel, NY, NY, May 30, 1997.

Un-Restructuring The Electric Industry: An Environmental Perspective, Independent Power Producers of New York, Annual Conference, May 20, 1997.

Premier's Roundtable on the Economy & Environment, Workshop of Electric Industry Restructuring, Fredericton, New Brunswick, Canada, February 17, 1997.

American Council for an Energy Efficient Economy, Summer Study On Energy Efficiency In Industry, *Comparative Experience Under Industrial DSM Programs*, Aug. 1-4, 1995, Buffalo NY.