



PROFESSIONAL LLM in
**energy and
infrastructure
law**

Reflecting on your specialty
reflects well on you.

Outside Toronto?

This program is available
via distance learning.

www.osgoodepd.ca

DIRECTORS

George Vegh

Counsel
McCarthy Tétrault LLP

Julia McNally

Director, Strategic
Engagement & Innovation
Independent Electricity
System Operator

Bruce McCuaig

President & CEO
Metrolinx



A WORLD LEADER IN LAW SCHOOL LIFELONG LEARNING

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"The Energy and Infrastructure LLM program at *Osgoode* was a game-changer. After working in the electricity sector for several years, it was refreshing to think deeply about the challenges that the sector is facing and to propose solutions to them. A highlight of the program is that it's multi-disciplinary: both in terms of taking an integrated approach to the types of infrastructure considered, and also as reflected by the diverse professional backgrounds of your peers."

Ara P. Arzumanian, BA, LLB, LLM (Candidate 2015)

Trademark Agent

Senior Legal Counsel

Public Electric Utility Company

FACULTY INCLUDES

Mark W.S. Bain

Partner, Torys LLP

Stanley Berger

Partner, Fogler, Rubinoff LLP

Ron Clark

Partner, Aird & Berlis LLP

Brent Gilmour

Executive Director, Quality Urban

Energy Systems of Tomorrow (QUEST)

Richard J. King

Partner, Osler, Hoskin & Harcourt LLP

Lorraine Land

Partner, Olthuis Kleer Townshend LLP

Michael Lyle

General Counsel and Vice-President

Legal Aboriginal and Regulatory

Affairs, Independent Electricity System Operator



DEGREE REQUIREMENTS

The degree requirements will be satisfied upon the completion of 36 credits. These credits can be obtained by either coursework or a blend of coursework and a Major Research Paper. Students who elect to do the degree by coursework only must write a Significant Research Paper (30 pages) as the means of evaluation in one of the courses within the specialization. Please visit www.osgoodepd.ca for required and elective course information.

PROGRAM FORMAT

Courses will be offered in a combination of weekly and intensive formats. Videoconferencing is available for most courses, although occasional in-person attendance in Toronto is required. Please visit the OsgoodePD website for complete details. Note: Faculty, curriculum, course descriptions and degree requirements are subject to change without notice.



Osgoode Professional Development has been approved as an Accredited Provider of Professionalism Content by the LSUC. All OsgoodePD LLM courses are eligible for substantive CPD hours and those containing professionalism hours are noted on the website. Please email cpd@osgoode.yorku.ca for specific information and for CPD/MCLE hours with other regulatory bodies.

The Professional LLM in Energy and Infrastructure Law is a two-year, part-time program designed to provide professionals with insight into the policies, players, and stakes involved in this highly complex area. The merging interests in this area of law touch upon social, political and environmental issues. Students will focus on energy regulation and public utility concepts, competition theory, resource efficiency efforts, social responsibility and environmental issues, integrated infrastructure planning, and public and private partnerships. Graduates will obtain a sophisticated set of legal skills and knowledge and leave the program with a solid analytical framework in energy and infrastructure law.

COURSE DESCRIPTIONS

Core Courses

Regulatory Theory [6 credits]

Students will explore two basic questions: What is regulation? Why do we do it? Both will be critically analyzed from legal, economic and political perspectives. From the legal lens, the course will examine regulators as creatures of statute, exercising executive authority; the process of regulatory decision-making; adjudication and policy-making; and judicial oversight of and deference towards regulatory bodies. From the economic perspective, it will focus on market failure as the need for and extent of regulation; regulation as a form of public finance; and regulatory agencies and the “capture” theory. From the political perspective, it will hone in on the challenge of defining regulation and its forms, the creation of the “regulatory state”, and the creation/oversight of quasi-independent agencies and their policy instruments.

Public Utility Law [6 credits]

This course addresses the role of public utility regulators with an emphasis on the role of the Ontario Energy Board (OEB) in regulating electricity and gas utilities. The course will also focus on the development of North American and international models. More specifically, it will address the regulation of rates charged by “natural monopoly” utilities including: the concept of just and reasonable rates; the principles of cost of service rate making; the components of a utility’s revenue requirement; regulating quality of service; regulating publicly owned utilities; and alternatives to traditional cost of service rate making. Additionally, the course will address the role of regulators in awarding franchise rights to serve particular communities, and the role of regulators in regulating competitive aspects of the electricity and gas sectors from the perspective of consumer protection and the perspective of encouraging competition. The regulatory process will also be discussed with an emphasis on a real world example of an OEB case.

Urban Infrastructure Planning and Regulation* [6 credits]

The growing interest in integrated infrastructure planning and solutions will be the focus of this course. It will cover topics such as: (1) land use planning and regulation; (2) water planning and regulation; (3) urban transportation planning and regulation; (4) the new paradigm of integration; (5) Is regulatory integration feasible? What are the respective roles of OEB, OMB, EAs? The course will also include case studies.

Changing Paradigms in Energy Regulation [6 credits]

This course examines multiple energy regulation models. The range of approaches provides the opportunity to use Ontario and other markets as test cases to consider the debates that plague energy restructuring across a number of jurisdictions. The issues that arise include: (1) the social and economic rationale for a vertically integrated publicly owned monopoly; (2) from monopoly to market - the transition to a competitive electricity market; (3) from market to central planning - hybrid systems; (4) the green economy model of energy regulation.

Transportation in Canada* [3 credits] New!

This course addresses the challenges and opportunities associated with the development of transportation systems in a Canadian context. Three areas will be considered: (1) the role of transportation infrastructure in Canada’s social, economic and environmental fabric, (2) the various models for the governance and regulation of transportation infrastructure – nationally, provincially, regionally and locally, and (3) the key challenges in delivering transportation infrastructure in the contemporary Canadian context, including the planning, delivery and management of transportation infrastructure in a financially and environmentally sustainable fashion. The course will conclude with a discussion on new paradigms for the delivery of transportation infrastructure, including taking a multi-disciplinary approach, transportation in a regional and multi-regional setting, climate change and adaptation, and connections between land use and transportation. Alternative delivery models for transportation infrastructure will also be considered.

Infrastructure Development and Finance* [6 credits]

This course provides a broad overview of (non-energy) infrastructure development and finance transactions, and associated legal issues. Topics to be covered include: land acquisitions; permitting; regulatory regimes; taxpayer, rate payer and merchant funding approaches; Engineering, Procurement, Construction (EPC); maintenance; project financing; environmental, site, performance and other risk allocation; along with an overview of public-private partnership (P3) transactions.

Aboriginal Communities and Resource Development [3 credits]

Students will explore the intersection between Aboriginal communities and resource development with a focus on the legal and policy responses to issues such as resource extraction, traditional lands, overlapping claims, Aboriginal and treaty

rights, constitutional obligations, economic development, the role of the Provincial Crown, and the duty to consult.

Comparative Approaches to Energy Development [3 credits]

By employing the areas of public, energy, aboriginal, and environmental law and issues of global governance and climate change regime, this course examines the different aspects of renewable and non-renewable energy resource development and rights associated with ownership, exploitation and exploration, as well as the management of energy resources. It also elaborates on the current and emerging topical issues; the legal responses and challenges posed by energy resource development, energy security and supply in the context of climate change, environmental issues and global governance.

Demand Side Management: Policy and Regulation [6 credits]

This course looks at the policy and regulation of resource efficiency efforts, primarily through the lens of the recent electricity efficiency experience in Ontario. The course will cover the following topics: (1) The policy rationale for a focus on energy efficiency: what is energy efficiency, why does the demand side matter, a brief history of energy efficiency in Ontario; (2) The case for and against energy efficiency from an economic, technological and political perspective; (3) The role and regulation of utility involvement in energy efficiency: what role have utilities played in energy efficiency; does this role make sense from the perspective of the government, the customer and the desired outcomes; (4) The role and regulation of other market players to incent energy efficiency: what is the role of other market players in energy efficiency? What has been the experience in other jurisdictions e.g. the UK Carbon Commitments; northern European industrial agreements; and is there a role of externality pricing; (5) Other

examples of resource efficiency regulation: what has been the experience in the regulation of water consumption?

Power Purchase Agreements: A Tool for Investment and Electricity Generation* [3 credits]

New!

Power Purchase Agreements (PPAs) are agreements between a generator of electricity and a purchaser or off-taker. This course will study PPAs as they are used in Ontario's electricity market, in other Canadian provinces and internationally. Students will examine typical contract structures applicable to conventional generation (e.g. gas), renewable generation (e.g. wind and solar), nuclear generation, and hydroelectric generation. The course will analyze characteristics of different types of generation technologies; the procurement of generation resources; how generation projects are financed, including tax ownership structures; the development of generation projects; and terms and conditions of PPAs.

Major Research Paper [6 credits]

A Major Research Paper (MRP) of approximately 70 pages may be completed on an approved topic in energy and infrastructure law, provided appropriate supervision is available. The MRP should go beyond merely describing legal developments to include independent critical analysis of its subject matter. The final paper is marked on a pass/fail basis.

Additional Electives

Energy and Infrastructure Law LLM students can also choose courses from a select number of complementary LLM programs for credit towards completion of their degree. Visit www.osgoodepd.ca for a complete list of related elective courses.

**New courses and course changes are subject to Senate approval.*


TUITION AND FEES

The 2014/2015 tuition, which includes both years of the Professional LLM program, is \$21,888.45 for domestic students and \$31,783.50 for international students, plus supplementary fees. Tuition and supplementary fees are payable in six installments for the part-time option or three installments for the full-time option. A \$15 administrative fee is levied by the Faculty of Graduate Studies each term. Tuition and supplementary fees are set by the York University Board of Governors and are subject to change at any time. Please visit the tuition section on our website for a breakdown of fees and complete details.

Fees include the required course materials. Where assigned, textbooks are provided in hard copy and all other course materials and readings are provided in electronic format only. An additional charge will apply to any shipping of materials outside of Canada. Videoconference participants are required to purchase the necessary hardware and software. Light meals are provided for students attending classes in person in Toronto.

FOR MORE INFORMATION

 admissions-opd@osgoode.yorku.ca

 416.673.4670 or toll free within Canada at 1.888.923.3394



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