



Institute for  
**ENERGY LAW**

# The Energy Law Advisor

Share this email



[IEL Home](#) | [Programs Calendar](#) | [Online Forum](#) | [Advisor Archive](#)

**Volume 11, No. 3 - November 2017**

## ***In This Issue***

[Industry News](#)

[IEL News](#)

[Members in the News](#)

[Calendar of Events](#)

## ***Editorial Board***

### **MANAGING EDITOR**

**Harry W. Sullivan Jr.**  
Kosmos Energy  
Dallas, Texas

### **EDITORS**

**Michael P. Lennon Jr.**  
Mayer Brown LLP  
Houston, Texas

### **Jack Massey**

Eversheds Sutherland  
(US) LLP  
Houston, Texas

### **Matthew J. Salzman**

Stinson Leonard Street LLP  
Kansas City, Missouri

### **INSTITUTE FOR ENERGY LAW**

**Lawrence P. Simon, Jr.**  
Chair, IEL Advisory Board  
Liskow & Lewis  
Lafayette, Louisiana

## ***Industry News***

Sidley Austin LLP reports on the status of North American Energy Standards Board (“NAESB”) efforts to adopt a “Mexican Addendum” to the NAESB Base Contract. The Mexican Addendum aims to provide more certainty to cross-border natural gas transactions, as well as expand use of the NAESB Contract for trading in Mexico. [Read more](#)

By Gregory M. Kusel and Eduardo Marquez Certucha, Sidley Austin, LLP

## ***Case Commentary - Lightning Oil Co. v. Anadarko E&P Onshore, LLC***

In the *Lightning Oil v. Anadarko* case, the Texas Supreme Court addressed the question of whose permission is necessary when conducting off-lease drilling activities that traverse another party’s mineral estate. In holding that such activities must be assessed by balancing the interests of the lessee whose mineral estate is being traversed versus the general public’s interest in development of oil and gas resources, the Texas Supreme Court’s decision potentially opened a number of different avenues for operators seeking to minimize surface development costs or dealing with restrictive surface estate development conditions.

[Read more](#)

By Justin Scott, Bradley Arant Boult Cummings LLP

Jay E. Ray  
IEL Director  
Plano, Texas

## Submissions

### Industry News

Email [Harry Sullivan](#) and [Vickie Adams](#).

### Member Announcements

Email [Vickie Adams](#).  
Please submit photo with announcement if possible.

© Copyright 2017 - All Rights Reserved

---

## ***Force Majeure and Similar Considerations for the Energy Industry in the Aftermath of Hurricane Harvey***

### [Read more](#)

By Jessica Crutcher, Charles Kelley, and Michael P. Lennon, Jr., Mayer Brown LLP

---

## ***You've got to have good faith? The Court of Appeal decides against a duty of good faith when terminating contractual relationships***

The Court of Appeal has upheld a first instance decision to dismiss a claim for wrongful termination in *Ilkerler Otomotiv Sanayai Ve Ticaret Anonim Sirketi and another v Perkins Engines Company Ltd* [2017] EWCA Civ 183. The Court held that there is no implied duty of good faith when exercising termination provisions. The Court also considered the requirements for implied variation of an agreement through conduct. [Read more](#)

By Carina Healy, Gemma Lampert, Jennifer Barr, Kimberley Cross and Rachel Morrison, CMS Cameron McKenna Nabarro Olswang LLP

---

## ***ITC Recommends Solar Power Tariffs in Suniva Section 201 Trade Case***

The U.S. International Trade Commission on October 31, 2017 issued its recommendation for trade remedies targeting imports of crystalline silicon photovoltaic (CSPV) cells and modules from certain foreign countries, in light of a petition for global safeguard import relief filed by *Suniva, Inc.* and *SolarWorld*. The President is expected to make a decision by mid-January regarding which, if any, of the ITC recommendations to adopt, potentially including some combination of tariff-rate import quotas, hard quotas, ad valorem import duties, import licenses, and trade adjustment assistance. In this article, Milbank Project, Energy and Infrastructure Finance partner Allan Marks delves into *Suniva's* Section 201 trade case, the ITC's recommended trade measures and the potential impact of trade remedies on the U.S. solar power industry. [Read more](#)

By Allan T. Marks, Milbank, Tweed, Hadley & McCloy LLP

---

## **IEL News**

---

### **Call for Student Papers: Hartrick Scholar Writing Competition**

IEL is collecting papers for the 2018 Hartrick Scholar Writing Competition. The winner of the competition receives \$2,500 and

will be invited to attend the 69<sup>th</sup> Annual Oil & Gas Law Conference and the 2018 Career Paths for Young Attorneys in the Energy Sector program, expenses paid. Papers must be received by **December 8, 2017**. Full submission guidelines are located on our [website](#). **Questions?** Email Vickie Adams ([vadams@cailaw.org](mailto:vadams@cailaw.org)).

---

### **69th Annual Oil & Gas Law Conference Schedule Now Available**

The schedule for the 69th Annual Oil & Gas Law Conference is now available online. Co-chairs J.J. McAnelly (Bracewell LLP) and Kimberly Phillips (Shell Oil Company) assembled a fantastic faculty on timely and relevant topics. The conference will feature a Keynote Presentation by James A. Baker, III and two hours of ethics credit on the topics of lawyers' use of social media and attorney-client privilege in cross border communications. The conference will be multiple tracks, featuring the following modules: U.S. Litigation & Dispute Resolution, U.S. Transactional, International, IP/Technology, Regulatory/Compliance, and Labor and Employment. This year's conference will once again feature the popular Oil & Gas Law Update and the IEL Forum.

We hope you will join us on February 15-16 for this fantastic lineup of speakers and topics. This conference is **free** to 2018 IEL Advisory Board Members. To renew your membership for the 2018 year or to become an IEL member, click [here](#).

---

### **Energy Industry Intellectual Property Law Conference Moves to Houston**

After the conference's debut in Plano, IEL is moving the Energy Industry Intellectual Law Property Conference to Houston. The 2nd Energy Industry Intellectual Property Law Conference will take place on March 22, 2018 at the Norris Conference Center – Houston CityCentre. If you have suggestions for topics or speakers, please send them to Jay Ray ([jray@cailaw.org](mailto:jray@cailaw.org)) by December 7th.

---

### **IEL Introduces the First National Energy Industry Environmental Law Conference**

IEL will introduce the First National Energy Industry Environmental Law Conference on May 18, 2018 in Houston, TX. The conference will be led by program co-chairs Stephen G. Ellison (ConocoPhillips) and Kirsten L. Nathanson (Crowell & Moring LLP).

IEL is excited to welcome several new members to our ranks! We hope you will help our new members to feel welcome and encourage their involvement in our organization.

### **Sponsoring Members:**

- **Al Suwaiket & Al Busaies, Attorneys at Law**, Al Khobar, Saudi Arabia, with Dr. Bader Al Busaies as the Advisory Board Member.
- **Pennsylvania General Energy Company, L.L.C.**, Warren, Pennsylvania, with Lisa McManus as the Advisory Board Member.

### **Academic/Government/Non-Profit Members:**

- **Alex Ritchie** (Rocky Mountain Mineral Law Foundation, Westminster, CO)
- **Transmission Company of Nigeria** with Zainab Abdulrahim as the Advisory Board Member

### **Associate Members:**

- **Obiageli Anaghara-Uzor** (Ferdyn Grace Solicitors, Abuja, Nigeria)
- **Michael Short** (Shell Trinidad & Tobago, Port of Spain, Trinidad and Tobago)
- **Craig Stahl** (Haynes and Boone, LLP, Houston, TX)

### **Young Energy Professionals:**

- **Emily Apte** (King & Spalding LLP, Washington, DC)
- **Chris Buell** (Bonya Gazza & Degory, LLP, Indiana PA)
- **J. Etinosa Edenu** (Brown & Fortunato, Amarillo, TX)
- **Taylor Edmonds** (Strategy Engineering & Consulting, LLC, Houston, TX)
- **Lauren Ford** (Alta Resources, Houston, TX)
- **Benjamin Gonsoulin** (Baker Botts L.L.P., Houston, TX)
- **Christopher Hogan** (Reynolds Frizzell LLP, Houston, TX)
- **Jacob Holt** (Alliant Insurance Services, Inc., Fort Worth, TX)
- **Matthew Jordan** (Rice Energy, Inc., Canonsburg, PA)
- **Kristin Kearns** (Rice Energy Inc., Canonsburg, PA)
- **Kyle Miller** (Butler Snow, Ridgeland, MS)
- **Tracey Rice** (Copeland & Rice LLP, Houston, TX)
- **Jarrett Rinehart** (Rice Energy, Inc., Canonsburg, PA)
- **Rocio Ruiz** (Baker McKenzie, Houston, TX)
- **Walker Smith** (Kuiper, Wheat & Associates, Houston, TX)
- **Wen Tu** (Exponent, Inc., Potomac, MD)

If you know anyone with questions about joining IEL as a member, please refer them to IEL's Associate Director, Vickie Adams ([vadams@cailaw.org](mailto:vadams@cailaw.org)).

**5th Midstream Oil & Gas Law Conference**

Houston, TX  
Dec 7, 2017

**What Every Lawyer Should Know About Oil & Gas Law**

Live Webinar  
Dec 13, 2017

**5th ITA-IEL-ICC Joint Conference on International Energy Arbitration**

Houston, TX  
Jan 18 - 19, 2018

**69th Annual Oil & Gas Law Conference**

Houston, TX  
Feb 15 - 16, 2018

**2nd Energy Industry Intellectual Property Law Conference**

Houston, TX  
Mar 22, 2018

**2nd National Young Energy Professionals Law Conference**

New Orleans, LA  
Apr 6 - 7, 2018



**THE CENTER FOR AMERICAN AND INTERNATIONAL LAW**

Institute for Energy Law  
of The Center for American and International Law  
5201 Democracy Drive | Plano, Texas USA 75024-3561  
+1.972.244.3400 | +1.972.244.3401 (fax)

Connect with IEL



[Opt-Out](#) | [Email IEL](#)

Powered by [Informz](#)