

BOOK REVIEW – 2001

A Review of "ENERGY LAW & POLICY FOR THE 21ST CENTURY" by The Energy Law Group, Rocky Mountain Mineral Law Foundation, Denver, Colorado, 2000
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This book is the product of the long collaboration of a number of well-known energy law academics from 5 different US law schools. It is published under the imprimatur of the Rocky Mountain Mineral Law Foundation.

The book provides a thorough overview of US energy law. It is aimed mainly at lawyers and policymakers who are new to the energy law field and at law students. Nonetheless, busy practitioners in any country will find this to be a handy source of reference not only about US energy law but more generally.

The book falls into 2 parts. The first part comprises 6 chapters which deal with the law as it affects the industry in general. These chapters emphasise that energy law, energy economics, energy policy and environmental policy are close companions.

Chapter 3 contains a very useful description by Professor Donald Zillman of the structure of energy law in the United States. The key US constitutional provisions (the commerce clause, the supremacy clause, the due process and equal protection clause, the takings clause) are all discussed. The chapter also discusses the US federal legislative process and administrative process from which much of US energy law emanates. Readers from Canada, Australia and other federal countries will find this of interest as will readers from the EU who are now grappling with the EU electricity and gas directives.

Four chapters by Professors Joseph Tomain and James Hickey explain the growing importance of transnational activity in the energy field and how international law, especially international environmental law, is likely to intersect with national law. The history and relevance of

sustainable development and its impact on energy law is also very usefully explained.

The second part of the book commences with 5 chapters written variously by Professors Marla Mansfield, James Hickey, Suedeem Kelly and Donald Zillman on the 5 primary sources of energy, namely petroleum, natural gas, coal, nuclear power and finally, hydroelectric power. Each of these chapters provides an excellent overview of the US law governing each of these primary energy sources.

The book concludes with 2 noteworthy chapters by Professor Suedeem Kelly. The first deals with the vitally important secondary source of energy: electricity. Professor Kelly lucidly explains how electricity has become one of the primary subjects of US public utility regulation at both federal and state levels and how quickly the legal field is changing. In the final chapter, Professor Kelly explains how environmental concerns, and the search for "alternative energy" is changing the way the energy industry is regulated by the introduction by legislators of a mixture of incentives and penalties in respect of energy use and the environmental effects of energy use.

All in all, this is a handy volume for an energy lawyer to keep by his or her side. The only criticism I can offer is that the title of the book promises more than the book delivers — there is actually very little about what energy law might look like in the 21st century. Perhaps that might be the subject of a second volume?

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