

ENERGY LAW JOURNAL

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The *Energy Law Journal* is published two times a year. Articles by members and non-members of the Association are welcomed. All manuscripts should be of substantial length, not previously published, dealing with the energy industry, and follow *A Uniform System of Citation*. A brief biographical statement should be included. All manuscripts should be sent to William A. Mogel, Editor-in-Chief, Dorsey & Whitney LLP, 1001 Pennsylvania Ave., N.W., Ste 400, Washington, D.C. 20004. Only manuscripts submitted exclusively to the *Energy Law Journal* will be considered for publication. The opinions expressed in the published material are those of the writers and are not intended as expressions of views of the Energy Bar Association. Inquiries about advertising in the *Energy Law Journal* should be addressed to Mr. Stephen L. Huntoon at (202) 216-1125. The *Energy Law Journal* is indexed in the INDEX TO LEGAL PERIODICALS, The CURRENT LAW INDEX, WESTLAW, and LEXIS services.

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EDITOR'S PAGE

“Repeating that we are surrounded does
not qualify as a plan of escape.”

General George C. Marshall

The recent past has been tumultuous for the world and the energy industries. Major energy companies struggle to remain viable, electric restructuring may be shelved, the sanctity of contracts is being challenged, drilling in ANWR remains politically charged and FERC's Standard Market Design initiative is anything but certain.

Nearly contemporaneously with the founding of the *Journal*, the United States, also in the midst of a tumultuous period, created the Department of Energy, which had as one of its missions the promulgation of a national energy policy. The Department of Energy's creation was largely because, in the late 1970s, this Country imported more than half of its petroleum requirements. Today, imports constitute even a larger percentage of our usage.

What does this state of affairs have to do with the *Journal*? Surely it is not because in its nearly 24 years of publication, the *Journal* has offered a comprehensive national energy plan. It has not. But what the *Journal* has done consistently since 1980 (and will do in the future) is to offer diverse, well argued views on important issues affecting all the energy industries.

Although we only are beginning our 24th year of publication, the *Journal* already is embarked on plans to celebrate the milestone of its 25th anniversary. One thing is certain that whatever form the celebration takes, it will acknowledge the gifts, intellectual and otherwise, of all those who are responsible for the *Journal's* success.

William A. Mogel
Editor-in-Chief

IN MEMORIAM

Lewis Carroll, age 82, retired Vice President and General Counsel of Washington Gas Light Company, died on February 20, 2003 after suffering a stroke.

Mr. Carroll had an extensive legal career; much of it devoted to energy law matters. Before joining Washington Gas, he was a supervisory trial attorney with the Federal Power Commission and counsel to Southern Natural Gas Company in Birmingham, Alabama. In 1975, Mr. Carroll was Chief of the Appellate Section in the United States Attorney's office in the District of Columbia for seven years and General Counsel of the Asian Development Bank. He also was in private practice with the Washington, D.C. law firm of Ross, Marsh and Foster. He retired from Washington Gas in 1985 and continued consulting on energy and other legal matters until the time of his death.

Throughout his career, Mr. Carroll was an active participant in several organizations dedicated to development of the legal profession, and in particular organizations involved in energy law. Among other significant activities, he was Chairman of the American Gas Association's editorial board from 1978-1987, during which time he directed the work of more than 30 authors in completing the five-volume reference *Regulation of the Gas Industry*, the first comprehensive treatise on the law of the regulated natural gas industry. He also served for three years as national chairman of the American Bar Association's Committee on Prosecution and he was President of the Research Foundation of the Bar Association of the District of Columbia.

Mr. Carroll also actively participated in the American Corporate Counsel Association, the Inter-American Bar Association and the Inter-American Development Bank. He also lectured at a number of laws schools and participated in numerous national and international forums.

Mr. Carroll was a native of West Virginia and a graduate of Marshall University in Huntington, WVA, where he was honored as distinguished Alumnus in 1993. During World War II, Mr. Carroll served on active duty in the U.S. Navy, earning three battle stars in the Atlantic and Pacific theaters. After the war, he earned his law degree at the University of Michigan Law School in 1949.

He will be missed.

IN MEMORIAM

Richard (Dick) A. Rosan, who died on January 16, 2003 at 90, after a short illness, was one of those extraordinary persons we are blessed to know as we travel through life. His contributions to the energy bar, his clients, and the law were legion, his friendship was like a constant gift to all who knew him, and his integrity was legendary. We all learned at his feet and benefited from his wit, direct manner, and humble wisdom.

To the energy bar, Dick brought his brilliant intellect as a Phi Beta Kappa graduate from Cornell University and Yale law school, where rumor has it he was first in his class. His breadth of legal and practical knowledge from serving for many years as General Counsel of the Columbia Gas System and later as its Executive Vice President, earned him the informal title of the "Moses of Gas Industry Lawyers." AGA's six-volume work, *Regulation of the Gas Industry*, was dedicated to Dick and has become a standard reference work for industry lawyers. And he wrote an extensive history of the Federal Energy Bar Association that appeared in 17 ENERGY L.J. 1 (1996) of the *Energy Law Journal*. His insightfulness and long-term perspective during the tumultuous years of the late 1970s in the gas industry significantly contributed to the direction of the Natural Gas Policy Act of 1978.

Dick's integrity always was rock solid. Just out of law school, Dick joined one of the top Wall Street law firms. One day he learned that a young woman had been rejected by the firm on the grounds of her religious beliefs. He immediately submitted his resignation, even though he was not of the same religion, and barely knew the woman. He simply would not tolerate such behavior.

So Dick, thank you for all you have done for us in the energy bar both professionally and personally. We all will miss you, but your legacy continues through the scores of your colleagues and friends who were fortunate enough to have known you.

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