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The Energy Bar Association is a non-profit corporation interested in the development of federal energy law. Founded in 1946 as the Federal Power Bar Association, the Association currently has over 2000 members. Included in the membership are government, corporate, and private attorneys in virtually all areas of federal energy practice. The mission of the Association is "to enhance the professional competence of those who practice and administer energy law." In addition to publishing the *Energy Law Journal*, the Association organizes and sponsors a number of activities, including a continuing legal education program in the fall of each year, as well as a program held in conjunction with the annual meeting in the spring which focuses on issues of current interest. The Association also sponsors a number of committees which monitor and report to the membership developments of interest. Complete membership and subscription information can be obtained from the Association at 2175 K Street, N.W. Suite 600, Washington D.C. 20037, or by calling (202) 223-5625.

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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PRESIDENT'S MESSAGE

As President of the Energy Bar Association, I appreciate this opportunity to address my colleagues through the *Energy Law Journal* as it completes its 24th year of publication. Since the start of the new millennium, the energy industry has been presented with a series of unprecedented challenges. Although many issues have been addressed and subsequently resolved, there continues to be an endless supply of new challenges ahead. As energy practitioners, we must adapt to these changes and rise to meet the challenges. A principal mission of the Energy Bar Association is responding to changes in our environment by providing a variety of educational offerings to our members (both lawyers and energy professionals).

The Association has long been known for its high quality programs, as well as the excellence of the *Energy Law Journal*. I am pleased to report that these fine traditions continue. This volume of the *Journal* includes highly informational articles relating to several important topics, including liquefied natural gas, market-based rates and the uses for hydrogen. I would like to take this opportunity to thank our Editor-in-Chief Bill Mogel, his excellent editorial staff, and the University of Tulsa College of Law for their continued hard work and dedication.

I would also like to inform everyone that we are planning a celebration in the spring of 2004, when the *Energy Law Journal* will celebrate the milestone of 25 years of publication. This celebration will be held in conjunction with our 2004 Annual Meeting, and will consist of a lunch and half-day program the day before the annual meeting.

I am happy to announce that a new charitable foundation was established last year, which will allow the Association to expand to meet the needs of its membership. This new foundation reflects the desire of the Association's members to "give something back" to the community. The foundation is currently operating under the able leadership of Paul Nordstrom, former President of the Energy Bar Association. In fact, the charitable foundation will be holding its first fund-raising event in conjunction with the Association's mid-year meeting on December 4, 2003. I look forward to seeing you there and urge you to become involved in the activities of the charitable foundation.

The activities undertaken by the Association's regional chapters also continue to expand. The Midwest and East Central Chapters held a conference in Chicago on October 2nd. The Western Chapter will be holding a conference in San Francisco on January 15-16, 2004. The Midwest Chapter will sponsor another conference in Kansas City on March 11, 2004. Planning is also underway for a New York conference in June of 2004.

In closing, on behalf of the Board and officers of the Energy Bar Association, thank you for your continued support of the *Energy Law Journal*.

*Barbara K. Heffernan, President
Energy Bar Association*

IN MEMORIAM

John Kelly Keane, Jr. died on April 14, 2003 at the age of 65. Prior to his recent retirement, he served as General Counsel of the Washington Gas Company. That position capped a distinguished career as a vigorous and innovative leader in the natural gas industry. Jack also will be remembered for his indomitable spirit, warm fellowship, and love of golf.

Jack long was recognized as one of the people who changed the structure of the natural gas industry. It was Jack's advocacy in *Maryland People's Counsel v. FERC (MPC I)*,¹ and *Maryland People's Counsel v. FERC (MPC II)*,² where he successfully sought to protect the rights of captive natural gas consumers.

Jack was a graduate of the U.S. Military Academy, West Point, N.Y., and Georgetown University Law Center. He also served as a White House Aide during the Kennedy Administration.

Soon after his passing, the Natural Gas Roundtable adopted a Resolution, which reads in part:

WHEREAS, Mr. Keane throughout his distinguished career has been a leader in the natural gas industry and an advocate for energy policies and programs that have advanced the national interest, and

WHEREAS, Mr. Keane through his good fellowship, wisdom and ethics has been a friend to the Natural Gas Roundtable and many throughout the natural gas industry.

Truer words cannot be said.

1. 761 F.2d 768 (D.C. Cir. 1985)
2. 761 F.2d 780 (D.C. Cir. 1985)

IN MEMORIAM

Alan J. Roth died on April 27, 2003 from complications related to Parkinson's disease, at age sixty-nine. Alan enjoyed a long career as an energy law practitioner, first with the Federal Power Commission (now the Federal Energy Regulatory Commission), then at the U.S. Department of Commerce, as a Commissioner of the New York State Public Service Commission, and finally in private practice in Washington, D.C.

Alan Roth received his undergraduate and law degrees from Harvard University. From 1958 to 1969, he worked for the Federal Power Commission, principally on the regulation of natural gas rates. In that capacity, Mr. Roth received numerous honors and awards from the FPC. From 1969 to 1970, Roth was Deputy Director, and then Acting Director, for compliance at the Office of Foreign Investments, U.S. Department of Commerce. From 1970 to 1975, he was Executive Assistant to the Chairman and then a Commissioner of the New York State Public Service Commission, where he worked on a wide array of utility cases.

In 1975, Mr. Roth joined the law firm of Spiegel & McDiarmid, and primarily represented municipally owned electric systems and state agencies on electric, gas, and telephone utility matters. He was a partner with the firm from 1976 to 2002 and was Of Counsel to the firm at the time of his death.

Roth served on the Board of Directors of the National Consumer Law Center from 1978 to 2001 and on the Board of the Energy Bar Association from 1993 to 1995. From 1970 to 1980, he served as Chairman of the Subcommittee on Hearing Procedure of the Federal Energy Regulatory Commission's Advisory Committee on Revision of Rules of Practice and Procedure.

In May 2000, the Massachusetts Municipal Wholesale Electric Company passed a resolution in recognition of Mr. Roth's service. Earlier, he received the Distinguished Service Award of the New England Public Power Association. On June 24, 2002, Alan was recognized by the National Consumer Law Center for his outstanding service.

Throughout his life, Alan Roth worked with great intelligence and conscientiousness. Mr. Roth was noted for his unwavering integrity and sense of fairness. Above all, he was a good friend.

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