

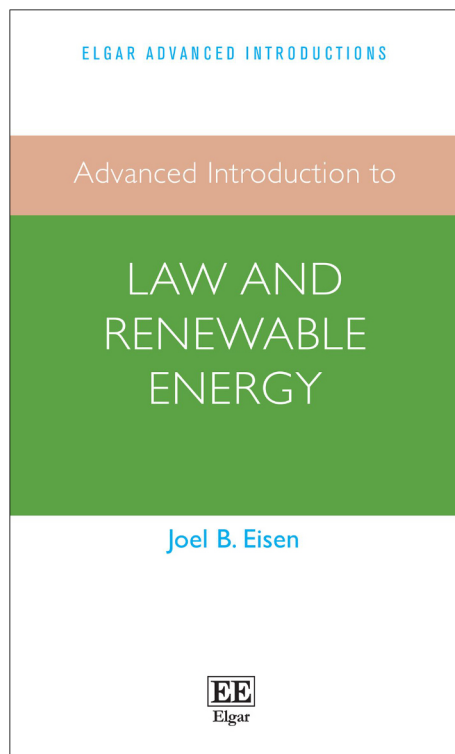
ADVANCED INTRODUCTION TO LAW AND RENEWABLE ENERGY

By Joel B. Eisen

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Reviewed by Bharat Jairaj



Advanced Introduction to Law and Renewable Energy is exactly what the title suggests it is - an excellent book that explores the intersection of law and renewable energy, and provides an overview outlining the significant growth and possibilities with renewable energy that lie ahead. Usual tomes on energy law tend to be very complex, and rightly so. Energy law deals with real world problems that are located in domestic social, economic and political contexts,

and deeply impacted by changes in energy technologies. However, Prof. Joel Eisen manages to keep things simple in this book, avoiding unnecessary jargon, and pausing to declutter the complexities of renewable energy law, and even providing a detailed and extremely useful glossary of renewable energy terms.

Prof. Eisen is a widely read scholar of energy law, with deep knowledge of the subject in the United States and Europe. Reading *Advanced Introduction to Law and Renewable Energy* helps you understand the multidisciplinary nature of emerging energy law in these jurisdictions, as countries and the world transitions to low-carbon energy systems. The book has been published at an important time, when knowledge of energy law has become more important, given this multidisciplinary nature, unlike earlier times when the law was divided into different pieces depending on the type of energy source. Multiple triggers have pushed countries and states to explore renewable energy, including the threats of climate change, energy insecurity and widespread pollution from fossil fuel power plants. There are few aspects of modern life that do not depend on the availability of reliable, affordable and now, sustainable energy. While basic electricity supply was always important politically, the imperatives of climate change, reducing impacts of pollution and the need for countries to have energy security have pushed renewable energy policy high on the political agenda. The current Russia-Ukraine war, and its impact on global gas prices is an example of how important and interconnected energy sector issues are. Similarly, repeated climate change COPs have called on countries to cap and reverse

their emissions from the fossil fuel energy sector, by significantly refocusing efforts on renewable energy. The timing and focus of this book are therefore, important.

In the first couple of chapters, *Advanced Introduction to Law and Renewable Energy* lays out the basics of RE and storage technologies, and discusses laws and policies that promote RE – including mandatory renewable energy targets, access to electricity markets for sale of renewable energy, Feed-in Tariffs, incentives for RE in transportation, and more broadly, capital subsidies. The next chapters delve more deeply into the US regulatory framework on renewable energy – from federal topics like enhancing transmission planning and upgrading electricity markets to allow more RE to flow into the grid; to state and provincial regulatory issues like licensing and net metering. Since financing of renewable energy projects is critical to the low carbon transition, there is a chapter on private sector project-financing for utility-scale renewable energy projects, and financial incentives including tax benefits for smaller-scale projects.

Aside from mandatory programs and regulations to promote renewable energy, significant growth in renewable energy is attributable to voluntary efforts by homeowners, and businesses. There is a chapter that discusses such voluntary efforts like community renewable energy projects that explore economies of scale to reduce individual transaction costs and problems, as well as models of corporate renewable energy procurement and green tariffs offered by utilities. The final two chapters focus on emerging issues around carbon pricing and what I call Responsible Energy. Prof. Eisen describes carbon taxes and the ongoing debate on whether a carbon tax is more effective than support schemes for renewable energy. The

chapter on Responsible Energy focuses on issues of land, siting, environmental and trade laws that have significant impact on the growth of renewable energy.

Advanced Introduction to Law and Renewable Energy is peppered with real world examples of renewable energy projects, and describes the laws and conflicts, and the emerging jurisprudence of renewable energy law and policy. Though the book is strongest on US law, for those looking to an international context, there are multiple examples from other countries including the United Kingdom, the European Union and its member countries, Brazil, Australia, Mexico, China, Morocco, South Korea, Canada, Zambia, and India.

I am hoping that the next edition showcases the emerging issues in developing countries, where many of the same issues are playing out, and countries are approaching them differently. For example, India has a separate market for renewable energy resources where large consumers can purchase renewable electricity for short-term purposes from sellers. As a fellow environmental lawyer with deep interest in the energy sector, I would be delighted if we could persuade Prof. Eisen to explore these nuanced approaches in the developing world. The book ends with Prof. Eisen asking for “refinement, extension and rethinking of the policies described in the book.” This statement prompts a second request that we should persuade Prof. Eisen to provide perspectives and guidance on such refinement, extension and rethinking of laws and policies, to inform legal practitioners and judges who practise energy law, such that we reduce the gap between academic debate and legal practise.

Such guidance from an energy law scholar will be necessary since the transition to a low carbon energy fu-

ture is not going to be easy or linear. And there is a scarcity of skilled legal professionals who understand the multidisciplinary nature of emerging energy law, especially renewable energy law. Given the range of issues prevalent in the energy sector that Prof. Eisen has outlined, training in renewable energy law may offer new solutions and new career opportunities at scale. Law schools and public policy schools can look to bridging this gap and in those efforts, this book would be an essential teaching aid.

The book is easy-to-read, provides real world examples and is well referenced, making it an excellent resource for students and practitioners alike.

