# Overview

our interpretation is Topical affirmatives must reduce a statutory restriction ---- this must mandate a decrease in the quantity produced

they don’t meet – their aff is a regulation not a restriction

**Restrictions and regulations are distinct – including regulations is a limits disaster**

**1 – it encompasses 40 distinct federal agencies with tons of reports a year – that’s doub – blows the lid off the topic and destroys research which is the only portable skill in debate**

Tugwell 88

The Energy Crisis and the American Political Economy:

Politics and Markets in the Management of Natural Resources

Previously, Dr. Tugwell was the executive director of the Heinz Endowments of Pittsburgh, the founder and president of the Environment Enterprises Assistance Fund, and as a senior consultant for International Projects and Programs at PG&E Enterprises. He served as a deputy assistant administrator at USAID (1980-1981) and as a senior analyst for the energy program at the U.S. Office of Technology Assessment (1979-1980). Dr. Tugwell was also a professor at Pomona College and an adjunct distinguished professor at the Heinz School of Carnegie Mellon University. Additionally, he serves on the Advisory Board and International Committee of the American Council on Renewable Energy and on the Joint Board of Councilors of the China-U.S. Center for Sustainable Development. He also serves on the Board of Eucord (European Cooperative for International Development). Dr. Tugwell received a PhD in political science from Columbia University.

Finally, administering energy regulations proved a costly and cumbersome endeavor, exacting a price all citizens had to pay. As the energy specialist Paul MacAvoy has noted: "More than 300,000 firms were required to respond to controls, ranging from the three dozen major refining companies to a quarter of a million retailers of petroleum products. The respondents had to file more than half a million reports each year, which probably took more than five mil- lion man-hours to prepare, at an estimated cost alone of $80 mil- lion."64 To these expenditures must be added the additional costs to the government of collecting and processing these reports, monitor- ing compliance, and managing the complex process associated with setting forth new regulations and adjudicating disputes. All to- gether, it seems likely that the administrative costs, private and public, directly attributable to the regulatory process also exceeded $1 billion a year from 1974 to 1980.^

**2 – regulation is too big – it’s torture**

**Edwards 80**

JUDGES: Before EDWARDS, LEAR and WATKINS, JJ. OPINION BY: EDWARDS

AYOU BOUILLON CORPORATION, ET AL. v. ATLANTIC RICHFIELD COMPANY

No. 13229 Court of Appeal of Louisiana, First Circuit 385 So. 2d 834; 1980 La. App. LEXIS 3972; 67 Oil & Gas Rep. 240 May 5, 1980 PRIOR HISTORY: [\*\*1] ON APPEAL FROM THE 18TH JUDICIAL DISTRICT COURT, PARISH OF IBERVILLE, HONORABLE EDWARD N. ENGOLIO, JUDGE.

Comprehending the applicability and complexity of federal energy regulation necessitates both a stroll down the tortuous legislative path and a review of legal challenges so numerous as to require the establishment of a Temporary Emergency Court of Appeals.

**Even full-time professionals can’t manage that research burden**

Stafford 83 <http://felj.org/elj/Energy%20Journals/Vol6_No2_1985_Book_Review2.pdf> Associate, Ross, Marsh & Foster, Washington, D.C. The assistance of David L. Wallace, a third year student at the Georgetown University Law Center, in the preparation of this review is greatly appreciated.

FEDERAL REGULATION OF ENERGY by William F. Fox, Jr. Shepard'slMcGraw-Hill, 1983, 846 pages Reviewed by G. William Stafford\* It may safely be said that any effort to catalogue "the entire spectrum of federal regulation of energy"' in a single volume certainly requires an enterprising effort on the part of the author. In this regard, Mr. William F. Fox, Jr., an Associate Professor of Law at Catholic University of America, has undertaken an examination of a vital aspect of United States policy in Federal Regulation of Energy, published in 1983 with an annual pocket supplement available. Despite the complex nature of the subject of his work, Mr. Fox has prepared a text that provides a significant description of many aspects of federal energy regulatory policy. Initially, the book's title may prove somewhat misleading in that it approaches the subject from an historical perspective focused more on substantive than procedural issues. Although a reader gets the impression that the author at time has tried to do too much -at least from the standpoint of the energy practitioner- the historical and technical insights it offers the student of federal energy relation are valuable. Moreover; its detailed explanations of the methods used to tneet federal energy goals are useful for those in the position of initiating energy policy. This strength notwithstanding, it appears unlikely that an energy law practitioner would benefit significantly from its use, other than from its historical point of view. A general impression is that the author may have been overly ambitious in his effort to undertake the monumental task of evaluating laws, regulations, and significant judicial decisions in a single work.

**Limits outweigh**

**a.) Education – their interpretation dis-insentivises in depth debate and pre round prep – impossibility to prepare for the infinite amount of affs means the neg relies on process counter-plans that destroy topic education and plan education – small topic means a better depth of education – a broad range of education is inevitable through the news – but depth is the only way to master knowledge and apply it outside of debate**

**b.) Fairness – impossibility to prepare all affirmatives means the aff will always be ahead in research**

**c.) Kills the activity**

**Rowland ’84 -** (Robert C., Baylor U., “Topic Selection in Debate”, American Forensics in Perspective. Ed. Parson, p. 53-4)

The first major problem identified by the work group as relating to topic selection is the decline in participation in the National Debate Tournament (NDT) policy debate. As Boman notes: There is a growing dissatisfaction with academic debate that utilizes a policy proposition. Programs which are oriented toward debating the national policy debate proposition, so-called “NDT” programs, are diminishing in scope and size.4 This decline in policy debate is tied, many in the work group believe, to excessively broad topics. The most obvious characteristic of some recent policy debate topics is extreme breath. A resolution calling for regulation of land use literally and figuratively covers a lot of ground. Naitonal debate topics have not always been so broad. Before the late 1960s the topic often specified a particular policy change.5 The move from narrow to broad topics has had, according to some, the effect of limiting the number of students who participate in policy debate. First, the breadth of the topics has all but destroyed novice debate. Paul Gaske argues that because the stock issues of policy debate are clearly defined, it is superior to value debate as a means of introducing students to the debate process.6 Despite this advantage of policy debate, Gaske belives that NDT debate is not the best vehicle for teaching beginners. The problem is that broad policy topics terrify novice debaters, especially those who lack high school debate experience. They are unable to cope with the breadth of the topic and experience “negophobia,”7 the fear of debating negative. As a consequence, the educational advantages associated with teaching novices through policy debate are lost: “Yet all of these benefits fly out the window as rookies in their formative stage quickly experience humiliation at being caugh without evidence or substantive awareness of the issues that confront them at a tournament.”8 The ultimate result is that fewer novices participate in NDT, thus lessening the educational value of the activity and limiting the number of debaters or eventually participate in more advanced divisions of policy debate. In addition to noting the effect on novices, participants argued that broad topics also discourage experienced debaters from continued participation in policy debate. Here, the claim is that it takes so much times and effort to be competitive on a broad topic that students who are concerned with doing more than just debate are forced out of the activity.9 Gaske notes, that “broad topics discourage participation because of insufficient time to do requisite research.”10 The final effect may be that entire programs either cease functioning or shift to value debate as a way to avoid unreasonable research burdens. Boman supports this point: “It is this expanding necessity of evidence, and thereby research, which has created a competitive imbalance between institutions that participate in academic debate.”11 In this view, it is the competitive imbalance resulting from the use of broad topics that has led some small schools to cancel their programs.

**Potential abuse is a voter – only objective standard – impossible to quantify abuse in this round and claims are self serving in only objective way is to look at what it justifies – And there is abuse – it was debating an untopical aff –**

**Also there was abuse this round – we could not prepare because we did not see it coming**

# a/t: zero TERA’s now

irrelevant – cross-x proves the aff isn’t the barrier

# a/t: TERA’s = restriction

**I’ll put all the violations here**

**1 – they’re a regulation not a restriction – this should be obvious by now**

**2 – there’s a “production” violation – even if they lift a restriction it’s not a restriction on production – that’s Anell**

**2 – they’re extra topical – this is external of the rest of the T violation – the plan doesn’t specify particular types of energy – TERA’s go to** geothermal, biomass, and **low-impact** hydropower **- that’s BIA**

# a/t: any reg is a restriction

**massive limits DA**

**Building energy codes, equipment certification requirements, net metering, RPS, and permitting standards**

**Regulation is strictly distinct from restriction of production**

**Qureshi 46**

Indian representative at the United Nations Social and Economic council

<http://www.wto.org/gatt_docs/English/SULPDF/90220091.pdf>

Mr. Chairman, I would like to point out that in Article 47, Paragraph 1, the regulation of productionshould not mean restriction of production, otherwise the whole aim of raising the standard of living will be defeated; nor should it mean to discourage the production of certain commodities if certain countries find it necessary to do so and to expand their production in the interests of their country.

**Restrictions go beyond inducements and disadvantages—formal, legal interpretation is key to avoid effects topicality and mixing burdens**

**Groves 97**

Sourcebook on Intellectual Property Law

Dr Peter J Groves, LLB, MA, PhD, MITMA, Solicitor

Then I come to the word 'restrict', A person though not prohibited is restricted from using something if he is permitted to use it to a certain extent or subject to certain conditions but otherwise obliged not to use it, but I do not think that a person is properly said to be restricted from using something by a condition the effect of which is to offer him some inducement not to use it, or in some other way to influence his choice. To my mind, the more natural meaning here is restriction of the licensee's right to use the article and I am fortified in that opinion by two considerations. If I am right in thinking that 'require' and 'prohibit' refer to legal obligations to buy or not to use, I see nothing to suggest that 'restrict' is used in quite a different sense which has nothing to do with legal obligation but which relates to financial disadvantage. And, second, to say that the effect will be to restrict seems to me much more appropriate if restriction refers to restriction of the licensee's right to use than it would be if restriction refers to an inducement not to use. The legality of the condition has to be determined at the time when the licence is granted and if the terms of the conditions are such as to restrict the licensee's right to use an article in certain circumstances then it can properly be said that its effect will be to restrict him from using it. But if, as in the present case, all that can be said is that the effect of the condition in some circumstances will be to offer a financial advantage, which may be considerable or may be small, if the licensee uses the licensor's goods, I do not see how it can be said that its effect will be to restrict the licensee from using other goods. The licensee may be influenced by this financial advantage or he may, perhaps for good reason, choose to disregard it; it is impossible to say in advance what the effect will be.

# a/t: aff ground

we give sufficient aff ground:

the OCS aff that Michigan reads

the arctic oil aff that northwestern has read

the natgas aff that mary Washington read

the PACE aff that we’ve read

Financial incentives solve aff ground

Diehl, Junior Staff Member – Journal of Land, Resources & Environmental Law, JD – University of Utah, ‘7

(Rustin P., 27 J. Land Resources & Envtl. L. 345)

A. Available Incentives for Implementing Clean Renewables

Many studies have considered the benefits and achieved results of the available renewable energy financial incentives. While studies agree that these incentives are effectively promoting business integration of renewable energies, it is questionable whether the incentives encourage private adoption of renewable energy technology. n55 The incentives for implementing clean renewable power generation fall into two main categories: financial incentives and policy [\*354] incentives. These incentives can be provided at federal, state, and municipal levels.

A laundry list of financial incentives include: corporate equipment rebates, energy efficient mortgages, accelerated corporate depreciation schedules, corporate tax credits, corporate production incentives, corporate and personal tax exemptions, personal tax credits, federal grant programs, USDA renewable energy systems and energy efficiency improvements loan programs, green power purchasing or aggregation, corporate tax incentive, industry recruitment incentives, property tax incentives, state public benefit funds, and state sales tax incentives. n56

Some of the policy incentives encouraging the use of renewable energies include: construction and design policies, contractor licensing, equipment certifications, generation disclosure rules, net metering rules, renewables portfolio set asides, required utility green power option, and solar and wind access laws. n57 In addition to these policy incentives, many states have adopted portfolio mandates or portfolio standards, which require certain percentages of energy come from renewable sources.

**topical version of the aff – partnership requirements are topical**

**Guedel 9**, Greg, Chair of Foster Pepper's Native American Legal Services Group, “DOE Asks Tribes To Help Develop Alternative Energy Sources“http://www.nativelegalupdate.com/2009/01/articles/doe-asks-tribes-to-help-develop-alternative-energy-sources/

The Emergency Economic Stabilization Act of 2008 extended Production Tax Credits (PTCs) for one year and broadened the eligible technologies, along with provisions for the long-term extension of Investment Tax Credits (ITCs) for renewable energy projects. As non-taxable entities, however, Tribes are not eligible for these credits unless they partner with a for-profit entity with tax liability. This restriction limits the ability of Tribes to have ownership positions in Tribal renewable energy projects. Further, the extension of PTCs and ITCs may limit renewable energy hardware availability and transmission capacity even for those Tribes that have investment funds.

# a/t: no ground loss

**don’t punish us for having a case neg**

**it’s about their interpretation**

**precision disad to their interpretation**

**Petress**, Professor Emeritus of Communication at the University of Maine at Presque Isle, 9/22/**2006**

(Ken, “The value of precise language usage,” *Reading Improvement*, Highbeam Research)

Precision in language usage can be thought of as an ego boosting activity, a snobbish pastime, an arrogant trait; or it can be interpreted as an attempt to aid audiences in understanding exact meaning, an effort to reduce ambiguity, and/or as a positive role model for others in one's language community. This essay argues that the latter set of interpretations are desirable and that we should all make modest efforts to learn how to write and speak more precisely and then to actually practice [most of the time] what we have learned. Reading (like listening) is the reception of and interpretation of messages. In order for readers to garner full impact, power, and intention of messages, the message makers must do all in their ability to aid the eventual receiver. A major component of this message creator duty is to form as precise messages as possible. **Language precision eliminates or reduces ambiguity** and equivocation (when not intended). (1) As Hayakawa and Hayakawa have convincingly pointed out, precise language aids in adapting appropriately and successfully when needing to employ skills to reach various language levels such as variant age levels, education levels, class structures, and degrees of familiarity to the language being used. (2) Precision is defined as possessing exactitude; the opposite of precise is that which is vague, **"close enough,"** somewhat "fuzzy," and perhaps ambiguous. Precision is not designed to be knit picking, obtuse, a way to show off, nor a way to demonstrate linguistic superiority; it is a way to state directly, clearly, specifically, exactly, and vividly what you mean. Precision does not guarantee that readers or hearers will better understand you or that they will personally appreciate the effort of being precise; however, we stand a better chance of being understood when we are precise.

**Precision is vital—turns solvency and research quality**

**Resnick 1** [Evan Resnick, Journal of International Affairs, 0022197X, Spring 2001, Vol. 54, Issue 2, “Defining Engagement”]

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

# a/t: Reasonability

**1.) They’re not reasonable – if we win our disads then it proves its unfair to include the aff or their interpretation**

**2.) Competiting interpretations is best**

**a.) Judge intervention – reasonability creates an arbitrary subjective view where the judge decides what is and what is not reasonable, destroys argumentation because we cannot predict how the judge will deal with arguments – destroys the purpose of debate because the debaters aren’t actually doing the debating anymore**

**b.) Infinitely regressive – there’s no brightline for what *is* and what is *not* reasonable. Teams will always push these limits to catch the neg unprepared**

**Stone ‘23**

[Justice in the Circuit Court of Appeals, 8th Circuit. Sussex Land & Live Stock Co v. Midwest Refining Co, 1923. Lexis//GBS-JV]

Where the use of land affects others, the use must be "reasonable" to escape liability for resultant damage to others. What is "reasonable" depends upon a variety of considerations and circumstances. It is an elastic term which is of uncertain value in a definition. It has been well said that "reasonable," means with regard to all the interest affected, his own and his neighbor's and also having in view public policy. But, elastic as this rule is, both reason and authority have declared certain limitations beyond which it cannot extend. One of these limitations is that it is "unreasonable" and unlawful for one owner to physically invade the land of another owner. There can be no damnum absque injuria where there is such a trespass.

**c.) Education – reasonability debate devolves to persuasiveness – destroys technical debates that are key to analytical education**

**3.) Its about their interpretation – even if you think the aff is good reasonability is about their counterinterpretation – the alternative is allowing ANY aff a judge thinks is good for debate – links to both our standards above and supercharges them**