

Energy

We represent the most cutting-edge developers bringing resilient energy solutions for the vastly increasing demands of data centers, ports, logistics centers and medical facilities. Our energy lawyers create cost-effective and resilient solutions to permit, finance and construct natural gas, renewable natural gas (RNG), solar and hydrogen projects that will power these next-generation enterprises.

Strategic Solutions for Energy-Related Matters

Our energy team represents public and private companies that create energy from a variety of technologies — ranging from biodigester and landfill gas (LFG) refining projects to dual-cycle natural gas plants, solar and fuel cell technologies — all of which provide energy to both utility and behind-the-meter projects. We assist our clients in obtaining favorable tax credit, carbon credit and economic incentives that maximize the financing potential and ROI on each project.

Regulatory Compliance and Enforcement

Our energy lawyers assist clients in reviewing and implementing revised processes to comply with ever-evolving regulations. When our energy clients find themselves the subject of federal or state enforcement investigations, we are seasoned in vetting mitigation strategies and, when necessary, litigation. We have spearheaded internal investigations and governmental negotiations when compliance issues have arisen during project construction and/or operation, including analyzing the potential for large-scale civil and criminal exposures.

Pipeline and Generation Project Development

We help clients develop new facilities that are on the cutting edge of the energy industry. Our energy lawyers work to maximize the tax benefits that inure to our clients and create organizational structures that optimize economic returns. We are actively involved in the advancement of infrastructure upgrades necessary to support the Marcellus Shale development, including pipeline projects and upstream commercial development on a regional basis through:

- Permitting, licensing, and regulatory approvals analysis and implementation.
- Environmental due diligence, including community relations.
- Pro forma/financial and fundability analysis.
- Site reviews and acquisitions.
- State and federal incentive packages for development/relocation.
- Construction, site development and project management issues.
- Leasing, property rights, real estate approvals, and land use and development.

Energy Transactions and Structured Deals

We have worked on all aspects of energy procurement, use, conservation and generation, including:

- Formation and construction of an oil transshipment facility on a brownfield power plant site.
- Development of a citywide LFG and biogas energy loop system.
- Distributed energy systems that provide resilient primary and backup power for sensitive facilities such as hospitals, wastewater treatment facilities, pharmaceutical R&D labs and chemical production plants.
- Solar and other renewable power systems to take advantage of grant and tax programs contributing to the cost-effectiveness of these technologies, including one of the largest solar production systems in California.
- Large-scale landfill and biogas facilities used to power wastewater treatment plants, energy plants at industrial parks, and combined heat and power facilities at ports and chemical plants.
- Wide range of energy-related agreements, including wholesale transactions and bilateral agreements, power purchase and tolling agreements, and refinery joint ventures.
- Colocation of innovative energy projects that have synergies with local refineries for use of natural gas liquids (NGLs).

Energy Efficiency

We have worked extensively with companies that provide energy efficiency services, whether premised on energy service company (ESCO) arrangements, public-private partnership (P3) concessionaire agreements or other novel agreements that reward our clients for implementing cost-savings measures for their customers. In addition, our energy lawyers have assisted large regional healthcare and religious facilities in the strategic purchase of energy and in the installation of cutting-edge technologies that reduce consumption.

Outreach Strategies

Working collaboratively with clients and our government affairs lawyers, we help develop comprehensive legislative, regulatory and policy strategies, and provide insight to help companies analyze and strategically manage their commercial plans in order for them to thrive in an ever-evolving regulatory environment. In addition, we work as a team with clients and consultants to provide meaningful public and community outreach, a process that can prevent or minimize conflict and project delays.

Representative Matters

- Represented a national energy company in the acquisition of a natural-gas-fueled 163-megawatt co-generation facility.
- For RNG projects at landfills, dairy farms and urban locations:
 - Analyzed tax credit applicability.
 - Negotiated LFG purchase agreements, interconnections and offtakes.
 - Worked with organic food waste sources, dairy farmers and wastewater treatment plants for biodigester projects.
- Permitted several district energy systems, including one that will deploy pyrolytic technologies to gasify waste tire chips in lieu of natural gas.
- Developed and implemented renewable energy and combined heat and power (CHP) strategies for a large turbine manufacturing company.
- Represented warehouse owners on rooftop solar developments for onsite electric vehicle (EV) charging stations and energy efficiency projects.
- Represented the Commonwealth of Pennsylvania on a large-scale compressed natural gas (CNG) P3 project in conjunction with numerous regional transit agencies converting bus fleets from diesel to CNG, and providing for privately funded CNG stations at those agencies for both public and private use, as well as for dispensing compressed RNG.
- Coordinated the development of large-scale energy deployment and efficiency projects at several major universities.
- Worked with a startup energy client to repurpose and redevelop a dormant power plant facility, converting an old coal loop into one of the region's most vibrant oil transshipment facilities, capable of off-loading up to 80,000 barrels of Bakken crude daily. We obtained the critical air permits on an expedited basis, and helped our client form a joint venture with one of the

world's largest pipeline companies.

- Coordinated regulatory and governmental approvals for a large midstream company that had been facing the complete shutdown of its lateral pipeline permitting project. This now-approved pipeline traverses some of the most environmentally sensitive terrain in Pennsylvania, and we worked to develop a permitting protocol with the state Department of Environmental Protection (DEP) to address each concern comprehensively.
- Represented an energy utility in the sale of a nuclear reactor in New Jersey and the resulting Industrial Site Recovery Act (ISRA) case.