

HYDROPOWER



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Van Ness Feldman is home to one of the premier hydropower law practices in the United States. Our current and recent matters involve over 50 percent of all FERC-licensed hydroelectric capacity in the country. Additionally, the firm advises developers of new hydropower projects, including conventional large and small hydro, pumped storage, and emerging technologies such as ocean and tidal projects.

Van Ness Feldman offers a singular combination of legal pragmatism, practical and comprehensive knowledge, and political perspective to help our clients identify effective solutions to emerging business problems. We understand how to efficiently navigate important and time-sensitive client business matters through approval processes in key regulatory agencies. This experience and familiarity in regulatory matters allow us to work closely and effectively with policy and career staff within agencies such as the Federal Energy Regulatory Commission (FERC), the U.S. Forest Service, the Departments of the Interior and Commerce, and other federal and state agencies, to craft solutions that achieve our clients' business objectives while meeting regulatory requirements.

Our clients represent the full range of hydropower owners and developers, from investor-owned utilities, to state and municipal power agencies, to large and small independent power producers. We also represent a range of other entities with interests in hydroelectric projects including irrigation districts and water supply agencies, purchasers of federal hydropower, and equity investors in hydropower development.

We offer clients the benefit of many years of experience, a deep insight into the complex interplay of judicial, policy, and regulatory developments affecting the hydropower sector, and a forward-looking perspective that allows clients a broad range of legal options. The firm's knowledge and experience in this highly specialized, technical area are invaluable to the success of our clients. Our capabilities include:

- FERC licensing and relicensing proceedings including negotiating complex licensing settlements;
- FERC license and settlement implementation;
- Regulatory compliance including enforcement proceedings;
- Non-FERC federal and state regulatory requirements;
- Dam safety and infrastructure security;
- Water rights and supply contracts;
- Environmental permitting;
- Land use and real estate;
- Asset transactions, including license transfers and due diligence review;
- Power purchase contracting;
- Design and development of public policy and federal tax strategies;
- Litigation before state and federal courts; and
- Administrative litigation, including hearings at FERC as well as under the trial-type hearing provisions of

the Energy Policy Act of 2005.

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