



Electric

ENERGY TRANSACTIONS, PROJECT DEVELOPMENT, AND PERMITTING

Van Ness Feldman's Electric Practice counsels investors, lenders, and developers, as well as utilities, power marketers, and generators on the development, financing, sale, and acquisition of traditional and renewable electric generation projects and on the marketing and trading of electricity.

Mergers, Sales, and Acquisitions

Van Ness Feldman regularly advises clients on utility mergers and on the sale and acquisition of generation projects and other electric assets. Our attorneys counsel clients on the regulatory advantages of different transaction structures and assist them with all major aspects of the transaction, including document review and due diligence, identification of regulatory and commercial risks, solicitations and bid preparation, purchase and sale negotiations and documentation, preparation and submission of regulatory filings, and preparation of legal opinions. We also help investors understand and manage the regulatory risks and compliance obligations resulting from new investment positions.

Project Development and Permitting

Van Ness Feldman advises clients on all phases of energy project structuring, development, ownership, and operation. We counsel project owners and developers on project structuring and ownership agreements and assist in the negotiation of power purchase agreements and transmission and interconnection contracts. Our attorneys assist clients in obtaining market-based rate authority, complying with the requirements of the Federal Power Act, and making all necessary certifications under the Public Utility Regulatory Policies Act of 1978 (PURPA) and the Public Utility Holding Company Act of 2005 (PUHCA).

The firm also provides counsel on federal environmental permitting and right-of-way authorization matters arising from the development of projects across federal properties managed by the Bureau of Land Management, U.S. Forest Service, and National Park Service. Members of the firm also provide advice on the scope and conduct of environmental reviews under the National Environmental Policy Act, compliance with the Endangered Species Act, and permitting matters related to section 404 of the Clean Water Act.

Transactional Counsel

The firm counsels clients on the drafting and negotiation of agreements associated with the development of electric projects, including site control agreements, equipment leases, vendor, A/E and EPC agreements, fuel supply and transportation agreements, and contracts for green tag transactions.

Recent Representations

- Represented a private equity firm in the acquisition of a nationwide generation portfolio.
- Advised a developer of renewable generation in the sale of tax equity interests in various project companies.
- Served as environmental and regulatory counsel to a private equity group in the acquisition of a shuttered sulfite pulp and paper mill in Washington State.
- Assisted a financial institution in the acquisition of renewable energy projects in New England and California.
- Assisted the developer of a 1000 MW HVDC merchant transmission line in the preparation and drafting of precedent and O&M agreements, the development of state and federal permit applications, and compliance with applicable NEPA requirements.

If we can provide you with additional information, please contact us at electric@vnf.com.