



## Climate Change, Clean Technology, & Renewable Energy

### ADVANCED COAL / FOSSIL FUEL TECHNOLOGIES AND CARBON CAPTURE AND STORAGE

Federal and state policies and regulations governing the use of coal will determine the economic and operational viability of advanced coal and fossil fuel technologies as well as technologies designed to capture, transport and store carbon dioxide (CO<sub>2</sub>).

The professionals at Van Ness Feldman have decades of combined experience counseling clients to develop new technologies or execute energy projects. The firm's team helps clients successfully:

- find and apply for financial incentives for the research, development, demonstration or deployment of new technologies;
- comply with regulations governing the construction and operation of a variety of energy projects (coal, renewables, natural gas, nuclear and energy efficiency);
- navigate permitting requirements; and,
- structure complex business relationships of successful energy projects.

The firm represents clients before the Departments of Energy (DOE), Commerce, Transportation, Interior (DOI), and the Federal Energy Regulatory Commission (FERC), as well as the Office of Management and Budget and the Environmental Protection Agency (EPA), on both project-specific and programmatic issues that relate to energy or natural resource-related projects. We also represent clients in federal and state courts and administrative proceedings as well as before a variety of state and local agencies that may have jurisdiction over aspects of our clients' projects.

Many of the firm's professionals have held senior level positions on Capitol Hill, DOE, EPA, DOI, FERC, and other federal agencies that regulate or provide support for energy projects or new technology development. Prior experience in these government positions provides added value to clients faced with navigating government requirements or acquiring funding opportunities.

Examples of our experience with projects and advocacy representations for carbon capture and storage (CCS) and advanced coal and fossil technologies include:

*Representative Clients and Projects*

- **Coal Utilization Research Council.** The firm provides support and guidance to the Coal Utilization Research Council (CURC), an industry advocacy group that promotes the efficient and environmentally-sound use of coal (see: [www.coal.org](http://www.coal.org)). CURC was the principal advocate in designing and advocating passage of \$2.5 billion in investment tax credits and “CO<sub>2</sub> sequestration” credits in the Energy Improvement and Extension Act of 2008 and \$3.4 billion in CCS program funding and tax credits made available through the American Recovery and Reinvestment Act of 2009. More recently, the CURC was actively involved in the development of tax and other incentive provisions included in legislation introduced by Senators Jay Rockefeller and George Voinovich (S.3591) and Senators Kent Conrad and Orrin Hatch (S.3714). CURC has been effective as an advocate for new and existing government funding programs for clean coal technology, including numerous CCS incentive programs proposed in various climate change legislation.
- **FutureGen.** Van Ness Feldman serves as general counsel to the FutureGen Industrial Alliance, the private sector side of the public-private partnership which is developing a multi-billion dollar, zero-emission, coal-fired power plant under a DOE cooperative agreement.[1]
- **Analysis and Advocacy on Federal Policies.** The firm was retained by a large trade association of U.S investor-owned utilities to provide analysis and advocacy for federal policies on “carbon capture and sequestration” as part of the association’s effort to develop effective state and federal CCS technology polices and regulatory programs.
- **Skyonic.** The firm represents Skyonic in advocating federal support for its patented SkyMine® technology, which converts captured CO<sub>2</sub> emissions from industrial sources into useful products. The firm also assisted **Skyonic** in applying for Phase I and II DOE grant applications, through which the company has been selected to receive \$28 million of the total \$106 million awarded by DOE’s Office of Fossil Energy under the Carbon Capture and Sequestration from Industrial Sources and Innovative Concepts for Beneficial CO<sub>2</sub> Use funding opportunity.
- **Air Products and Chemicals, Inc.** In addition to assisting Air Products and Chemicals develop and implement a strategy to influence U.S. climate change policy, including assisting the company in developing its positions on policy design issues and drafting submissions and testimony to the U.S. Congress, the firm recently assisted in the drafting of its successful DOE application for \$253 million in federal funding for a project that will capture CO<sub>2</sub> from a refinery in Port Arthur, Texas and use the CO<sub>2</sub> for enhanced oil recovery. .
- **Mountaineer Carbon Dioxide Capture and Storage Demonstration Project.** The firm assisted in the preparation and submission of a successful application for \$334 million in DOE Clean Coal Power Initiative funding to support the project, which will use a chilled ammonia process to capture at least 90 percent of the CO<sub>2</sub> in a 235 megawatt flue gas stream at the existing 1,300 megawatt Mountaineer Power Plant in West Virginia. The captured CO<sub>2</sub> will be treated, compressed, and then transported by pipeline to geologic injection sites near the facility.
- **Lieberman-Warner Bonus Allowances for CCS.** Van Ness Feldman assisted a large investor-owned utility in drafting legislative language for the provisions on “bonus allowances” for early CCS projects in proposed Senate climate legislation.

- **CCSReg Project.** The firm's professionals provide legal counsel and consulting services to the CCSReg Project, a collaborative effort funded by the Doris Duke Charitable Foundation and lead by Carnegie Mellon University's Engineering and Public Policy Department. The Project has drafted proposed model legislation to establish a comprehensive legal regime and regulatory framework for carbon capture and storage. With Van Ness Feldman's assistance, the CCSReg Project has authored numerous reports and policy briefs, presented before state and federal officials that address the advancement of CCS in a safe, environmentally and socially responsible manner.
- **Other CCS Projects.** Van Ness Feldman has provided advisory services for a number of different companies, including:
  - Funding and regulatory advice to several electric utilities, project developers and investment companies contemplating CCS and advanced fossil fuel technology projects;
  - Exploring CCS opportunities for a major mining company;
  - Providing research for a large natural gas company; and
  - Developing ways by which CCS projects could supply a fertilizer plant with synthetic natural gas.

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[1] DOE recently announced that a new FutureGen 2.0 would be created and supported by the DOE and that the FutureGen Industrial Alliance (the current client of Van Ness Feldman) would be a participant in that new project. Discussions are currently underway with respect to this new DOE initiative.