

RENEWABLE ENERGY



PRACTICE CONTACTS

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Van Ness Feldman has one of the largest and most experienced renewable energy practice teams in the country, representing developers, owners, investors, utilities, and other market participants in all renewable technology sectors, including onshore and offshore wind, thermal and PV solar, geothermal, biomass, waste, conventional and emerging hydropower technologies, biofuels, and related infrastructure facilities.

The firm helps clients navigate legal and regulatory requirements, advocates on tax and other federal policies, assists with permitting and development of facilities, and provides insight into funding and investment opportunities associated with renewable projects. Our range of counsel includes:

- Legislative and Executive Branch policy strategy, advocacy, and analysis;
- Purchase and Sale negotiations and documentation;
- Project development and structuring, including joint venture, partnership, and other participation agreements;
- Power Sale, Fuel and Feedstock Supply, and other Project Agreements;
- Regional power market participation;
- Project risk evaluation and due diligence;
- Federal Energy Regulatory Commission approvals, permits, and compliance;
- Environmental (including NEPA) permitting and compliance;
- Federal financial assistance and incentive programs;
- Guidance and advocacy on federal tax incentives;
- Federal electric transmission line siting;
- Use of federal and tribal lands; and
- Monetization of renewable and emission reduction credits.

WIND

Our team maintains a robust wind energy practice that provides the full-range of counsel associated with acquiring, developing, and operating wind energy facilities. Experience includes due diligence; identification and review of property rights; review and acquisition of all local, state and federal environmental requirements and permits; zoning review and compliance with comprehensive plans; FAA siting compliance; geo-technical and wind studies; cultural and historical surveys; habitat and endangered species mapping and assessments; tax implications; transmission and interconnection agreements with local utilities; regulatory approvals for power sales and market participation; negotiating the purchase and sale of project interests; obtaining interconnection and transmission arrangements; federal and regional implementation of variable resource integration policies; and representing clients in FERC regulatory authorizations and compliance.

SOLAR

Van Ness Feldman's solar energy practice advises project developers, equipment manufacturers,

financiers, utilities, and other stakeholders on a wide range of matters, providing input to corporate strategic planning and investment decisions, negotiation of interconnection and power purchase agreements, project development and federal permitting, legislative advocacy, regional electric market participation, assistance with securing federal financial assistance and incentives, and representation before the FERC.

MARINE, OFFSHORE, & HYDROKINETIC

Van Ness Feldman provides clients with unique perspectives and hands-on experience in nearly every aspect of the offshore renewable project development process. In addition to our extensive work in land-based wind, solar, and hydroelectric energy project development, the firm represents offshore wind and marine hydrokinetic project developers on both the Atlantic and the Pacific coasts.

Our team represents developers, investors, and utilities with funding, development, permitting, and licensing counsel for a diverse collection of offshore renewable and transmission projects. Experience includes:

- Preparing for and obtaining federal licenses, offshore leases, and transmission rights-of-way.
- Helping project developers and investors understand and meet all environmental permitting, compliance, and consultation requirements (e.g., Clean Water Act, ESA).
- Overseeing NEPA, ESA, NHPA and other environmental studies.
- Negotiating Power Purchase Agreements (PPAs).
- Navigating state and federal electric transmission, interconnection, and cost recovery rules and regulations.
- Helping projects satisfy state Renewable Portfolio Standard and greenhouse gas allowance market requirements.
- Advising on ISO/RTO transmission planning processes.
- Navigating the intersection between congressional and agency priorities to ensure appropriate support throughout the development and permitting process.
- Engaging existing federal and state government processes in finding workable solutions to develop offshore renewable projects.
- Conducting federal energy regulatory due diligence

HYDROPOWER

Van Ness Feldman's leading hydropower practiceteam is one of the largest and most experienced in the nation with our current and recent matters representing over 50 percent of all installed hydroelectric capacity in the United States. The firm advises developers of new hydropower projects, including conventional, pumped storage, and offshore projects. Capabilities include FERC licensing and relicensing proceedings, regulatory compliance including enforcement proceedings, and non-FERC federal and state regulatory requirements.

BIOENERGY

Van Ness Feldman advises leading companies across the bioenergy/biofuels spectrum with every stage of the commercialization pipeline—from lab to market; providing strategic guidance for project development and transactions; feedstock and offtake agreements; assistance with electrical interconnection and transmission service negotiations; permitting and development of production facilities; and ongoing operational and regulatory counseling to investors and project developers in the biomass and waste-to-energy industries.

We have significant experience with federal incentives and financing assistance, renewable fuel production, environmental compliance, legislative advocacy, strategic counsel on the impacts and opportunities presented by greenhouse gas regulation, and building coalitions such as the Advanced Biofuels Association, the Biotechnology Industry Organization, and the Advanced Ethanol Council.

GEOHERMAL

The firm advises clients and investors in the development, ownership, and operation of geothermal resources and electric generation projects on the unique complexities surrounding the development of resources on, or that affect, federal lands. We also provide clients with regulatory gap-analysis, develop and execute alternative siting and permitting strategies for state, local and private lands, and advise on transmission and interconnection issues. In addition to our project development and regulatory services, we also are actively involved on behalf of our clients in federal policy formulation and legislation affecting the geothermal sector.

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