

HUSCH BLACKWELL

Solar Energy

Husch Blackwell's Solar Energy team provides a full range of regulatory, transactional, commercial and litigation services to its solar energy clients. We have represented developers, operators, investors, manufacturing companies and large energy consumers in facility and project development, engineering, procurement & construction, installation agreements, energy financing, physical long-term supply and power purchase agreements, renewable energy credits, and alternative energy grants and tax credits. Our project experience includes both utility-scale solar projects and on-site distributed generation projects.

Additionally, our firm has formed a strategic alliance with Hoecker Energy Law & Policy PLLC (HELP) (www.helppllc.com), which was founded principally to support a national trade organization of electric transmission providers and customers, including transmission-dependent solar energy firms, in an effort to educate policymakers about the importance of strengthening the grid and reforming how it is regulated. James J. Hoecker, an attorney in Husch Blackwell's Washington, D.C., office and former chairman of the Federal Energy Regulatory Commission, is the founder, outside counsel and principal spokesperson for HELP.

Our firm also maintains a relationship with the Solar Energy Industries Association, is a member of the Solar Electric Power Association (SEPA), and a participant in the Utility Solar Business Models project of SEPA.

Our energy experience enables us to confidently address solar-related legal issues in these areas, among others:

Project Development and Structuring

- Property rights acquisition
- Siting and permitting
- Real estate lease, easement and access agreements
- Environmental compliance
- Wildlife and aesthetic issues
- Joint development arrangements and joint ventures
- Investment tax credits/cash grants
- Renewable energy certificates

Regulatory and Legislative

- Federal and state regulatory compliance
- FERC and other regulatory filings and proceedings
- Interconnection and transmission reliability and compliance matters
- Wholesale generator determinations
- Market-based rate tariffs
- Transfers of jurisdictional facilities
- Tracking and advising on legislative developments that affect the development, purchase and use of solar energy

Power Purchase & Access Agreements

We are well-versed in the preparation and negotiation of:

- Power purchase agreements
- Power marketing agreements

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- Service agreements
- Access agreements
- Interconnection and transmission agreements
- Environmental attributes and incentives

Project Financing

We have great familiarity with:

- Tax and credit structures commonly used to support solar project-based financing
- A wide array of power, credit, weather and financial hedges, swaps, and other derivatives
- Power purchase agreement finance structures in distributed generation projects

We have helped clients raise billions of dollars for the development, construction and acquisition of energy assets, including financing structured as:

- Non-recourse and limited recourse debt
- Acquisition debt
- Corporate debt
- Equity financings
- Investment tax credit/cash grant sensitive arrangements

Construction and Operation

Members of our team have negotiated a wide array of construction and operation agreements, for both traditional and renewable energy projects, including:

- Access agreements
- Equipment supply agreements
- Operation and maintenance agreements
- EPC contracts
- Solar cell purchase agreements
- Warranty agreements

Acquisition and Sale

Multiple Husch Blackwell merger and acquisition attorneys who focus in the energy industry regularly structure, negotiate and complete acquisitions, divestitures and joint ventures, throughout the country and internationally, in transactions ranging in size from several million dollars to several billion dollars.

Intellectual Property

Our firm's large intellectual property group works on behalf of companies in all industries, including traditional and renewable energy, to create, acquire and evaluate intellectual property rights; to manage, buy and sell intellectual property; and to vehemently defend intellectual property rights through litigation.

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Experience

Our firm's recent solar experience includes:

- Represented solar developer in third-party power purchase agreement solar development in Missouri.
- Advised solar developer on 3 MW photovoltaic project as shortlisted respondent on tax advantaged proposal for Colorado project.
- Advised largest mall owner REIT on third party power purchase agreement proposals for California projects.
- Retained as counsel to a developer of large-scale commercial solar energy projects. Our client is the North American solar energy division of a global developer of solar, wind and other renewable energy facilities.
- Retained by a regional renewable energy services company to serve as chief counsel in relation to their commercial contracting, corporate finance, and governance matters. Assisted with development of large- and small-scale solar financing methods.
- Assisting Western solar firms with their federal regulatory work and other solar firms on policy initiatives related to the expansion of the transmission system to serve future needs. An attorney with the firm also participates in California ISO tariff proceedings on behalf of one solar company.
- Providing patent prosecution services for a manufacturer of solar photovoltaic technologies to convert optical light into electrical energy.
- Assisted investor with the evaluation of a 3 MW photovoltaic power system in Pennsylvania.
- Assisting with the deployment of a rooftop photovoltaic power system in New Jersey.
- Assisted with evaluation of a rooftop photovoltaic power system in Missouri.
- Representing large solar developer and manufacturer in solar cell supply agreement.
- Representing solar developer in structuring of power purchase agreement for financing distributed solar development projects.
- Represented solar developer in option to lease agreement and lease agreement for the purpose of developing, maintaining and operating a solar energy generation facility in Missouri.