HUSCH BLACKWELL



# Brenda E. Barrett

**PARTNER**

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**OVERVIEW**

## Brenda represents clients in the energy and credit union industries, overseeing corporate transactions and providing general corporate counsel.

Brenda has focused a significant portion of her practice on the energy industry for 20 years, working most frequently with clients operating in the energy sector, including both public utilities and sponsors of new generation resources. She is particularly focused on renewable forms of energy and values working in a highly innovative, future-oriented industry. Brenda has extensive experience handling corporate finance matters, project finance, and general corporate governance issues, as well as counseling clients in the development, acquisition, and operation of renewable energy projects, including their due diligence process.

In addition to her work in the energy sector, Brenda also brings 20 years of experience with credit unions and routinely represents these organizations in transactions and regulatory matters. She works especially often with her credit union and CUSO clients on strategic mergers with other credit unions, and she performs contract review, advises on corporate governance questions, and represents the credit union before both state and federal regulators.

Brenda's detail-oriented and goal-driven nature make her ideally suited to corporate and transactional work: she loves helping clients get to yes and helping both sides achieve a common goal. Known as approachable and accessible, Brenda is a problem solver who always gets clients an answer. Clients value her as an invested partner who's truly engaged in their business.

## Industry

Energy & Natural Resources

## Services

Corporate
Credit Unions
Data Centers
Emerging Companies & Venture Capital
Mergers & Acquisitions
Private Use Networks
Securities & Corporate Governance

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Case Study

# Empowering Change: Zero Electric's Journey with Communities for Change and Husch Blackwell

HB Communities for Change initiative assists Zero Electric to secure a charging station, build it out, and develop the technology they will store at the station.

## Experience

- Represented data center developer in structuring a transaction among data center, generator, and retail electric provider for the development of co-located 20MW bitcoin mining data center and the sales of energy to the data center located in Ector County Texas.
- Represented solar project developer in the acquisition of hybrid renewable energy generation facility under development in Gonzalez County, Texas comprised of a 95 MW solar energy generation facility and a 33MW battery energy storage system.
- Represented Canadian based company in the negotiation of a joint venture agreement with foreign owner of wave energy technology.
- Represented community solar company in the negotiation of the purchase of a portfolio of 139MW of operating community solar assets located in five markets (Minnesota, New York, Illinois, South Carolina, and Massachusetts) from an established renewable energy company.
- Represented developer of project involving multiple micro data centers totaling 10MW of load in structuring and negotiating commercial arrangement among data center, generator, and electric cooperative. Project involved the co-location of micro data centers with existing solar project located in ERCOT power region in Texas.
- Represented solar project developer in the acquisition of development-stage utility-scale solar energy generation project with a target nameplate capacity of approximately 145 MWac of solar and approximately 75 MWac of battery storage located in Kleberg County, Texas.

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## Experience

- Represented existing wind generator in documenting and structuring transaction for development of facility and sale of power with developer of co-located 120 MW modular data center in Cameron County, Texas.
- Represented existing wind generator in documenting and structuring transaction for development of facility and sale of power with developer of co-located 100 MW modular data center in Cameron County, Texas.
- Regularly counsels clients in acquisitions, representing both the buyer and seller (including drafting and negotiating letters of intent and purchase agreements, administering due diligence process, negotiating and drafting executive employment and consulting agreements, and managing work streams necessary to the transaction.
- Represented a nonprofit organization focused on youth outreach and care in a merger with a notable nonprofit organization.
- Negotiates and drafts agreements governing the allocation of resources, distribution of profits, and ownership of assets in joint venture arrangements.
- Provides counsel on organizational issues for start-up businesses, including choice of entity, liability protection, risk management, and agreements providing for the division of profits among owners.
- Negotiates and drafts commercial agreements.
- Regularly counsels public and privately owned electric utility clients and renewable energy developers in general corporate matters relating to business organizations and governance issues under Texas law.
- Assists energy clients with corporate finance matters involving the establishment and renewal of credit facilities and the issuance of equity and debt.
- Assists with development, acquisition, and operation of wind and solar projects in the State of Texas, including facilitating due diligence investigations.

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## Experience

- Regularly counsels and advises credit unions on general transactional and regulatory matters, including negotiation and drafting of third-party vendor agreements; examinations and compliance matters before the Texas Credit Union Department and National Credit Union Administration (NCUA); regulatory compliance related to the offering and advertising of financial products and services; Field of Membership expansion; member-related account and lending issues and member complaints; negotiation and documentation of mergers, including obtaining regulatory approval; design and structuring of credit union service organizations; and governance matters.
- Represented a global financial technology services provider in negotiating a vendor services agreement addressing data privacy, regulatory, and incentive payment terms, and advised on termination risk and exposure under a related vendor agreement to support the client's negotiating strategy.
- Represented a credit union client on a broad portfolio of technology and vendor contract negotiations, including core data processing, financial technology integration, consumer data-sharing, and loan purchase program agreements. Led contract review, drafting, and negotiation across each workstream, advising on data privacy, regulatory compliance, risk allocation provisions, and termination terms while developing negotiating positions across multiple concurrent vendor relationships.
- Represented a credit union client in negotiating a digital banking services agreement with a technology vendor and related integration agreements for fraud prevention and payment services. Led drafting and negotiation of the core processing services agreement, addressing liability, indemnification, data privacy, and audit terms, and later advised the client on a potential equity investment in a related credit union service organization.

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## Experience

- Represented a credit union client in negotiating a letter of intent for a proposed merger with another credit union. Led due diligence coordination, merger application preparation, and advice on NCUA and state regulatory requirements, and interim operating covenants pending closing.
- Represented a credit union client in reviewing and negotiating a series of third-party vendor agreements spanning financial services referrals, brokerage and advisory services, Automated Clearing House (ACH) payments, and API development, while preparing legal opinion letters assessing contractual, regulatory, and data privacy risk across the engagements.

## Recognition

- Southwest Super Lawyers Rising Stars, Business & Corporate, Mergers & Acquisitions, Securities & Corporate Finance, 2005, 2008, 2009

## Education

- J.D., University of Texas at Austin School of Law
- B.A., University of Texas at Austin
    - with high honors

## Admissions

- Texas

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## Community Leadership

- HeartGift Foundation, Board of Directors, Secretary and Chair or Governance Committee
- Partners in Education Foundation
- Volunteer Legal Services Clinic

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