

WIND ENERGY

With double-digit growth rates in recent years, wind power is a dynamic and progressive sector of the renewables industry. Husch Blackwell stands squarely at the forefront of the wind energy sector, leading industry clients through some of the largest and most complex wind projects in the United States.

Our team is immersed in the wind energy industry, and our attorneys have extensive experience representing independent power companies, electric utilities, and their investors, lenders, and sponsors. We are active participants in local and regional wind energy programs and stay on top of issues that impact the wind energy sector, including integration into the electric grid, and state and federal legislative, regulatory, and commercial developments such as siting and incentives.

Our guidance to clients in the wind and solar energy sector includes:

- Acquisitions and dispositions
- Alternative energy grants and tax credits
- Project development and permitting
- Site control
- Project financing
- Environmental and wildlife
- Grid interconnection
- Power purchase agreements



The commercial viability of our biofuel refining technology is made possible through international collaboration among world-class organizations. Husch Blackwell helped facilitate these relationships and the financing necessary to move our projects forward.

— Robert Tripp,
CEO, Benefuel Inc.

Contact Information

Eleanor "Cacki" Chote
Jewart

512.479.9718
cacki.jewart@
huschblackwell.com

Anna R. Kimbrell
816.983.8358
anna.kimbrell@
huschblackwell.com

EPC and other construction matters

Tax equity transactions

Representative Experience

Represented Terraform Power in its pre-construction commitment to acquire the 120-megawatt Comanche solar project in Colorado, the largest facility east of the Rocky Mountains.

Represented Algonquin Power Co. in the 2016 acquisition and joint development of the 150-megawatt Deerfield wind energy project in Michigan. Services also included counsel on tax equity financing and construction.

Represented a consortium of tax equity investors as co-counsel in connection with the financing of the 100-megawatt Buckeye wind project in Kansas.

Represented Duke Energy Renewables in connection with its acquisition and \$330 million joint financing arrangement with Sumitomo Corporation of America for the 131-megawatt Cimarron II Wind Project and the 168-megawatt Ironwood Wind Project in Kansas.

Represented the tax equity investor in a \$145 million investment in a 60-megawatt wind project in Nebraska and Kansas.

Represented GE Renewable Energy in connection with its investment in Enel's 250-megawatt Buffalo Dunes wind facility in Kansas and its investment in Wind Capital

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Group's 201-megawatt Post Rock wind facility.

Represented Algonquin Power Co. in the construction financing and tax equity financing for the 200-megawatt Odell wind project in Minnesota.

Represented an international renewable energy developer in the acquisition and development of a 150-megawatt wind energy project in Texas, and in the related acquisition of a neighboring development-stage 300-megawatt wind energy project.

Represented a global renewable energy company in breach of warranty disputes relating to alleged blade and generator defects in 2.3-megawatt wind turbines in Texas.

Represented Algonquin Power Co. in the November 2014 acquisition of the 200-megawatt Odell project in Minnesota, negotiation of interim arrangements with Enel and Geronimo Energy, tax equity finance, negotiation of turbine supply and long-term maintenance agreements with Vestas, the balance-of-plant EPC contract, and amendments to the power purchase agreement.

Represented the tax equity investor in its 2014-15 investment in a 200-megawatt wind project built by NextEra Energy near Limon, Colorado.

Negotiated the acquisition of a 400-megawatt construction stage wind project in Nebraska, and the related amendment and restatement of the project's power purchase agreement with a Nebraska public power district.

Served as Texas counsel to the tax equity consortium for

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Starwood Energy's 211-megawatt Stephen's Ranch wind energy project in Texas and to a separate consortium of construction lenders and tax equity investors for Starwood's 166-megawatt Stephen's Ranch II project.

Represented First Wind in the acquisition of the up to 500-megawatt South Plains wind project in Texas, and as co-counsel in the subsequent construction debt and tax equity financing for Phase I and for Phase II.

Represented Invenergy in connection with the development and financing of its 200-megawatt Prairie Breeze I wind energy project, including securing renewable energy export approval from the Nebraska state power review board. Our team also handled development and financing for the 73-megawatt phase II.

Represented Infigen Energy in the preparation and negotiation of an EPC agreement for major substation modifications and improvements, including the design and installation of an overall control system for ERCOT reactive power upgrades.

Represented Algonquin Power Co. in its \$115 million acquisition of the remaining 40% of the managing member interests in a three-project, 400-megawatt wind energy portfolio.

Represented Grand River Dam Authority (an Oklahoma governmental entity) in the negotiation of two long-term wind energy power purchase agreements with Tradewind Energy.

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Represented First Wind in the acquisition of the up to 200-megawatt Route 66 wind project in Texas, and as co-counsel in the subsequent construction debt and tax equity financing for the project.

Represented Algonquin Power Co. in its acquisition of a 109.5-megawatt operational wind energy project in Illinois from turbine manufacturer Goldwind, including renegotiation of the turbine supply agreement and the long-term service and maintenance agreement.

Represented a wind energy client in litigation against Lloyd's of London and GCube Underwriting Limited regarding coverage for numerous failed OEM turbine components and associated business interruption losses.

Represented Algonquin Power Co. in its three-stage acquisition of a 60% interest in a 400-megawatt, \$750 million portfolio of three wind energy projects in Pennsylvania, Illinois, and Texas, from Gamesa, and in the simultaneous tax equity financing, long-term energy hedges, turbine supply agreements, EPC contract amendments, and long-term operations and maintenance agreements for each project.

Represented GE Energy Financial Services, Inc., and other national tax equity co-investors, as Texas counsel in connection with tax equity investments in projects totaling more than 3,000 megawatts.

Served as lead litigation counsel in a \$140 million warranty coverage dispute against turbine supplier regarding

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numerous alleged defects related to blades, lightning protection systems, gearboxes, generators, nacelle fans, and tower welds, ultimately motivating a favorable settlement and a new long-term service and warranty agreement.

Represented the lenders on the construction and term financing of a \$240 million, 150-megawatt wind project in Missouri.

Litigation counsel in disputes against major balance-of-plant contractor and engineering firm relating to turbine foundation mounting parts and performance of BOP operations at wind farms in Texas and New Jersey.

Represented the lender with respect to its \$170 million bridge loan to fund commitments under the turbine supply agreement for a 150-megawatt wind project in California.

Represented a global renewable energy company in warranty disputes involving gearboxes in 70 wind turbines at wind farms in California, Colorado, New Mexico, Oregon, and Texas.

Represent European investment and asset manager in the development, construction lender financing, tax equity financing, and hedge financing of a 336 MW TG East wind project in Texas.

Represented European infrastructure fund as developer's counsel for the purchase, development, hedge equity investment, and tax equity financing of 848 GW of wind and solar projects in Texas.

