Electric Power

Cost-effective, reliable electric-power generation has become increasingly complex and challenging due to dramatic changes in market forces relating to the development of US oil and natural-gas shale plays, the expansive development of renewable energy and storage technologies, and growing opposition to both traditional generation and large-scale renewable projects. These factors have resulted in the frequent turnover of large portfolios of distressed generating assets, power-plant conversions and decommissioning, and challenges to virtually every type of energy infrastructure project.

Barclay Damon has assembled a multidisciplinary team with extensive experience in energy-related project development, environmental and regulatory law, real property tax, valuation, real estate, litigation, finance, tax, and mergers and acquisitions to address the challenges facing our clients in the electric-power sector.

Our team represents independent power producers, renewable-energy companies, private-equity firms, investment banks, and asset-management firms in the siting, development, conversion, operation, and acquisition of all forms of electric-power generation, including renewables (hydro, wind, solar, biomass, and battery storage), natural gas, oil, coal, and nuclear.

Representative Experience

- Providing strategic advice for the replacement of more efficient and cleaner turbines at an existing generating facility, including securing the necessary permit modifications to enable the project to go forward and interfacing with NYSDEC and other state and local agencies to secure the necessary permits and approvals in a timely manner.
- Represents an energy storage projects developer in handling all aspects of the projects, including counseling on all siting and permitting issues to ensure the most efficient and successful project development while preserving the in-service dates as well as interfacing with key regulators.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel on environmental issues, Barclay Damon is working with the client to develop Article VII application materials for its offshore wind project.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel on environmental issues, Barclay Damon is developing the Article VII application materials for the offshore wind project. We are also assisting in its participation in the NYISO Class Year facilities study process.
- Representing the New York Power Authority with respect to the siting and construction of a rebuild of an 86-mile-long transmission line that traverses 15 municipalities. Barclay Damon attorneys prepared and finalized the Article VII Application, assisted the NYPA with supplementing filings to achieve a “complete” application, handled the discovery phase, and led months of settlement conferences. The settlement negotiations culminated in a joint proposal for settlement support by all of the active parties and state agencies. A CECPN was issued by the PSC without the need for an evidentiary hearing. We then assisted the NYPA in the preparation of the Environmental Management and Construction Plans (EM&CP) for the project, which were also approved by the PSC. Construction is currently ongoing for this project. We continue to support the NYPA with compliance issues during construction.