Renewable Energy

Barclay Damon's clients are on the forefront of developing, owning, and operating renewable energy projects, from innovative demonstration projects to behind-the-meter and community distributed generation to utility scale projects. The energy industry continues to transform with an increasing portion of the power sector comprised of renewable energy resources. More capital flow is also supporting new renewable energy technologies. The related legal and regulatory environment is evolving in response to these industry changes. Our Renewable Energy Team members use their national experience and deep understanding of this developing legal landscape and related policies and economics to help clients successfully navigate the challenges facing this thriving industry, with in-depth experience in the development, siting, financing, ownership, and operation of renewable energy projects.

Our bench of attorneys includes former in-house counsel and senior officers at large utility companies, individuals who served on renewable-energy company boards, and former in-house counsel at state agencies involved in the siting and environmental review of renewable energy projects. Our attorneys provide clients with unique insight into the business and operational side of the renewable energy industry as well as the perspective of the relevant regulatory agencies.

Barclay Damon represents renewable energy project developers and companies, private equity investors, independent power producers, utilities, and retail suppliers across a wide variety of renewable energy sectors, including:

- Energy storage
- Solar
- Wind
- Hydropower
- Biomass

The team advises our renewable energy clients on all aspects of development, financing, acquisition, licensing, permitting, operation, and valuation on projects and assets across the country, including:

- Due diligence, mergers and acquisitions, and project financing, including financing transactions involving the NY Green Bank
- Environmental permitting and compliance, local land use and zoning approvals, and environmental review by federal, state, and local governmental agencies
- Regulatory approvals, licensing, certifications, and other necessary authorizations by state and federal governmental agencies, including the NY Public Service Commission (PSC), the Office of Renewable Energy Siting (ORES) and the NYS Board of Electric Generation Siting and the Environment (Siting Board)
- Interconnection studies and process before independent system operators (ISOs) and regional transmission organizations as well as interconnection agreements with local distribution utilities
- Power purchases, net-metering credit purchase agreements, swaps and derivatives, REA and REC accounting, trading and conversions, and agreements involving renewable portfolio standards
- Real property tax management and tax mitigation options, including payments-in-lieu-of-tax (PILOT) agreements and other exemptions
- Grants and other economic incentives, such as investment and production tax credits for renewable energy projects
- Site acquisition, commercial leases, and other real property transactions
- Complex property rights, including water and easement issues
- Construction contracts and disputes

- Business formation and restructuring
- Research and development and intellectual property protections
- Policy, regulatory, and legislative issues and governmental relations

Representative Experience

- Represented a solar project developer in obtaining a credit facility from the New York Green Bank for developing a solar energy project.
- Represented a hydroelectric developer in its acquisition of a hydroelectric facility in Oregon, including negotiating an acquisition agreement and conducting due diligence involving environmental and real estate issues and permits.
- Successfully assisted with defending an appeal of the siting board's approval for a 340-megawatt, 83-turbine wind farm 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 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.
- Completed environmental and real property due diligence in connection with a series of equity investment transactions in several solar energy facilities in Massachusetts and New York, and as local counsel, advised our client, the investor, of the legal and business risks and prepared permit schedules for closing.
- Acted as special counsel to the client in connection with the execution and delivery of certain loan documents to obtain funding for a solar photovoltaic electric generating project.