

OUR PRACTICE

Renewable Energy

The transition to renewable energy requires collaboration between governments, businesses, communities, and individuals to achieve a sustainable energy system that reduces greenhouse gas emissions, improves energy security, and promotes economic development while safeguarding the environment and addressing climate change.

Our Renewable Energy Team understands the key commercial issues and industry trends driving the energy transition from the inside out as several members of the team have served in-house, including at independent power producers and Fortune 500 global power and utility companies. Members of the team have also pioneered first-of-their-kind projects and partnerships to help companies "go green" through the procurement of clean energy, particularly within the technology sector. We routinely advise renewable project developers, investors, landowners, manufacturers, consumers, major integrated utility companies, independent power producers, facility operators, banks, private equity funds, and international diversified energy companies, in a broad range of complex transactional, litigation, and regulatory matters nationwide.

Our Renewable Energy team advises on matters including:

- Complex litigation
- Environmental permits, wildlife impact, and land use advice
- Mergers and acquisitions
- Project development matters (including public-private partnerships)
- Project finance (including sustainable finance and green finance)
- Renewable Energy Credits
- Tax equity transactions

Sectors of focus include:

- Battery storage
- Biofuels
- Geothermal
- Hydroelectric
- Hydrogen
- Methane/biomass (including energy from waste and anaerobic digestion)
- Onsite generation/distributed energy
- Solar
- Wind



Case Studies

- Baker Donelson Drafts Pore-Space Lease Agreement for Carbon Capture and Sequestration (CCS) Project - Pore-Space Lease Agreement



Representative Matters

- Supported a request for proposal (RFP) for a PPA and supported negotiations of a retail supply agreement with a multinational technology company to power its data centers with renewable energy.

- Represented commercial users with respect to acquisition of RECs and related virtual power purchase agreements (VPPAs).
- Negotiated a favorable settlement for one of the nation's largest independently owned petroleum marketing companies in a complex commercial transaction involving biodiesel and other natural fuels.
- Represented a biodiesel manufacturing plant as debtor's counsel in its Chapter 11 bankruptcy.
- Represented a manufacturer of solar power generation equipment located in California with respect to an RFP bid process and subcontractor agreement for construction of a power generation facility in South Africa.
- Successfully represented an international construction, fabrication and engineering concern in litigation before the Eastern District of Washington involving allegations of fraud, gross negligence and construction defects related to the construction of silicon and silicate refining facilities for a subsidiary of a major European solar power concern.
- Represented the purchaser of a solar energy contracting company, as part of the initial roll-up of a platform of related companies.
- Represented equity investors, lenders and landowners in large solar energy facilities, including addressing real estate issues and state and local tax incentives.
- Represented a major solar energy provider in a breach of contract declaratory judgment action arising out of an agreement to provide energy services to customers in New York, resulting in a settlement on favorable terms for the client.
- Represented the general contractor in delay and inefficiency claims arising out of the construction of a 1.6 MW wind farm. After more than four weeks of arbitration and post-arbitration proceedings, the general contractor was awarded nearly the entirety of its claim along with interest and attorneys' fees.
- Represented the equipment finance subsidiary of multiple banks in connection with the sale leaseback transactions of solar generation facilities in Alabama, Tennessee, Georgia.