

Overview

Demand for cutting-edge data centers and reliable digital infrastructure is skyrocketing nationwide, driven by artificial intelligence applications and rapidly expanding data storage and processing. At Steptoe & Johnson, our Data Center Team is your go-to partner through every stage of your data center journey — from pinpointing the perfect site and tackling energy needs to managing day-to-day operations. We dive deep into the complex world of regulations, real estate, environmental challenges, finances, and contracts, guiding clients confidently through the evolving landscape of these massive industrial projects.

Our team of attorneys brings together diverse experiences to tackle the full spectrum of legal challenges tied to data center development and management. Whether it's land acquisition, zoning hurdles, permits, construction deals, utility negotiations, regulatory compliance, tax structure, or cybersecurity safeguards, we're on the pulse of the fast-evolving legal landscape. We work relentlessly to protect the interests of data center developers, investors, and end-users, ensuring they stay ahead in this high-stakes game.

What truly sets us apart? Decades of energy sector experience. We know the key pieces of these projects inside and out — knowledgeably negotiating long-term energy contracts to fuel massive data centers and deftly navigating the complex web of federal, state, and local regulations to keep projects charging forward. By combining our energy savvy with legal aptitude, we deliver unmatched, practical support that powers up every data center and digital infrastructure venture we touch.

Representative Experience

- Served as lead counsel for developers on multiple data center projects featuring natural gas power generation and consideration of solar power
- Negotiated and prepared definitive agreements related to key project issues including:
 - Economic development incentives
 - Corporate structures and joint venture operating agreements
 - Project financing
 - Natural gas and coal supply and purchase agreements
 - Utility interconnection
 - Power purchase agreements

- o Engineering, procurement, and construction (EPC) contracts
- o Land acquisitions and title insurance
- o Leases and subleases
- o Easements, land use agreements, and shared use agreements
- o Comprehensive land ownership and use diligence and reports
- Provided regulatory guidance for state and federal agencies including:
 - o Land use and zoning compliance
 - o Construction permits
 - o Air emission permits
 - o Water use, stormwater management, wastewater permits and construction, Corps of Engineers 404 permits, and waste management planning
 - o State Public Service Commission (PSC), Public Utilities Commission (PUC), and Federal Energy Regulatory Commission (FERC) regulation procedures related to the construction of pipelines or wires to and from large-scale developments
 - o Health, Safety, and Environment (HSE) compliance
- Other key experience:
 - o Served as lead business and real estate counsel on the large-scale development of nearly 1,000 acres of contiguous land for use as a data center, including a comprehensive plan for the supply of essential utilities
 - o Represented utility providers serving data centers for required system upgrades and rate negotiation
 - o Advised non-private utility providers in issues related to tax exemption for technology projects
 - o Advised on legal issues associated with providing non-utility gas or electrical services to comparable large-scale sites
 - o Formed non-profits in support of technology-based economic development
 - o Handed large-scale cases involving construction disputes and litigation
 - o Use of special alternative dispute resolution mechanisms on large-scale projects


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