

Overview

StepToe & Johnson's Alternative & Renewable Energy Team provides a full range of services across the renewable energy spectrum, including wind, solar, biomass, hydroelectric, and cogeneration projects. Our attorneys assist with project development, site acquisition, financing, permitting, compliance, and negotiation of power purchase and other commercial agreements. Team members also advise clients on renewable energy credits, tax incentives, and energy efficiency and savings transactions.

Our team members have a wide range of business, government and legal experience that they bring to develop practical, efficient solutions to suit each client's needs. Among other positions, they have served as:

- General counsel to state Commerce Department
- General counsel to regional franchisor with 120+ sites
- In-house counsel to state environmental protection agency
- Outside counsel to municipalities and zoning board

Highlights

- Multidisciplinary approach pulls together the right team for each project, matching client needs with specific expertise
- Scalable, time-sensitive solutions keep projects moving forward

Representative Experience

SITE ACQUISITIONS

- Negotiated leases and easements from dozens of landowners for wind farm project
- Represented timber company in negotiating lease of rural timberland to wind developer
- Provided title insurance for purchase of 2,000-acre+ hydroelectric facility with recreational lake
- Negotiated property agreements for commercial and utility-scale solar arrays

- Handled solar facility lease/easement transactions for a client with projects in various states
- Assisted an international solar development company in the drafting and negotiation of solar facility ground leases, option to purchase agreements, easements, and other related documents in numerous states
- Assisted client with solar and development title related matters
- Prepared title analyses for geothermal projects
- Assisted a renewable energy developer in the drafting and negotiation of a surface use and cooperation agreement with mineral lessees
- Handled preparation of documents under Michigan law for the assignment of rights in a wind easement
- Prepared Utah and Nevada geothermal lease forms
- Assisted a carbon capture and sequestration project development team with drafting of carbon dioxide injection and monitoring well site easement agreements, pipeline easement agreements, and option agreements
- Represented an oil & gas company, handling leasing documents and providing legal advice in connection with a CCUS/S project in Montana
- Negotiated an agreement for the location and production of a methane gas power plant (landfill gas)
- Created land acquisition agreements for an energy storage project
- Drafted site acquisition agreements for utility-owned wind power projects in West Virginia

PERMITTING & SITING

- Advised solar developer on siting and environmental compliance requirements for utility-scale solar project
- Represented hydroelectric facility operator in enforcing covenants and local ordinances against adjacent property owners to comply with FERC mandate
- Represented developers in obtaining certificates of public convenience and necessity for biomass electric generating facilities
- Served as environmental compliance counsel to purchaser of 1,600-acre hydroelectric facility
- Provided guidance on title projects associated with conservation easements and associated tax credits
- Provided title abstracts and reports, opinions, and stand-up opinions; prepared and negotiated documents involving leasing and renewable development and design plans; assisted with GIS and mapping analytics; and performed environmental, permitting, and regulatory compliance work with regard to a solar facility/development park

FINANCING

- Represented bond underwriter in issuance to finance four renewable power plants
- Provided title services and title insurance to wind developer for \$300M+ financing
- Advised client regarding capital investment to reclaim and process methane gas from municipal landfills
- Represented a solar developer on a project financing deal located in Texas with Michigan law lending documents
- Represented a client on a wind farm credit facility
- Lead transaction counsel for investment by Fortune 100 company in a sustainable water bottling company

POWER PURCHASE & COMMERCIAL AGREEMENTS

- Led team negotiating multi-million dollar supply agreement for production and sale of biomass to electric generating plant
- Advised utility in negotiations for proposed cogeneration FOG digester and electric production facility
- Negotiated PPAs and related agreements between IPPs, power purchasers, utilities, and RTOs
- Represented utilities in negotiating commercial agreements with large waste digestion facility
- General counsel to developer of commercial scale pyrolysis system to convert plastic bottles into diesel fuel
- Outlined a business plan and drafted solar production PPA and related agreements

RENEWABLE ENERGY CREDITS (RECS)

- Counseled clients on eligibility for RECs
- Negotiated REC purchase and sale agreements
- Represented client before state utility commission and FERC in REC ownership dispute
- Represented client in regard to carbon credits/offsets
- Assisted a mine operator with development of coal gas emission mitigation projects that generate tradable environmental attribute credits
- Outlined a business plan and drafted solar production PPA and related agreements
- Served as counsel for a producer of certified natural gas (production and marketing)

ENERGY EFFICIENCY & SAVINGS

- Represented purchaser of energy savings lease
- Represented municipality in financing construction of fire station with energy efficiency measures
- Negotiated energy savings transactions for large municipality

NET METERING

- Represented rural electric utility in net metering rate development
- Counseled clients on net metering eligibility

RARE EARTH ELEMENTS

- Assisted client with solar leasing and development in connection with active mining operations and rare earth elements research materials
- Performed general corporate and entity formation for a company that will focus on rare earth elements development
- Assisted client with potential rare earth elements leasing and ownership-related questions
- Legal analysis of certain aspects of rare earth development involving leasing, ownership, development rights, and obligations in West Virginia

***Britt A. Freund*****Team Leader**

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