

Clean and Renewable Energy - Power Generation

Commercializing Power Generation

As the use of clean and renewable power has increasingly become a significant part of the national power generation portfolio, Andrews Kurth's reputation as a recognized leader in clean and renewable power generation's commercialization continues to grow. We have been involved in major power generation projects from the industry's inception, as it has moved through innovation in the areas of independent power production, deregulated merchant energy plants, and to resource portfolio standard driven projects which result in renewable energy credits.

As the business has evolved we have helped clients respond to each of the industry's key trends:

- New regulatory needs, whether renewable power sources are remote from load centers or are located on user sites
- Enhanced revenue streams through incorporation of a variety of tax, environmental and other governmental incentives
- Greater diversity in financing techniques, reflecting the credit strengths of producers and off-takers and expanded activity by private investment funds

We have drawn attorneys from key legal disciplines into a single group to respond quickly to the special challenges and unique commercial opportunities of owners, financial institutions and end users of power projects. We advise industry participants, including developers, utilities, governments, lenders and landowners, on the intricacies of project development, construction and finance. Among other technologies, our scope includes: wind energy, waste and biomass conversion, solar applications, and the commercialization of several new breakthrough technologies for fueling power projects.

Wind Energy

Our team handles the full range of wind project needs, from project financing to negotiating contracts and easements for complex, multiple-phase wind farms. We have facilitated development and acquisition of projects in a wide range of sizes generating power throughout the world.

Working with developers, investor groups, large portfolio aggregators and secured lenders on leased and greenfield projects, our lawyers have:

- Pioneered Section 45 tax benefit allocation structures
- Negotiated all of the underlying contracts, including turbine acquisition contracts, power purchase agreements and engineering procurement contracts
- Handled special interconnection and transmission arrangements

Biomass and Waste

Andrews Kurth has a history of advising lenders and developers on the finance and construction of waste-to-energy projects, with technologies that encompass landfill gas, petroleum coke, municipal solid waste and organic biomass. These have included a variety of integrated configurations for production of waste heat and power. We have helped our clients take maximum advantage of their eligibility for a combination of tax credits, tax-exempt finance and project financing in the U.S., as well as in Europe and the Middle East. Our lawyers work with venture capital or early stage corporate financing to fund newer technologies and secure institutional project or other structured finance arrangements for more mature applications.

Solar Energy

Drawing upon our experience with wind and biofuels, our team brings solar energy installers and manufacturers together with leasing companies and institutional lenders to develop new power financing programs. We have helped tax-advantaged equity capital sources identify and fund photovoltaic array applications in large commercial and real estate projects.

Global Reach

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International interest in renewables is rising due to greenhouse gas concerns as well as power needs. Our lawyers are actively involved in dealing with those issues and relating them to overall project finance and stability. With project development and finance experience in Latin America, the Caribbean Basin, Europe and Southeast Asia, Andrews Kurth can facilitate clean and renewable power projects of any kind virtually anywhere in the world. We have represented wind power developers in projects from Costa Rica to India and advised the manufacturer of solar power photovoltaic systems in the Philippines, Sri Lanka and Vietnam. Our lawyers assisted clients with project development and licensing matters involving a German biomass power project that used U.S. steam reformer technology and advised U.S.-based renewable energy fund on investments in biomass-to-energy projects in India and Nepal. In sum, Andrews Kurth has longstanding experience with commercial and regulatory issues affecting clean and renewable power production and transmission innovations.

Regulatory Issues

Andrews Kurth advises clients on the full spectrum of energy regulatory issues: tax incentives, environmental compliance, and transmission access and cost allocation. Because we serve all segments of renewable power generation, we offer comprehensive advice on the provisions of the Energy Policy Act of 2005 and other legislative and regulatory initiatives with industry-wide impact.

Much of what we do involves our firm's strengths in energy regulation matters involving the Federal Energy Regulatory Commission (FERC). We help renewable energy developers:

- Negotiate interconnection agreements
- Obtain exempt wholesale generator or qualifying facility status
- Sell power at market-based rates
- Transfer ownership interests in power facilities that are subject to FERC's jurisdiction, including transmission line access for power generated by wind and other intermittent energy sources

We also advance the interests of non-utility generators and merchants of electric power in regulatory proceedings concerning transmission access, market rates, tariffs, billing disputes and regional power operations. Our counsel extends to power transmission carve-out and access issues governed by state law and by such quasi-independent governmental entities as the Tennessee Valley Authority and regional independent system operators.