

Alternative Energy, Renewables, and Clean Technology

OVERVIEW

The Eckert Seamans Energy Group provides our alternative energy, renewables, and clean technology clients with legal skills and government and business experience to achieve project objectives. We regularly help wind, solar, and hydro power producers; ethanol and landfill gas facilities; combined heat and power developers (CHP); and demand response (DR) and energy efficiency (EE) providers, among others, to navigate regulatory, transactional, finance, tax, environmental, and land use matters.

We represent clients in many segments of the energy industry. These clients include domestic and foreign energy producers and marketers, traditional utilities, and mineral and gas exploration and extraction companies (with a focus on Marcellus Shale). We also represent financial institutions, private equity firms, and government entities.

REPRESENTATIVE MATTERS

- Counsel to wind and solar energy providers and ethanol and landfill gas facilities throughout the project life cycle, including project finance; engineering, procurement and construction (EPC) contracting; offtake arrangements such as power purchase agreements (PPA), leases, net-metering and renewable energy credit (REC) marketing; investment tax credit (ITC) and production tax credit (PTC) strategies; site acquisition and environmental and land use issues; licensing and maintenance agreements; intellectual property protection; and mergers and acquisitions.
- Advocate for energy companies in connection with regulatory matters before state and federal commissions and legislative bodies, including rules for Pennsylvania Alternative Energy Credits (AECs), community solar legislation, and interconnection rules.
- Drafted and negotiated carbon credit trading agreements that serve as the basis for trading carbon credits on the Chicago Climate Exchange.
- Regulatory and litigation counsel to owners of Federal Energy Regulatory Commission (FERC) licensed hydropower projects in numerous federal and state agency and appellate cases addressing license compliance, license modifications, environmental impacts, and public safety.
- Counseled an industrial development agency in relation to installation of 1 MW ground-mounted photovoltaic array, including solicitation of development proposals, preparation of developer agreements, site acquisition, land use approvals, and sale of RECs.
- Acted as regulatory counsel to regional wind energy development trade association in obtaining favorable regulatory policies for wind energy and new ethanol facilities; assisted with siting, land acquisition, land use and zoning, state and federal grants and financing.
- Represented a leading DR provider before federal and state regulatory commissions, including advocacy for state energy efficiency plans; provided advice on legal implications of corporate transactions.
- Represented a DR trade association before FERC in a host of proceedings involving revisions to PJM's capacity market rules; obtained emergency orders in advance of capacity market auctions; and counseled DR provider in relation to transactions in capacity and energy markets, including bi-lateral replacement transactions in PJM.
- Represented landfill gas providers in negotiating gas sales transactions and the sale of landfill gas facilities; assisted in obtaining a waiver of federal pipeline safety regulations for landfill gas pipelines.
- Provided comprehensive counsel to combined heat and power ("CHP") installers, including drafting transaction documents and assisting in obtaining utility energy conservation grants.