
Renewable Energy

Energy, Environment and Natural Resources: Natural Resources

Prompted by US and global efforts to reduce greenhouse gas emissions, regulators, investors and the public are increasing their focus on renewable energy. The deployment of renewable energy is a critical element of the Biden Administration's plan for a "clean energy revolution," which seeks to significantly expand offshore wind generation by 2030 and achieve carbon-free electricity by 2035 and net-zero domestic emissions by 2050. Backed by our deep experience advising both traditional energy companies and companies focused on solar, wind and other renewables—as well as the depth of our corporate, intellectual property and dispute resolution practices—our team can help meet clients' needs in this cutting-edge and highly specific space. We handle all aspects of the renewable energy project development life cycle, as well as related compliance, public policy, and litigation and enforcement matters.

Areas of Focus

Renewable Project Permitting, Siting and Development

Our lawyers offer seasoned advice on energy generation and transmission project financing, siting, permitting, contract and lease negotiation, and operational agreements. We also help developers and investors understand, plan for and ultimately comply with a broad range of legal requirements related to renewable energy and infrastructure projects.

We help clients:

- Secure federal, state and local permits and approvals for solar, cogeneration, hydroelectric, biomass, landfill gas to energy, wave energy, and onshore and offshore wind power projects.
- Navigate complex multi-jurisdictional issues related to highly visible—and in some cases highly controversial—facilities and permits.
- Engage in competitive state and regional utility processes, and appear in hearings before utility commissions and various other tribunals.
- Conduct due diligence review of regulatory documents, and negotiate deal points to

manage risk in renewable energy joint ventures, mergers and acquisitions, and other transactions.

- Promote innovative agreements, technology development and other creative actions supporting investment in renewable energy.
- Negotiate purchase and sale agreements, power purchase agreements, construction contracts, access agreements, leases, easements, transport and commissioning agreements, service and maintenance agreements, termination and release agreements, and other agreements needed to develop projects.
- Participate in wholesale electricity markets, obtain licenses to sell electricity at retail and enter into interconnection agreements.
- Bring or defend against lawsuits challenging permits and approvals.

Regulatory and Compliance Counseling

With our deep experience interpreting complex regulatory frameworks and developing strategies for compliance, we can help companies navigate rapidly changing federal, state, and international regulations and guidance related to renewables—many of which will take into consideration climate change and environmental justice evaluations.

We help clients:

- Understand and comply with federal statutes, including the National Environmental Policy Act, Clean Water Act, Federal Power Act, and Public Utility Holding Company Act, their implementing regulations, and state and local requirements.
- Build and implement effective strategies to shape the development of new regulations and policies proposed by the executive branch or new laws being proposed in Congress.
- Do business with or otherwise constructively engage tribes in and around Native American lands to help companies navigate this complex area of the law, including tribal codes.

Key Contacts



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Experience

Advising some of the nation's largest wind and solar energy companies on the successful permitting and deployment of more than 5,000 megawatts of wind and solar utility-scale projects.

Advised a major utility on a variety of complex environmental regulatory issues, including the development of a company-wide strategy for compliance with avian protection laws; assessed regulatory and environmental risk; developed a federal agency strategy in connection with the possible acquisition and permitting of a wind energy generation facility that would enable the utility to meet its renewable energy target; and interfaced with federal regulators.

Assisted a wholesale electricity supplier with the development of a 250-megawatt onshore wind energy project, including advising on numerous permitting issues essential to obtaining the required project financing.

Assisted a solar electricity company in negotiating the sale of 24 megawatts of operating solar generation projects to an acquisition fund, and negotiated a deal-sourcing agreement under which the company would develop and potentially sell future projects to the fund over the next several years.

Advised a solar energy company and several affiliates in a variety of financing transactions related to the purchase of solar renewable energy certificates (SRECs) from solar generation projects, and established SREC purchase funds.

Represented an energy facility and micro-grid in the potential development of co-generation facilities, including fuel supply and plant distribution systems and related utility matters.

Represented solar project developers, host customers and project financiers on regulatory, project development and project finance issues related to the proposed development of more than 100 megawatts of solar generation projects in New England.

Advised a large offshore wind generation developer on commercial, tax, real estate and regulatory matters stemming from the proposed development of a 400–800 megawatt offshore wind generation project in the United States, including drafting a joint venture agreement with an energy company, clarifying the US Bureau of Ocean Energy Management's regulations related to phased development, and responding to a solicitation for a power purchase agreement by electric distribution companies.

Advised an energy developer regarding purchase and sale agreements, including on a financing and potential equity sale to an investor-owned utility; issues associated with landowner agreements; the permitting of a 600-megawatt wind energy project in the mountain west region of the United States; state and local permitting requirements for large-scale wind energy facilities; and public hearings and meetings with public officials.

Assisted a Chicago-based solar project developer in the permitting, development, financing, construction and sale of more than 50 megawatts of solar generation projects in the United States, as well as the potential development of solar generation projects in northern Africa, Mexico, the Middle East and Pakistan.

Advising a solar power integrator on the nationwide rollout of its residential solar program in relation to the development and launch of its residential program, including energy, real estate, tax, and consumer and corporate requirements and implications.

Helping a renewable energy producer navigate the environmental review of its plan to construct a generation interconnection tie and ensure consistency with land use plans and agency regulations, as well as aiding in mitigation negotiations with managing agencies regarding a generation interconnection tie crossing through a sensitive desert ecosystem and adjacent to a major national park.

Advising Native American tribes in the exploration and development of renewable energy resources on and off tribal lands, including identifying and leveraging available federal assistance and private partnerships.

Assisting a national renewable energy developer on all aspects associated with the permitting, development, financing, construction and sale of utility-scale solar generation facilities located on Superfund and state-listed brownfield sites in the United States, including the first and largest solar project to be developed on a Superfund site in the northeastern United States, which received a development achievement award from the EPA.