

Power and Renewables Litigation

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PRACTICES Traditional Power, Renewable Energy, Litigation, Energy Litigation, Trials

Haynes Boone has assembled a deep bench of power litigators with experience guiding clients in the electric-power sector in complex business, regulatory, and tort litigation. Our team's strength begins with a keen understanding of the Texas power industry, positioning the firm to handle high-stakes litigation in all segments of the industry: renewable and thermal power generation; investment, lending, hedges and swaps; transmission and utility distribution; electric power cooperatives; municipal utility transactions and service; retail electric service; transportation; and natural-gas production and supply.

As noted in its *Legal 500* U.S. 2022 ranking as one of the top 15 firms in the country for power litigation, an observer noted that the Haynes Boone team is "one of the best I have ever encountered."

Our litigators leverage the firm's nation-leading regulatory and transactional power practice to craft creative legal strategies and business solutions and provide critical context to judges and arbitrators. This multidisciplinary approach has helped firm clients navigate the complex and fast-moving market and regulatory environment that has prompted disputes across the nation.

Our versatile team has amassed an impressive track record in the trial and appellate courts and before arbitrators in a wide variety of power disputes:

- **PPA Litigation and Arbitration:** Termination disputes; interpretation and performance issues; liquidated damages; force majeure problems; and complex damages analysis in long-term PPA disputes worth hundreds of millions of dollars.
- **Renewable Energy:** We have handled a wide array of contract disputes; issues related to renewable energy credits; warranty and construction claims; and inadequate grid-capacity

claims.

- **Tort Litigation:** Experience in all facets of mass tort litigation in the energy sector and business and other tort claims in the power space, including personal-injury and related duty claims arising out of Winter Storm Uri and the resulting power outages.
- **Insurance Coverage and Indemnities:** We have extensive experience negotiating insurance policies as well as insurance and indemnification provisions in transactional documents. We have handled all manner of claims and coverage disputes, including over policies covering environmental and pollution liability, commercial property losses and business interruption, trade credit risks, professional liability, intellectual property claims, general liability, and directors' and officers' liability.
- **Construction Disputes:** We have handled every type of construction-related dispute, from design and construction issues arise in the initial phase of a new project to post-construction warranty claims. We have experience representing clients in disputes concerning power and energy projects of various kinds including wind farms, coal- and natural gas-fired power plants, warehouses, commercial buildings, and industrial facilities.
- **Transmission and Distribution:** Disputes in the trial and appellate courts regarding land use, eminent domain, and the planning and construction of major transmission projects.
- **Utility M&A Transactions:** Litigation and administrative challenges arising out of the sale of electric utilities.
- **ERCOT-Related Litigation:** Disputes with ERCOT on behalf of major generators, REPs and QSEs.
- **SPP Litigation:** Disputes concerning rights of first refusal to construct and expand transmission capabilities.
- **Regulatory Litigation:** Experience working with our regulatory teams on utility transaction approval proceedings; rate cases; CCN cases before the PUCT; and questions about the scope of agency authority.
- **Payment, Trading, and Credit Disputes:** Before litigation even begins, we position our clients for success in payment disputes; ISDA transactions; margin calls. We guide clients to business resolutions and prepared for high-stakes litigation, including injunctive relief proceedings.
- **Bankruptcy Litigation:** Our team has extensive experience in leading litigation in major power-industry bankruptcy, including contract rejection proceedings; FERC questions; disputes with federal power agencies; and municipal utilities.