

POWER AND RENEWABLES

Practice

PRIMARY CONTACTS

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Haynes and Boone lawyers have broad experience in every aspect of electric power generation, transmission, and wholesale and retail sales. We represent clients both domestically and internationally, particularly in Mexico and Latin America. We advise clients involved in every aspect of the energy production chain – assisting them with regulatory approvals, compliance, development and financing of power projects, purchases and sales of power, renewable energy credits, and purchases and sales of existing power projects.

We also assist clients with agreements for pipelines that transport natural gas as a feedstock to power plants. We represent clients before the Federal Energy Regulatory Commission (FERC), state public service commissions and Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs) for development, construction, financing, operations and maintenance of power projects. Our lawyers understand the regulatory risks and opportunities that form the framework for commercial power markets and that impact transmission siting, rate recovery, service by load-serving entities, and risks to end users. We also have extensive experience in all aspects of power and renewables transactional work. Our lawyers deeply involve themselves in each assignment, and our clients have found that this level of involvement results in significant gains in both speed and cost-effectiveness of transactions.

Types of Clients We Serve

Our clients have included virtually every type of participant in the power sector, including project developers, electric cooperatives, municipally owned utilities, transmission and distribution utilities, power generators, power marketers, retail electric providers, load-serving entities, qualified scheduling entities, large industrial and commercial customers, and project sponsors, lenders, and private equity and other investors. Our lawyers are experienced transactional lawyers and regulatory professionals.

Traditional Power and Renewables

Building on a strong foundation in traditional fossil-fueled power generation built over decades, we have become very active in the renewables space. Our involvement in renewable energy includes strategic planning and advice to clients with regard to both regulatory and commercial risks and risk mitigation strategies. We represent new technology companies in connection with the development and commercialization of their technologies and in their strategic relationships with investors and joint venture partners. We assist clients in a diverse array of renewable energy projects, including wind, solar, energy storage, hydro, geothermal, biodiesel, biomass, ethanol and landfill gas power generation projects. We also assist clients in large-scale natural gas storage, oil and natural gas pipeline, and transmission projects.

Power-Related Practice Areas

The lawyers comprising our practice group originate from many different areas of the firm including:

- [Project Finance and Development](#)
- [Finance](#)
- [Environmental](#) (environmental permitting and regulatory compliance and enforcement, including as regards NEPA, endangered species, wetlands, and cultural resources)
- [Corporate](#) (joint ventures, partnerships, and limited liability companies)
- [Mergers and Acquisitions](#)
- [Private Equity](#)
- [Real Estate](#)
- [Tax](#) (state and federal planning and compliance, transactional, and tax abatement agreements)
- [Intellectual Property](#) (technology licensing, patents, trademarks, and infringement issues)
- [International](#) (Mexico, Caribbean, Latin America, Europe, Middle East and Asia)
- [Bankruptcy](#)

Power Regulatory Experience

In addition to traditional electric regulatory matters, our electric power regulatory lawyers are experienced in cutting-edge areas which have resulted from new approaches in the unregulated power markets. Their experience includes:

FERC

- Office of Enforcement investigations
- Section 203 merger and acquisition filings
- Market-based rate, eTariff, and Electric Quarterly Report filings
- QF and EWG certifications
- Distribution wheeling rate proceedings
- Reactive power rate proceedings
- ISO interconnection agreement disputes
- ISO market rule disputes
- NERC rulemakings
- Oil pipeline rates, terms and conditions proceedings
- FERC proceedings concerning ISO/RTO oversight, compliance, market rule development and appeals

CFTC

- Dodd-Frank compliance and CFTC proceedings
- Registration requirements for Commodity Trading Advisors

ISO/RTO

- ERCOT, PJM, SPP, MISO, CAISO and ISO New England strategic advice, compliance, and proceedings involving market rules, protocols and investigations
- PUCT proceedings concerning ERCOT market oversight, compliance, market rule development and appeals
- FERC proceedings relating to ISO/RTO oversight, compliance, market rule development and appeals
- ERCOT, SPP, PJM and MISO interconnection agreements and shared facilities agreements
- Strategic regulatory analyses in ERCOT, PJM, SPP, MISO, CAISO and ISO New England
- Qualified Scheduling Entity issues in ERCOT

State PUC

- Public Utility Commission of Texas (PUCT) compliance and proceedings, market rule development, contested cases, investigations and appeals
- CCNs for proposed generation facilities in Maryland and North Carolina
- CCNs for licensing and PUC enforcement investigations for retail electric and gas marketers in numerous states
- Renewable Portfolio Standards compliance for power generators and retail electric providers in numerous states

NERC

- Registration requirements for end users with large electric T&D facilities
- Registration requirements for Generator Owners (GO) and Generator Operators (GOP)

EPA

- Clean Power Plan
- Greenhouse Gas regulation
- Mercury and Air Toxics regulation
- Regional Haze

State Environmental

- Permitting and enforcement and regulatory compliance
- Rulemaking and policy development and related judicial challenges

Power Contracts Experience

We have significant experience negotiating and drafting all agreements involved in power project development, including:

- Land acquisition agreements and cogeneration ground leases
- Fuel supply and hedging agreements, including NAESB, ISDA and LEAP forms
- Wind turbine supply agreements (TSAs)

- PV solar module supply agreements (MSAs)
- Other major equipment supply agreements (e.g., inverters) and warranties
- Engineering, procurement and construction contracts (EPCs)
- Balance of plant construction contracts (BOPs)
- Operation and maintenance (O&M) agreements
- Wholesale electric power purchase agreements (PPAs), including EEI and ISDA forms
- Retail (end-user) PPAs
- Renewable Energy Certificate (REC) purchase and sale agreements
- Tolling agreements (coal and natural gas)
- Electric power hedging agreements, including heat rate call options
- Energy management agreements (EMAs)
- Cogeneration electric power and steam sales agreements
- Cogeneration host-provided services agreements
- Fuel transportation agreements
- Interconnection agreements
- Qualified Scheduling Entity (QSE) agreements
- Non-recourse project financing agreements
- Portfolio, credit-sleeve and other structured financing agreements
- Equity contribution agreements
- Joint venture and consortium agreements
- Participation agreements involving undivided interest ownership structures
- Merger and equity and asset acquisition and divestiture agreements

Power Infrastructure

We are regularly involved in the development, acquisition and sale, and financing of the following types of electric power infrastructure components:

- Oil and natural gas-fired power generation
- Coal-fired power generation
- Wind power generation
- PV solar power generation
- Battery storage power generation
- Biomass power generation
- Cogeneration and other inside-the-fence power projects
- Oil and natural gas acquisition, extraction, supply and transportation
- Coal and uranium acquisition, mining, supply and transportation
- Independent transmission development projects
- Project-related transmission and interconnection