

RENEWABLE ENERGY

As the renewable energy industry grows at an exponential rate and faces potentially game changing policies at the State and Federal levels, businesses and public entities involved in this sector require an experienced legal team that combines knowledge in the field with a solid foundation in all applicable areas of law.

Hodgson Russ's renewable energy practice group has deep experience in the New York market and beyond, advising a broad spectrum of clients in the large-scale and distributed solar, energy storage, clean transportation, offshore and onshore wind clients. We guide developers, lenders, land owners, permitting and development agencies, suppliers, project acquirers and investors through every aspect of project development, permitting, financing, regulatory, construction, implementation and operations. Hodgson Russ attorneys combine their deep knowledge in renewable energy and related markets with foremost expertise in regulatory, real estate, local and municipal zoning and land use, labor and employment, environmental, transactional, tax, cross-border matters and litigation.

Our firm has worked on the U.S. legal aspects of renewable energy projects from Quebec to Uruguay and from Maine to Miami. Hodgson Russ has been involved in renewable energy from the earliest days of hydropower, including the first successful defense of a permit denial due to excess greenhouse gas emissions.

As the state of New York implements policies aimed at an exponential buildout of renewable energy resources and reduction of greenhouse gases to pre-industrial levels, and the solar, wind and energy storage industries grow at exponential rates across the United States and beyond, Hodgson Russ provides both private and public entities an experienced, forward-thinking legal team with both strategic acumen and deep experience in all applicable areas of law.

STRATEGIC PLANNING

Hodgson Russ lawyers assist in strategic planning for projects, including the evaluation of clean energy and renewable portfolio standards, state and federal incentives, wholesale and retail electricity rate design, the impact of new or changing energy policies, interpreting utility commission requirements, the potential for sale of renewable energy credits and other financing mechanisms including tax credits and other benefits for a wide range of U.S. projects. We are part of the Public Service Commission's Interconnection Policy Working Group and advise our clients on regulatory changes, interconnection requirements and tariff issues.

We are experienced in wind, solar, landfill gas-to-energy and bioenergy projects, and we have worked on some of the largest wind farms in the eastern United States.



Renewable energy is an international industry. Hodgson Russ has the experience and knowledge necessary to counsel foreign entities participating in energy projects in the United States.

ZONING AND STATE PERMITTING

We guide developers through the zoning and permitting process on local, state, and federal levels. We regularly draft local regulations for all aspects of the industry on behalf of developers and municipalities. Our renewable energy practice attorneys have experience guiding clients through the Article 10 permitting process before the New York State Siting Board, advising with respect to preparation for the new Section 94-c siting process at the newly created Office of Renewable Energy Siting, as well as those projects reviewed and approved locally. We negotiate payment-in-lieu-of-taxes (PILOT) agreements, host community agreements, community benefit agreements, road use and other agreements with host communities.

ENVIRONMENTAL REVIEW

Our attorneys assist in the environmental review process and in compliance with the National Environmental Policy Act and state environmental review acts. We assist in the drafting of environmental impact statements and findings to support project approvals. We advise on the Clean Water Act, the Endangered Species Act, the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, the National Historic Preservation Act and other federal regulations impacting the alternative energy industry. Our renewable energy practice attorneys assist with the Clean Air Act and the Clean Water Act permitting processes.

FINANCING

Attorneys in our renewable energy practice assist developers and lenders in the financing of renewable energy developments, including reviewing financing documents, obtaining stimulus funds and other state and federal financial incentives and issuing required legal opinions. We have assisted numerous renewable energy projects in obtaining benefits through industrial development agencies. We work closely with other agencies, such as the New York Green Bank, Empire State Development and NYSERDA. Hodgson Russ has extensive experience in financing transactions, including a wind energy financing deal that was named North American Renewables Deal of the Year by *Project Finance* magazine, Renewables Deal of the Year by *Infrastructure Journal*, and Environmental Deal of the Year in the Americas by *Project Finance International*.

LEASE AND EASEMENT AGREEMENTS

Hodgson Russ assists developers and landowners in the drafting, execution and enforcement of lease and easement agreements necessary for acquiring transmission line routes, achieving wind-stream protection, preserving right to solar resources and complying with noise and property-line setback requirements.

REAL ESTATE

Hodgson Russ has experience with title insurance and survey, boundary disputes, environmental site evaluation and risk analysis and right-of-way acquisition issues in all 50 states and can, with involvement of local real estate counsel as appropriate, oversee all transactional real estate aspects of renewable energy projects across the United States. Our renewable energy practice attorneys have worked on some of the largest renewable projects in the country, providing assistance on projects ranging from 5 to over 14,000 acres, and including offshore infrastructure.

CONTRACTS AND AGREEMENTS

We regularly assist in negotiating, drafting, and enforcing contracts for construction of large-scale energy-related facilities, as well as Membership Interest Purchase Agreements, REC contracts, asset purchase agreements, joint venture and joint development agreements and Power Purchase Agreements. Our lawyers also regularly evaluate licensing and technology transfer agreements, supply and logistics contracts, equipment leases, operation and maintenance agreements and equipment warranties to advise on contract terms and evaluate potential risks. We participate in the Public Service Commission.

TAXATION

Our federal and state tax practitioners advise on the full range of state and federal tax issues, including production tax credits, investment tax credit, real property tax issues and sales tax issues. We have successfully litigated disputes involving large-scale power generating sales and real property tax liabilities, and drafted numerous payment-in-lieu-of-taxes (PILOT) agreements. We also provide assistance on structuring tax-efficient and treaty-compliant cross-border transactions and operations.

LITIGATION

Hodgson Russ's litigation team has handled all phases of litigation involving energy facility development, from attacks on underlying local legislation through defense of environmental

reviews, permitting decisions and enforcement of construction contracts. We file petitions before the public service commissions and other regulatory authorities on behalf of our clients, and regularly participate in their proceedings.

INSURANCE

Our insurance coverage team can advise on all types of policies, including those unique to the energy industry, to address risks arising during development, construction and operation, including warranty coverage. We have substantial experience resolving and, where necessary, litigating insurance coverage disputes.

CORPORATE STRUCTURING AND COLLABORATIONS

We help establish corporate entities, joint ventures and partnerships as well as their governing documents, depending on the unique needs of each client's business plan. Our attorneys are well-versed in the cross-border tax aspects of such business entities. We perform transactional due diligence, including document review and regulatory and commercial risk evaluation, for all sizes of contracts and investments.

HODGSON RUSS: YOUR LEGAL PORT OF ENTRY

The renewable energy business is an international industry, and Hodgson Russ has the experience and knowledge necessary to counsel foreign entities participating in energy projects in the United States. We advise clients on a broad range of international legal issues, including cross-border finance transactions, CFIUS, FACTA compliance, immigration issues, cross-border licensing and technology transfer, protection of foreign patents, international taxation and tax treaty compliance, multinational mergers and acquisitions, NAFTA and other trade issues.

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Hodgson Russ's multidisciplinary renewable energy team guides clients through all aspects of project development, financing, construction,



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Practice restricted to U.S. law



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