



## OVERVIEW

For decades, Smith Anderson has served as one of the primary law firms for a Fortune 250 investor-owned utility and its affiliates. We also represent developers, private equity firms, municipalities, cooperatives, technology companies, entrepreneurs, lenders, investors and other investor-owned utilities and their affiliates across the United States. Our team of attorneys advise companies on the development and acquisition of energy projects fueled by traditional resources like natural gas and coal as well as projects fueled by solar, wind, ethanol, biomass, waste, hydroelectric, biofuels and other renewable resources. We also provide counsel to businesses in their development and acquisition of improved energy efficiency and smart grid projects, battery energy storage systems, and renewable natural gas projects.

Our Energy industry team is comprised of attorneys from across different practice disciplines with backgrounds that include an insider's perspective of the regulatory process. Members of our team hold strong relationships with state and federal regulators and are involved in policymaking at the local, state and federal levels, including:

- Litigators who have successfully defeated a recent state agency decision disallowing state renewable energy investment tax credits for numerous taxpayers.
- A government relations consultant who was a former energy policy advisor to North Carolina's then senior senator on Capitol Hill and today is one of our state's top government relations consultants for energy matters.
- Former general counsel to two of the nation's largest joint action agencies.
- A member that was part of a panel advising the North Carolina Utilities Commission on its implementation of the North Carolina Renewable Energy Tracking System.
- A Former Assistant Attorney General in the North Carolina Department of Justice's Environmental Division.
- Senior Enforcement Counsel for the North Carolina Department of Environmental Quality.
- A former elected official for one of the largest cities in North Carolina and one of the fastest-growing cities in the United States.
- A former colleague and current client representative is now chief executive officer of one of the nation's largest gas utilities after serving as general counsel for one of the largest utility holding companies in the United States.

## Services

- Acquisition/disposition of assets, including generating assets, resources and lines of business
- Regulatory advice and representation

- Hedging and derivatives transactions
- Construction contracts and disputes
- Condemnation and easements
- Project structuring, financing and permitting
- Entity formation, counseling start-ups, and venture capital and other early-stage financing
- Tax and strategic planning
- Renewable energy tax incentives, Department of Energy loans and governmental support
- Contract drafting and negotiation (e.g., power purchase, renewable energy credit, construction and service contracts)
- Compliance with North Carolina's Renewable Energy and Energy Efficiency Portfolio Standard (NC REPS) and similar renewable standards outside North Carolina
- Construction, grid interconnection, land use and zoning, environmental and real estate
- Green building and LEED Certification
- Intellectual property/technology protection and licensing
- Government procurement and bidding
- Asset acquisition and disposition, including generation, resource and business units
- Litigation and dispute resolution
- Smart grid and related issues

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## EXPERIENCE

- Counsel to investor-owned utilities and their affiliates and developers in the acquisition, development and disposition of utility scale solar facilities.
- Counsel to investor-owned utilities and their affiliates in the acquisition, development and disposition of multiple distributed generation facilities fueled by traditional resources and renewable resources.
- Counsel to investor-owned utilities in the design and administration of their renewable power purchase agreements.
- Counsel for an electric power suppliers regarding NC REPS implementation and compliance.
- Counsel to specialty lenders for developers of generation facilities fueled by renewable resources and renewable natural gas facilities
- Counsel to electric utility and natural gas distribution companies with acquisitions, dispositions, condemnations and regulatory compliance.
- Local counsel for Fortune 1000 company that owns and operates large scale waste-to-energy facilities.
- Counsel to clients regarding availability of tax and other incentives arising from renewable energy project development under federal and state law.

- Counsel to clients on direct spending and tax incentive provisions in the American Recovery and Reinvestment Act of 2009 related to renewable energy and energy efficiency, including work on federal grant application and execution under Smart Grid Investment Grant program.
- Representation of sponsors for proposed landfill methane project on county property, advising on investment, tax and strategic planning issues.
- Representation of industrial consumers in negotiation of various steam, natural gas and electric power purchase agreements, preserving rights to renewable energy credits when possible.
- Representation of clients before the North Carolina Utilities Commission regarding their application for Certificates of Public Convenience and Necessity and electric generator lessor certificates. Registration of various projects as qualified “new renewable energy facilities” with the North Carolina Utilities Commission.
- Representation of an affiliate of one of the nation’s largest investor-owned utilities in its acquisition of a 75 megawatt solar facility.
- Representation of large pharmaceutical industry client in its construction and development of LEED-Silver Certified world headquarters office building in North Carolina’s Research Triangle Park.
- Government Relations consultant in our energy practice was former energy policy advisor to U.S. Senator Richard Burr, working on legislative and policy initiatives to grow North Carolina’s renewable energy industry.

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## PROFESSIONALS

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