

Renewable Energy

Representing clients on renewable projects involving solar, wind, biomass, hydro, geothermal and fuel cell generation; assisting renewable energy developers in siting and permitting of renewable generating facilities; negotiating power purchase agreements, net metering credit agreements and other forms of renewable electricity purchase agreements on behalf of large commercial, industrial and institutional customers; assisting 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; experience regarding all aspects of offshore wind development projects in New York, New Jersey and New England; assisting clients with the federal hydroelectric project licensing process, including pre-licensing approvals, obtaining federal licenses and post-licensing compliance; advising clients on a variety of issues impacting renewable energy development, including public procurement requirements, utility rate analysis, government funding and incentive programs and compliance with consumer protection laws.

One of New York's oldest law firms, Cullen and Dykman has been in existence since 1850. Since its inception, the firm has been a leading player in energy law. It is one of the few general service utility law firms in the region, counseling clients on statutory, judicial and regulatory policies affecting the regulated utilities industries, including the emergent renewable energy sectors. During the firm's long history, our attorneys have frequently assisted clients in the development and integration of new energy technologies into the marketplace. Like the energy space, our renewable energy practice has evolved over the decades to include the representation of utilities, developers, sellers and buyers of renewable energy facilities powered by wind, solar, hydropower, geothermal and other renewable energy sources.

As is true for most legal practitioners with years of energy experience today, our background with fossil fuel sources is a critical foundation for our involvement with renewable energy. All of our attorneys working in the renewable energy space have cross-discipline experience in related fields such as utility regulation, environmental permitting and siting, real property, financing and construction. Our attorneys have represented sellers/buyers, lenders, off-takers, end-users and the developers and operators of generation, transmission and distribution facilities. Our clients include regulated enterprises, public utilities, energy marketers and brokers, and infrastructure developers and owners.

There are numerous examples of our specific expertise in the renewable energy realm. For instance, we have considerable experience with the negotiation of different forms of power purchase agreements. While most of this decades-long experience involved natural gas and other fossil fuel sources, that expertise is a critical foundation for involvement with renewable power purchase agreements. Many power purchase agreement provisions and issues overlap between fossil and renewable plants, such as the parties' respective obligations to sell and purchase; determination of sales quantities; pricing; creditworthiness and financial security; rights of

lenders; completion schedules and milestones; renewal and termination; interconnection; and buyer's purchase option. Our attorneys also have expertise in addressing the unique aspects of renewable power purchase agreements, such as quantifying capacity and associated capacity payments; allocating renewable energy credits and tax benefits (production tax credits and investment tax credits); and minimizing the fuel supply and storage risks of biomass plants. Another example is the firm's representation of the developers of solar energy generation facilities in permitting and related land use matters. Firm lawyers have experience negotiating and handling the financing and installation of solar energy panels, meters and related equipment in connection with the generation of Solar Renewable Energy Credits (SRECs), including approval and permitting through sale of SRECs.