

## **ENERGY & TELECOMMUNICATIONS**

Our energy clients include investor owned public utilities providing natural gas and electric service to the public, governmental entities, large industrial energy consumers, oil companies, independent power producers, project developers, and investors in energy infrastructure and projects. Our services have typically fallen into one of several categories: regulatory representation, project development, project finance, and end user/industrial customer representation.

### **Regulatory Representation**

Members of our regulatory practice team have broad experience representing investor owned natural gas and electric public utilities before the Federal Energy Regulatory Commission as well as multiple state Public Service Commissions. This experience includes active and ongoing representation of multiple utility clients at every phase of the administrative litigation process including appeals of FERC and State Public Service Commission decisions to the United States Circuit Courts of Appeal and to state appellate courts. Our experience also includes a broad array of proceedings before federal and state regulatory commissions including certification of natural gas transmission and storage facilities, rate proceedings (as petitioners and interveners), complaints, compliance audits, investigations, and enforcement actions. Our lawyers also assist utility clients with compliance planning, contract review and negotiation, upstream supply and capacity negotiations, secondary market transactions, and legislative drafting and strategy, to name a few. One of the unique characteristics about this aspect MVA's Energy practice is that it bridges the gap between federal and state regulatory structures, thereby allowing our practitioners to understand the full regulatory context in which our public utility clients operate.

### **Project Development**

We have extensive experience in advising and assisting clients with the myriad tasks associated with the development and construction of major energy infrastructure projects, including electric generation facilities and major natural gas transmission and liquefied natural gas storage facilities. This work has included negotiation of power sales agreements, construction agreements, steam sales agreements, fuel purchase and natural gas transportation agreements, operation and maintenance contracts, and

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assistance in obtaining regulatory approvals, environmental permits, and site acquisition.

Our experience in this area began in the late 1970s with the passage of the Public Utility Regulatory Policies Act of 1978, which initiated a wave of project development by independent power producers, where we assisted with the incorporation of one of the first and largest IPPs. We have since assisted in the development of dozens of electric coal and gas-fired generation and cogeneration facility projects which collectively produce more than 4,000 megawatts of electricity to the wholesale market. We also have assisted in the development of utility affiliated merchant plants and have participated in numerous overseas generation and distribution projects, including facilities in Iraq as part of the reconstruction effort in that country.

Our project development lawyers have assisted natural gas utilities with development of transmission and liquefied natural gas projects and have assisted independent developers and vendors on a broad range of energy project development activities including on-site industrial steam and power facilities, hydroelectric facilities, and the acquisition of numerous existing energy infrastructure facilities.

Our attorneys have substantial experience advising participants in green power projects, including windfarms, ethanol projects, geothermal energy facilities, and landfill gas projects.

A short list of the domestic locations where we have been called upon to provide energy project assistance includes California, Hawaii, Kentucky, Louisiana, North Carolina, New Mexico, Puerto Rico, South Carolina, Texas, and Virginia. International locales where we have provided assistance include facilities located in Canada, Colombia, Iraq, Mexico, and the Phillipines.

### **Project Finance**

Our lawyers also have extensive experience representing parties on all sides of typical energy project finance structures. These include vendors/developers, regulated utilities, as well as lenders and other providers of credit support. Much of this experience has resulted from our longstanding representation of major United States banks located in the Charlotte area; however, we also have provided similar services for

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many businesses on the other side of the project finance spectrum including major oil companies and pipelines. Our approach to these projects is interdisciplinary in nature, drawing on experienced lawyers from our business, financial services, real estate, construction, environmental, regulatory and tax departments. Much of this experience was gained in conjunction with the activities described above under Project Development. In addition to many domestic energy project finance transactions, we have also acted as lender counsel for energy project finance transactions in Europe (\$3.4 billion) and the Pacific (\$1.4 billion).

#### **End User/Industrial Customer Representation**

Moore & Van Allen also provides counsel and legal assistance to a number of large industrial and retail consumers of energy primarily in the area of energy acquisition and consumption strategies. Recent examples of these services include significant and ongoing representation of a large national steel producer with facilities throughout the United States in all facets of its energy needs, development of energy strategies and the negotiation of supply contracts on behalf of several large national retailers, and negotiations with power marketers and producers on behalf of other industrial clients.