



## Energy

### **Leech Tishman's Energy Practice Group draws upon skills in business, employment, regulatory, environmental, tax and other practices to help their clients manage the dynamic challenges of the energy industry.**

#### **In Brief**

The energy sector worldwide spans electric power generation, oil and gas extraction and refining, and the transmission of electrical energy and oil and gas products.

The attorneys of Leech Tishman's Energy Practice Group regularly work with clients involved with coal, gas, electrical and oil-based generation technologies, nuclear power facilities, solar, wind, geothermal, hydroelectric, biomass and other alternative/ renewable-resource technologies, refining/mining entities and oil and natural gas development, production, pipelining and use. Our power-sector experience includes providing services to utilities and developers of independent power generation projects and combined heat and power and co-generation facilities. Leech Tishman also has experience handling energy projects involving Native American tribal lands, fossil fuel providers and timber companies.

Leech Tishman's lawyers routinely deal with oil and gas facility site selection, title and abstraction work, wellhead development, upstream, midstream and downstream oil and natural gas services, gathering and transmission issues, and the formation of collaborative business entities for the exploration and operation of oil and gasfields.

Our attorneys have substantial experience in acquisition, divestiture, financing, development, construction, operating plant services, governmental regulation, tax, environmental protection and dispute resolution.

Our Energy Practice Group brings to its clients experience in

#### **Land Acquisition and Project Development**

- » Examination of titles and title abstracts, and preparation of oil, gas, surface and coal opinions
- » Preparation of division order title opinions
- » Project financing, drilling program capitalization, and tax equity and debt financing

- » Acquisition and divestiture
- » Legal & tax considerations of exploration/development of natural resources (tax credits/other incentives)
- » Energy project, real estate, oil & gas and venture capital partnerships
- » Land use/sustainable development
- » Drafting and negotiation of contractual agreements attendant to project development

#### **Landowner Relations**

- » Enforcement of easements and access, on site discussions with property owners to resolve issues, compensation and access
- » DOGA Petitions
- » Assignments of property HBP
- » Review and analysis of Oil and Gas Lease provisions
- » Litigation concerning surface and subsurface title, payment of bonus monies, access to leased property
- » Representation of lessors' interests in Chapter 7, 11 and 13 bankruptcy proceedings
- » Preparation, negotiation and review of Leases, Surface Use Agreements, pipeline Right of Way Agreements, temporary and permanent easements, transmission line, water, sewage and cut agreements and, preparation of Addendums, Special Conditions

#### **Facility Design/Build and Operations**

- » Construction, engineering, equipment supply and installation
- » Structuring of commercial agreements and drafting and negotiation of contractual arrangements for oil and gas exploration, production, and gathering, as well as transmission pipeline transactions, and for fossil and alternative/renewable energy facilities
- » Services for operating power plants (fossil, nuclear and renewable energy)
- » Transactional due diligence
- » Utility, independent power production facility, and non-utility project generation and transmission issues
- » Development and operation of qualifying co-generation and small power production facilities permitted by the Public Utility Regulatory Policies Act, and of direct generation and integrated renewable energy projects
- » Mandated by state renewable portfolio standards

## **Corporate Governance and Business Decision-Making**

- » Site investigation and facility closure
- » Dispute resolution and litigation
- » Business succession planning/estate planning and asset protection

## **Regulatory Support**

- » Government contracting and Department of Energy procurement and grants
- » Public workshops and hearings related to project permitting, licensing, regulation and compliance
- » Protection, mitigation and enhancement of fish, wildlife, land, water, recreation and cultural resources affected by project development, construction and operation
- » Local/state/federal regulatory counseling and compliance, including representation before the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission and state regulatory commissions

## **Alternative/Renewable Energy**

- » Development and capitalization of renewable energy (particularly wind and solar) projects and alternative energy projects involving, for example, algae, oil, ethanol and bio-fuels
- » Development of retail distribution and direct generation of microgrid projects
- » General counseling related to renewable portfolio standards, energy efficiency requirements, smart grid development greenhouse gas regulations, and tax credits and financial assistance opportunities for renewable energy projects
- » Development and capitalization of projects attractive to tax equity investors such as financial institutions, private equity funds and similarly-situated project investors and lenders

## **Energy Projects of Tribal Authorities**

- » Drafting of legislation and ordinances for tribal utilities and facilitation of siting of renewable energy projects on Native American tribal lands
- » Commercial transactions involving natural resource development and electrical power production on Native American tribal lands for self-sufficiency, or for QF, RPS-compliant or other sale of electricity of utilities, municipalities or federal agencies while enhancing economic development and employment

## **Mining Operations**

- » Drafting and negotiation of contracts related to mining and transportation of coal by river and rail
- » Surface mining/oil/gas/coalbed methane lease agreements