Energy Finance & Project Development

“More than just providing outstanding legal services, Eversheds Sutherland (US) has been a trusted business adviser to our project team...” - Associate general counsel, Fortune 500 chemical company

Eversheds Sutherland understands the market drivers behind successful energy project development and addresses all financial, regulatory and legal issues.

Eversheds Sutherland lawyers assist clients in developing, constructing, financing, operating and maintaining a wide range of energy related facilities and infrastructure. We understand project development, project financing and project infrastructure across all sectors of the energy market including production, transportation, distribution and marketing. We have a particular proficiency with fossil fuels (coal-fired and natural gas-fired peaking and combined cycle facilities), LNG and gas transmission facilities, combined heat and power (CHP)/cogeneration facilities, hydroelectric facilities, nuclear energy assets and all types of renewable generation including wind, solar (both ground mount and rooftop facilities, and both photovoltaic and concentrated), geothermal, waste-to-energy, biomethane projects, biomass, biofuels, fuel cell, energy storage and other evolving technologies.

Our project finance experience includes structuring and negotiating an array of financing transactions, including traditional interim and permanent debt financing, equity financing, tax-exempt bond financing, ECA and multilateral finance, non-and limited- recourse project financing, PPP, leveraged and synthetic leases and other structured vehicles. We represent developers, utilities and their nonregulated subsidiaries, investors, sovereigns and financial institutions in the sourcing and negotiation of senior, mezzanine and subordinated project loans, corporate credit financings, domestic and international private placements, Rule 144A offerings, public bond offerings, lease financings, construction and term loan financings, bridge financing and operating lines of credit. We also enjoy broad experience with the Department of Energy and Department of Agriculture federal loan guarantees and various tax and tax-equity advantaged structures involving monetizing tax credits, cash grants, production tax credits and clean renewable energy bonds (CREBs).

Domestically, Eversheds Sutherland counsels clients in federal, state and local regulatory matters related to the development of energy projects and energy infrastructure, including preparation of applications for approvals or exemptions from the Federal Energy Regulatory Commission (FERC) and issues related to the Federal Power Act, the Public Utility Holding Company Act of 1935, the Public Utility Holding Company Act of 2005, the

Internationally, we assist clients in cross-border financings and project development, particularly in Latin America, Canada and the Caribbean Basin, coordinating our efforts with long standing local counsel relationships and networks.

**Why Eversheds Sutherland Energy Experience.** Our energy industry experience enables us to help our clients find solutions to development, financial and regulatory hurdles they may encounter in pursuing energy projects.

**Range.** Eversheds Sutherland’s experience across sectors has a meaningful impact on our work for energy clients, whether they are developing a large scale ground-mount photovoltaic solar facility on U.S. federal lands, structuring a joint ownership arrangement for the development and construction of a baseload electric generating facility or identifying new methods to simultaneously monetize various environmental attributes and tax credits from a waste to energy facility.

**Complete service.** Our attorneys regularly engage in project development and financing activities on behalf of developers, sponsors, equipment suppliers, cooperatives, industrials/commercial end users, construction contractors and lenders at all stages of project development. We use energy industry lawyers rather than corporate or transactional generalists, and we manage projects and financings across all segments of the energy sector with equal ease.

**Tax savvy.** Our energy project development and finance team includes federal and state tax lawyers intimately familiar with energy transactions. Because our approach is energy-industry focused, our team can structure projects and related project arrangements to maximize tax efficiency.

**Comprehensive team.** Eversheds Sutherland’s cross-disciplinary team of lawyers are positioned to advise clients in ancillary issues in energy and energy infrastructure projects and financings including; mitigating bankruptcy risk, antitrust, environmental and natural resources matters, corporate and securities, labor and employment, employee benefits, intellectual property, tax and real estate issues.
Nuts and Bolts
- Facility permitting
- Design
- Site control
- Licensing
- Procurement
- Joint ownership
- Construction
- Financing arrangements
- Service arrangements
- Contracts for equipment supply, fuel supply/feedstock and transportation, water and wastewater
- Operations and maintenance (O&M)
- Engineering procurement and construction (EPC) contracts
- Build-own-transfer (BOT) and design-build-own-operate and maintain (DBOOM) arrangements
- Environmental attributes

Take Action
At Eversheds Sutherland, energy project development clients work with attorneys who understand the intricacies and market drivers of the energy industry; lawyers well-versed in the different energy sources, technologies, regulations and special tax-code treatment of energy companies.

Experience
Represented a Fortune 500 global chemicals company in the full scale development of an onsite combined heat and power (CHP) plant.

Represented client in development of 12MW(AC) PV solar facility.

Represented client in the development and construction of a CHP power facility in the U.S. Virgin Islands.