

Energy

Downey Brand attorneys possess the knowledge and experience to help clients navigate virtually every aspect of California's energy market. Our attorneys represent clients in all aspects of energy project development, generation, transmission, storage, procurement, environmental permitting, regulatory compliance, administrative proceedings, and litigation.

Our energy attorneys routinely represent clients before the California Public Utilities Commission (CPUC), the California Energy Commission (CEC), the California Independent System Operator (CAISO), the Office of Energy Infrastructure Safety (OEIS), and the California Air Resources Board (CARB). Our expertise extends from conventional gas-fired generation and petroleum pipelines and terminals to all types of renewable generation and cutting-edge technologies. We have represented developers, regulated utilities, generators, electric and natural gas service providers, oil pipelines, financial institutions, local governments, and other energy market stakeholders in a wide array of regulatory and litigation matters. Our attorneys understand the unique challenges posed by California's legal and regulatory environment for **energy projects** and market participants, and we have the expertise to help our clients navigate those challenges.

Selected Experience

Renewable Generation Projects

- Represented several lenders in connection with all real estate aspects of financings secured by solar and wind generation projects located in California.
- Represented NextEra Energy in providing regulatory review of tariffs, power purchase agreements, environmental permitting, and transactional documents in connection with the sale of the Shaffer Solar and Adelanto I and II solar projects.
- Obtained the first Renewables Portfolio Standard certification for an out-of-country generation facility.
- Advised a public water and energy agency on an EIR for a 200 MW photovoltaic solar farm located in Southern Owens Valley.
- Land use and environmental due diligence for transmission (gen-tie) line, high voltage substation, and 60-turbine wind energy generation project (252 MW).
- Represented two utility-scale solar developers in rehearing before the California Public Utilities Commission on CEQA compliance for the El Dorado/Ivanpah Transmission Project, a project to install a new substation and transmission line upgrades in San Bernardino County.
- Secured retroactive eligibility for several months' worth of Renewable Energy Credits for three solar projects.
- Advised a large automaker regarding the use of landfill gas to generate energy and to power boilers at several manufacturing facilities. This representation also involved representing a coalition of auto

manufacturers in EPA's development of National Emission Standards for Hazardous Air Pollutants for Boilers.

Traditional Generation and Energy Resources

- Represented Babcock & Brown and Pattern Energy in the development, permitting, and construction of the Trans Bay Cable Project, a 400 MW direct current underwater transmission cable linking Pittsburg, CA with San Francisco, providing the first additional transmission connection for the isolated San Francisco electric grid.
- Represented PacifiCorp in the sale of its Deer Creek Mine assets, obtaining authorization for the sale of the assets.
- Advised clients on compliance with Pipeline and Hazardous Materials Safety Administration (PHMSA) and California State Fire Marshal pipeline safety and spill response planning requirements. Land use, environmental, and real estate entitlements and permitting work to support replacement of oil transmission pipeline over three counties and private, state, and federal lands.
- Land use and environmental due diligence for a 240-megawatt natural gas-fired combustion gas turbine electrical power generating plant.
- Negotiated a significant reduction in gas transportation rates for a large gas-fired generator.
- Provided regulatory advice and representation for the developer of two large upgrades to the California electric transmission system.

Air Quality Compliance

- Advised an operator of a cogeneration facility on air permit amendments and compliance issues for a gas-fired turbine. Assisted clients with acquiring air permits for installation of gas turbines at peaker plants in California. The work involved advocating for Best Available Control Technology determinations regarding greenhouse gas emissions.
- Advised energy clients on the mechanics of and obligations under Cap-and-Trade, following its implementation.
- Developed an overarching greenhouse gas emissions analysis and mitigation strategy for an oil and gas extraction project.

Representative Litigation

- Led legal team in advising and defending power facility owners and operating partner in enforcement action filed by Circuit Prosecutor for alleged discharge and placement of material into wetlands
- Defended a biomass power facility against enforcement action by county air pollution control district alleging hundreds of violations of county, state, and federal air quality regulations and permit requirements.
- Represented an energy company in CAA enforcement action by the United States Environmental Protection Agency, alleging five years of violations at a central valley biomass power plant.
- Represented a petroleum company in parallel state and federal enforcement actions involving the release

of thousands of barrels of oil from an oil pipeline in the Los Angeles Region. The matter involved claims under the Clean Water Act and California Fish & Game Code, as well as claims of Unfair Competition under Business & Professions Code 17200.

- Represented a major oil company in connection with extensive remediation matters for terminals, including related litigation regarding natural resource and development damage claims.