

Energy Law

Our multidisciplinary Energy team has the legal, business, and technical knowledge to help clients meet the challenges of — and find new opportunities in — a highly demanding and regulated marketplace. From energy project financing; land acquisition, and sales; through production, transmission, distribution, and market matters; and at your side in all necessary and resultant state and federal regulatory proceedings, Michael Best will be your full service energy partner.

We have extensive experience helping energy industry clients navigate complex situations, guided not only by our attorneys' legal skills, but also by our keen understanding of how to balance the disparate perspectives and demands of different stakeholders. We work with diverse entities in the electricity, natural gas, and renewable energy sectors, including utilities, regional transmission organizations, independent power producers, distributors, marketers, investors, lenders, trade organizations, and large customers.

Our team's experience in energy regulation, transactions, and litigation, which includes leadership positions in state and federal government agencies, gives us a 360 degree view of the industry. This enables us to take a "big picture" approach that has proven invaluable where regulatory uncertainty, community relations, and government investigations are concerned in particular. We offer creative, workable solutions in demanding regulatory environments, all while helping to advance clients' short and long-term interests.

Service Areas

We advise clients in the traditional and renewable energy sectors on a broad range of matters related to the following areas:

Federal Energy Regulation Compliance & Advocacy

All aspects of energy-related regulatory compliance, including rules and standards of the Federal Energy Regulatory Commission (FERC), U.S. Commodity Futures Trading Commission (CFTC), U.S. Department of Energy (DOE), North American Electric Reliability Corporation (NERC), North American Energy Standards Board (NAESB), regional transmission organizations (RTOs), and independent system

Primary Contacts

Jordan Hemaidan

Partner

jjhemaidan@michaelbest.com

T 608.283.4431

operators (ISOs); as well as advocacy in ratemaking, government relations, and rulemaking.

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State Public Utility Commissions

All proceedings before state and local regulators, including state public utility commissions. Full representation and litigation (if necessary) on rate cases, large project certification, and complaint filings. Related representation for site acquisition, zoning/land use and environmental permits, energy entity mergers, and service area issues.

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Renewable Energy & Project Development

Advising investor-owned gas and electric utilities and electric transmission companies; wind, solar, biofuels, and biomass developers, generators, and manufacturers; and investors and trading parties on the development, interconnection, and operation of renewable energy projects and technologies, as well as on renewable energy credits (RECs) and other energy/environmental commodities.

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Energy Enforcement Investigations & Disputes

Defense of investigations and litigation by FERC, state public utility commissions, CFTC, and other government agencies; utility tariff and rate disputes; commodities and price protection litigation; and challenges to agency proceedings, rules, and decisions, including petitions for review before the federal circuit courts of appeal.

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In addition, we counsel energy clients on other legal and business matters, such as:

- Environmental matters, including air, water, and manufactured gas plant cleanups
- Engineering, procurement, and construction contract negotiations, administration, and dispute resolution
- Tax analysis and structuring
- Complex financing, including equity, debt, recapitalizations, and multistep transactions, as well as commercial credit arrangements
- Corporate governance, including business organization and structure, CFTC and SEC compliance, fiduciary duties, and succession planning
- Technology licensing
- Patent prosecution and protection

- Immigration
- Product liability defense
- Labor and employment matters

Experience

- Selected as first chair counsel for multiple utilities in multiple jurisdictions on rate case filings, certificates of public convenience and necessity, and tariff filings.
- Advised a U.S. transmission company with regard to the construction of a new transmission line to be co-owned with another utility, including negotiating and drafting the joint development, construction, and ownership and operating agreements, and negotiating, drafting, and filing with FERC new interconnection agreements.
- Assisted a biodiesel producer in raising capital and securing project permits to construct and operate a full-scale renewable fuel production facility. Our services included entity formation; raising seed capital; raising construction financing; negotiating off-take, supply, and other agreements; and securing the real estate and obtaining regulatory approvals.
- Represented a tribal sovereign nation as project developer and owner of a 3.5MW commercial-scale solar project. Our work included a presentation to tribal leaders regarding background, structural, and business issues relating to energy projects; negotiation of all agreements including power purchase agreements; and representation in New Markets Tax Credit and other tax-related financing.