



Renewable Energy



OVERVIEW

Modrall Sperling has a long history of helping renewable energy companies develop solar, wind, geothermal, and distributed generation projects in New Mexico and throughout the West. Our lawyers have deep experience in assisting renewable energy clients in every phase of project development. Our renewable energy team combines our business, finance, regulatory, energy, real estate, tax, environmental and other strengths. Our expertise encompasses the full range of project development, and draws upon our extensive experience in conventional energy development, including:

- Siting facilities
- Securing land rights and state and local land use approvals
- State, federal, and tribal permitting
- Financing
- Drafting power purchase, interconnection, and transmission agreements
- Securing tax and other incentives, and tax planning
- Negotiating and securing industrial revenue bonds
- Coordination with tribes and pueblos
- Obtaining Public Regulation Commission location approval, power purchase agreement approval, and other state regulatory approvals
- Distributed generation arrangements
- Government relations

EXPERIENCE

- Represented NextEra on power purchase agreement approval by the Public Regulation Commission
- Represented Element Power and First Solar regarding approval of the Macho Springs solar project and PPA with El Paso Electric
- Represented New Mexico Independent Power Producers on the Public Regulation Commission's renewable energy



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- Represent Iberdrola on renewable energy matters in New Mexico
- Represented Broadview Energy on development of wind farms in eastern New Mexico
- Represented FPL (now NextEra) in the development of the first utility-scale wind farm in New Mexico near Ft. Sumner, New Mexico, including real estate acquisition, permitting, regulatory interface, interconnection and power purchase agreements, financing, tax incentives, tax abatement, and industrial revenue bond work
- Represented Padoma (now NRG Energy) in the development of the San Juan Mesa Wind Farm. This work included negotiation of a power purchase agreement, acting as bond counsel in conjunction with the issuance of industrial revenue bonds and assisting with real estate issues.
- Represented Foresight Wind Energy in the development of the High Lonesome Mesa wind project. This work included assistance with the issuance of industrial revenue bonds and consultation on real estate issues
- Among other work, our attorneys are assisting transmission line developers with Renewable Energy Transmission Authority ("RETA") bonds
- Represented Babcock & Brown with regard to its Caprock and Argonne Mesa projects, including real estate acquisition (private and state land), due diligence, environmental, permitting, and financing
- Represent Invenergy LLC in real estate acquisition, permitting, county zoning proceedings, industrial revenue bond and tax advice, transmission rights-of-way and interconnection agreements, and other matters relating to its planned La Sierrita wind farm facility in San Miguel County
- Represented Duke Energy in the first site location approval of a gas-fired power generation plant in New Mexico, including contested air quality permit proceedings and land use permitting advice
- Advised Sempra Energy regarding a utility-scale wind energy project development on the Navajo Nation, Arizona, and a power purchase agreement with multiple tribal utilities in Arizona, Nevada and California
- Served as Indian law counsel to K Road Energy with respect to leases of tribal lands for large scale photovoltaic development on lands of the Moapa Reservation in Nevada, the Chemehuevi Reservation in California, and others
- Represented Portland General Electric in negotiating and drafting a joint venture agreement for the Pelton Round Butte Hydro-Electric Project with the Confederated Tribes of the Warm Springs Reservation in Oregon
- Represent a number of other solar and wind energy developers in relation to their project development strategies, environmental permitting, real estate, water rights, and related needs, and provide opinion letters as needed
- Advised multiple geothermal development clients in connection with securing geothermal rights to federal public lands under BLM's geothermal leasing program regulations, as well as securing water rights associated with geothermal development

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