

## Energy

### ATTORNEYS

- Carlos J. Fernández-Lugo  
(Practice Leader)
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The McConnell Valdés Energy Practice team is fueled by a singular commitment to our clients: to share our considerable legislative and regulatory experience and substantial knowledge of the laws involved in establishing and operating a successful energy company.

As part of Puerto Rico's only self-standing Environmental, Energy & Land Use Practice groups, we have worked extensively on energy matters, advising a diverse group of sustainable and alternate renewable energy and petroleum-based energy production and distribution company clients.

Our team includes attorneys with technical training in engineering, which combined with our wide-ranging experience, provides us with a well-rounded outlook on our clients' needs.

Our Energy group participated actively in the drafting Acts 82 and 83 of July 19, 2010, which created the Puerto Rico renewable energy portfolio standard, and the renewable energy incentives regime, respectively. We also worked on the net metering chapter of the Energy Transformation and RELIEF Act, Act 57 of May 27, 2014.

As leaders, we are especially well positioned to guide clients through the early stages of site identification through the construction and operation of energy projects. Our counsel is comprehensive and includes negotiating, contracting, licensing, permitting, financing, and deal structuring advisement.

Our practice group has received international recognition from *Chambers & Partners Latin America*, which also includes members of our team among the leading practitioners in the field. Additionally, several of our team members were selected by their peers as *The Best Lawyers in Puerto Rico 2016*.

### What We Do

Our Energy team:

- Assists clients with federal and state permits and permitting processes
- Serves as lead outside counsel for petroleum companies of varying sizes engaged in upstream, midstream, and downstream petroleum business transactions. For these clients, we provide vigorous representation in administrative and litigation practice, drafting and obtaining permits,

ensuring regulatory compliance, and defending their rights and business decisions

- Represents investors and developers of sustainable and alternate renewable energy, including biomass, landfill gas to energy, waste to energy, small hydro, wind power and solar energy facilities. We advise our clients on all stages of development, contract negotiation and project permitting, including the negotiation of power purchase and operating agreements, renewable energy certificate contracts, land agreements and environmental impact review
- Counsels cogeneration facility purchasers and investment groups by performing due diligence, preparing permit applications, and transferring required state and federal environmental permits, and developing transactions structure strategies
- Counsels equity investors in the financing of energy facilities

## **REPRESENTATIVE CLIENTS & MATTERS**

- In the first proceeding of this kind in Puerto Rico, we are representing a client before the Puerto Rico Energy Commission in administrative proceedings concerning the first Integrated Resource Plan (“IRP”) being prepared by the Puerto Rico Electric Power Authority. The Energy Commission is a government agency of recent vintage, created pursuant to Act 57-2014, which has the power to approve electricity rates and regulate energy companies. The IRP, as required pursuant to Act 57-2014, will establish a long-term (20-year) strategy for meeting energy demands in Puerto Rico based on current and attainable technologies and infrastructure, combined with energy conservation and diversification efforts.
- Representation of a client in the development of 101.2 MW wind farm. Our work involved environmental, land use, permitting, real estate, tax exemption, construction and regulatory matters.
- Representation of a client in connection with financing, tax and, separately, regulatory issues before the Puerto Rico Electric Power Authority and the Energy Commission. With thousands of customers in Puerto Rico, our client is the largest residential solar company active on the Island. Residential solar is a new business in Puerto Rico; accordingly, our work involves novel issues and often breaks new ground.