

Energy

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Overview

More than 30 attorneys at Schiff Hardin dedicate their practices to the electric generation and natural gas industries. The firm has been working with these industries for decades, providing clients with the multidisciplinary legal services they need to move their businesses forward in this evolving sector. We handle power plant development and decommissioning, transmission line projects, regulatory and citizen suit litigation, permitting, environmental compliance, real estate concerns, construction and procurement matters, and more. And as the world's power and gas suppliers have changed, so have we. We work with renewable power developers and suppliers on these same issues, advising on the unique opportunities available to renewables, such as tax credits.

Our clients include traditional electric and natural gas utilities, municipal and cooperative electric suppliers, energy infrastructure developers including wind, solar, biomass, and fossil fuel electric generating facilities, merchant generation, electricity and natural gas marketers, natural gas and petroleum pipelines, natural gas processors, natural gas local distribution companies (LDCs), and battery storage facilities.

When our clients develop new infrastructure, transmission, or power generation projects, we help raise capital, secure financing, advise on corporate structure, assist with regulatory approvals and permits, manage environmental issues, counsel on construction issues and procurement, and resolve commercial or regulatory disputes when they arise.

We appear before federal and state courts and other agencies. We also represent clients before state regulatory commissions. And we have been involved in major federal energy legislation that set the foundations for many of the electric industry policies of today.

When our clients wrestle with complex environmental issues, we bring a strategic and practical approach to the issues. We regularly appear before state and federal regulatory agencies, courts, and administrative bodies regarding all aspects of environmental compliance. And we speak the regulators' language, as several of our lawyers worked for federal and state environmental agencies – two in leadership positions – so our lawyers are able to effectively negotiate and advocate for our clients' needs.

If our clients are embroiled in disputes, we draw upon our extensive industry experience to efficiently assess matters, develop cost-effective litigation or arbitration strategies, and bring disputes to successful conclusions through trial or settlement.

Project Finance and Infrastructure Development

Schiff Hardin advises energy project developers, utilities, and suppliers of capital to the energy industry – including banks, insurance companies, investment companies, private equity, and hedge funds – on bringing new infrastructure projects online. We assist with corporate formation, financing, investing, and acquisitions and dispositions of energy infrastructure. We have worked on the development of new gas turbines, wind and biomass energy complexes, large pollution control projects, and co-generation facilities.

We also assist with the commercial transactions necessary to bring new assets online, including power purchase agreements, fuel supply agreements, maintenance agreements, and transportation and marketing agreements.

Our transactional attorneys work closely with our environmental, energy, tax, real estate, and construction lawyers to develop project schedules and strategies designed to bring the asset online on time and on budget.

Construction, Procurement and Dispute Resolution

For more than two decades, Schiff Hardin's Construction Law Group has counseled utilities and energy-related businesses and on procurement, contracts, project controls, and construction disputes that accompany energy construction projects.

Our construction attorneys develop effective and creative strategies to assist our energy clients in construction projects of all types, including FGD systems, SCR systems, HRSGs, gas and steam turbines, boilers, control systems, pipeline, wind, solar, and nuclear systems. For these projects, we specialize in the following:

- **Procurement and Contract Negotiation** - We work to develop and implement robust procurement procedures to enable our clients to select the right contractors for the project at hand. This includes preparing and negotiating the construction contracts to best protect our clients' business and legal needs.
- **Project Controls** - Once the project is underway, we offer specialized project controls designed to principally monitor the project's schedule and costs. Bringing in major capital projects on time and on budget is our primary goal.

Environmental Services

The firm is a leader in meeting the environmental legal needs of companies in the energy sector. Our environmental team consists of more than 20 attorneys dedicated exclusively to environmental law, including several who previously held senior government positions in environmental enforcement and policy, giving us keen insight in this arena. It is an experienced team with strong capabilities in compliance counseling, permitting, transactional, rulemaking, rule variances, and significant high stakes enforcement litigation. We support major infrastructure and public works projects such as modernization of the grid and modernization and expansion of the interstate pipeline system.

- We support infrastructure projects involving the construction of new and the modernization of existing power plants, as well as decommissioning power plants at end of life.
- We assist with infrastructure projects involving the construction of new and the modernization of existing interstate gas pipeline assets, including securing and defending natural resource permits and approvals.
- We help obtain construction and operating permits (including New Source Review permits), and defend them from challenges brought by environmental activist and community groups.
- We defend clients in environmental enforcement litigation brought by federal and state government actors as well as non-governmental organizations (NGOs) who represent a growing force in advancing permit challenges, influencing government decisions, and initiating lawsuits.

State Utility Regulation and Advocacy

We have represented a wide range of energy industry participants in proceedings before state regulatory commissions across the country, including those in Illinois, New York, Missouri, and Kansas.

Schiff Hardin has extensive experience representing electric and gas utilities before the Illinois Commerce Commission. We are often retained by out-of-state entities as special Illinois regulatory counsel to advise on regulatory implications and requirements for entities considering energy projects, mergers, acquisitions, investments, or strategic combinations in Illinois.

We represent electric and gas utilities in:

- Rate cases
- Tariff proceedings
- Fuel and purchased gas adjustment clause proceedings
- Certificate proceedings for natural gas and electric infrastructure
- Mergers
- Debt and equity financings
- Sales and transfers of assets

We also have extensive experience representing regulated companies in appeals of ICC decisions, and have obtained reversals of ICC decisions on behalf of our clients in numerous cases.

Our advocacy for clients extends to representing utilities in legislative matters relating to regulation, restructuring, and state taxation. One of our partners was a principal negotiator and draftsman of Illinois' 1997 electric utility industry restructuring law.

Competitive Energy Markets

Competitive electric markets are a driving force in the wholesale exchange of energy and capacity across the country, and we bring a wealth of knowledge and decades of experience to help our clients succeed in this changing marketplace.

The way utilities and large loads purchase their power and develop their generation resources is also being transformed. Successful transactions require knowledge and experience in the commercial, financial, regulatory and environmental rules, regulations, and practices driving energy markets. We have decades of experience representing merchant generators in connection with energy markets and transactions.

Renewables

We assist clients with all aspects of large renewable and alternative energy projects, including solar, wind, biomass, and hydropower. We perform due diligence for our clients, designed to analyze the viability of a renewable energy project in light of the client's resources, goals, and deadlines. We work with our clients on planning, financing, siting, constructing, operating, and maintaining renewable energy projects, as well as in contracting for renewable energy resources.

Litigation

Our litigators are nationally recognized for their representation of public utilities, independent power producers, transmission system operators, electric power co-operatives and natural gas producers, pipeline, and marketing companies, in federal and state courts, in arbitrations and mediations, and before state regulatory commissions across the country.

Our litigation experience in the industry includes not only bet-the-company regulatory cases brought by the government and citizens groups, but also commercial matters, including power plant partnership and insurance coverage disputes.

We aggressively resolve high-stakes litigation through the design and successful implementation of strategies that account not only for the strengths of our clients' legal positions, but also for federal and state administrative regulatory schemes, and public relations concerns, that affect business operations in an increasingly competitive energy industry that is tilting toward alternative sources of production.

AWARDS & HONORS

- Metropolitan Tier 1 Ranking (2021)

U.S. News – Best Lawyers® “Best Law Firms”

- National Tier 1 Ranking (2021)

U.S. News – Best Lawyers® “Best Law Firms”

- Practice Group Recognized (2020)

The Legal 500 U.S.

- *Chambers USA* (2020)

Chambers & Partners

- Metropolitan Tier 1 Ranking (2020)

U.S. News – Best Lawyers® “Best Law Firms”

- National Tier 1 Ranking (2020)

U.S. News – Best Lawyers® “Best Law Firms”

- Metropolitan Tier 1 Ranking (2019)

U.S. News – Best Lawyers® “Best Law Firms”

- National Tier 1 Ranking (2019)

U.S. News – Best Lawyers® “Best Law Firms”

- BTI “Innovation Builder”

We were singled out by corporate counsel as one of only 28 percent of law firms clients view as a BTI “Innovation Builder,” which recognizes firms that bring change to the legal market through new technology, services, strategies, or structures.

- Metropolitan Tier 1 Ranking (2018)

U.S. News – Best Lawyers® “Best Law Firms”

- National Tier 1 Ranking (2018)

U.S. News – Best Lawyers® “Best Law Firms”

- *Chambers USA* (2017)

Chambers & Partners

- National Tier 1 Ranking (2017)

U.S. News – Best Lawyers® “Best Law Firms”

- Metropolitan Tier 1 Ranking (2017)

U.S. News & World Report's U.S. News – Best Lawyers “Best Law Firms”

- Practice Group Earns Lead Ranking in 2016 *Chambers USA: America's Leading Lawyers for Business*
- National Tier 1 Ranking
U.S. News & World Report's U.S. News – *Best Lawyers* "Best Law Firms" (2015)
- Metropolitan Tier 1 Ranking
U.S. News & World Report's U.S. News – *Best Lawyers* "Best Law Firms" (2014)
- National Tier 1 Ranking
U.S. News & World Report's U.S. News – *Best Lawyers* "Best Law Firms" (2014)
- Practice Group Earns Top Ranking in 2013 *Chambers USA: America's Leading Lawyers for Business*
- Metropolitan Tier 1 Ranking
U.S. News & World Report's U.S. News – *Best Lawyers* "Best Law Firms" (2013)
- National Tier 1 Ranking
U.S. News & World Report's U.S. News – *Best Lawyers* "Best Law Firms" (2013)
- Metropolitan Tier 1 Ranking
U.S. News & World Report's U.S. News – *Best Lawyers* "Best Law Firms" (2011/2012)
- Metropolitan Tier 2 Ranking
U.S. News & World Report's U.S. News – *Best Lawyers* "Best Law Firms" (2011/2012)
- National Tier 2 Ranking
U.S. News & World Report's U.S. News – *Best Lawyers* "Best Law Firms" (2011/2012)
- Practice Group Earns Top Ranking in 2011 *Chambers USA: America's Leading Lawyers for Business*
- Practice Group Earns Top Ranking in 2009 *Chambers USA: America's Leading Lawyers for Business*
- Practice Group Earns Top Ranking in 2008 *Chambers USA: America's Leading Lawyers for Business*
- Practice Group Earns Top Ranking in 2007 *Chambers USA: America's Leading Lawyers for Business*
- Practice Group Earns Top Ranking in 2006 *Chambers USA: America's Leading Lawyers for Business*