

## Alternative and Renewable Energy

The need to nurture alternative and renewable energy initiatives in the United States is clear. This fledgling industry represents possible solutions to some of our country's most pressing problems, including our current economic malaise and our dependence on fossil fuels. Moreover, the United States is a massive renewable energy market with enormous potential.

On the East Coast, and particularly as compared to any other state in the Union, New Jersey is ahead of the game, especially with regard to solar energy. The state is rapidly becoming the leader in solar installations and solar power generation. This is because, early on, New Jersey established clear policy guidelines regulating solar initiatives, and managed to overcome the impediments to solar with which other states continue to struggle.

Situated as we are in the New Jersey/Pennsylvania/Delaware region, Flaster Greenberg is extremely familiar with the progress of alternative and renewable energy projects around the country, as well as those closer to home. Our team is poised to assist with a full scope of legal services, responsive to the unique needs of the alternative and renewable industry.

### The Flaster Greenberg Team

The Alternative and Renewable Energy Group at Flaster Greenberg was built around the needs of the visionaries who are pioneering the way in this exciting new field.

Our attorneys provide a comprehensive array of legal services to clients engaged in all aspects of the renewable, alternative or "green" energy fields. The Group is comprised of an interdisciplinary team of attorneys drawn from numerous practice areas, including environmental, corporate, government and regulatory (including governmental grants, guarantees, tax credits and other assistance programs), finance and equity funding, intellectual property, real estate, tax and land use. Our attorneys represent clients with needs in the solar, wind, cogeneration, biofuels, biomass and other alternative and renewable energy areas as well as clients engaged in the green construction industry, including LEED® (Leadership in Energy and Environmental Design) certification construction and related regulatory and real estate matters.

### Attorneys

Jeffrey A. Cohen  
Allen P. Fineberg  
Marty M. Judge  
J. Philip Kirchner  
Mitchell H. Kizner  
John G. Koch  
Daniel B. Markind  
Franklin J. Riesenburger  
Tami Bogutz Steinberg  
Michele G. Tarantino  
Robert M. Washburn  
Frank H. Wisniewski

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Serving clients throughout the tri-state area as well as those operating nationwide, we are well acquainted with mandatory standards and requirements unique to individual states, as well as those that continually evolve on the federal legislative level.

Our legal team provides 360-degree support for renewable energy projects. We handle the totality of issues as they arise, but also, based on our experience with clients in the alternative and renewable energy industry, we are able to anticipate, and to a great extent reduce or prevent, roadblocks to successful completion of a project. When assisting clients with renewable energy projects, we consider the financing, tax, environmental, intellectual property and other implications of any action, before moving forward.

Much of our assistance in this area involves locating financing for a wide range of projects related to sustainable development. Our range of experience in the burgeoning field of sustainable energy and renewable energy projects includes:

- solar renewable energy and photovoltaic installations
- windpower generators including wind turbines and wind farms
- cogeneration plants
- biomass, biofuels and other alternative energy sources
- equity/venture funding and senior debt placement for solar energy development companies
- regulatory approvals, including work with federal, state and local municipalities
- gas and wind turbines utilized in the solar and cogeneration business

### **Legal Services Provided**

Our comprehensive array of legal services provides broad legal coverage for alternative and renewable energy projects. Our services include:

- Project financing
  - Governmental grants, tax credits and loan guarantees
  - Equity funding and senior debt and mezzanine financing
  - Joint venture projects
  - Power Purchase Agreements
  - Other assistance programs
- Company organization and structuring
  - Mergers and Acquisitions
  - Licensing and permitting
- Construction
  - Construction contract review and negotiation
  - LEED® Certification and LEED® construction projects including solar, wind, cogeneration and other alternative and renewable energy construction projects

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- Construction dispute resolution including litigation, mediation and arbitration
- Governmental
  - Regulatory compliance and approvals: solar, wind, cogeneration, biomass and bio-fuels projects
  - Environmental regulations and considerations, including permitting
    - Land use - approvals for solar, wind, cogeneration, biomass and biofuels projects
    - Land use and zoning approvals and permits
    - Right of way acquisition
    - Government relations and outreach
    - Power purchase agreements
    - Marcellus Shale project
    - Redevelopment zones and governmental assistance
    - Farmland assessment
    - Greenacres and open space programs
    - Facilities siting
    - Brownfields grants - Coordinate governmental assistance for renewable energy projects (Hazardous Discharge Remediation Fund)
- Intellectual property matters: patents, trademarks, licensing
- Tax considerations
  - Counseling and structuring
  - Tax rebates and credits
- Litigation and arbitration
- Employee benefits and labor issues, including prevailing wage issues

### **Representative Matters**

- Securing all land use approvals for numerous substantial utility projects, including a \$200 million regional water supply facility
- Writing, negotiating and revising construction contracts for several leading national energy companies
- Representation of developers, owners, municipalities and manufacturers in procurement, financing and energy sales in various waste-to-energy projects and technologies
- Establishment of U.S.-based companies for sale of gas and steam turbines utilized in the solar and cogeneration industries
- Representation of real estate owner in development of 2.5 megawatt solar project
- Securing local joint venture partners for U.S.-based companies engaged in energy transmission and distribution business in overseas markets
- Representation of solar development company with 80 megawatts of solar power under contract or letter of intent

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## Representative Clients

Turbotech Energy, LLC

TurboTech Solar, LLC

Provident Development LLC

Fameco Real Estate Corp.

Sentinel Renewable Energies

Renewable Power Partners, LLC

STARS Holding Company

Flamingo Lane Associates