

An Intro to N.C. Renewable Energy Project Development

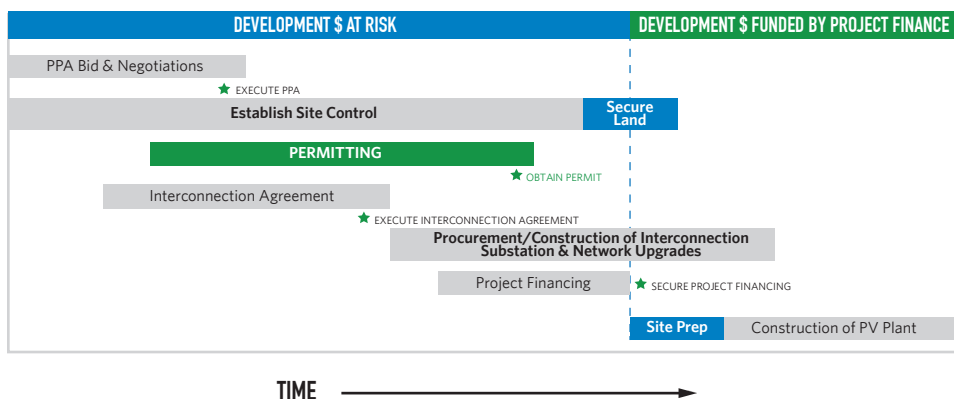


Photo Courtesy of Strata Solar

Developing a renewable energy project involves multiple considerations, including but not limited to establishing site control, obtaining permitting, contracting to sell the project's output, financing the project, and interconnecting the project to the electric grid. The project development timeline below is illustrative.¹ Many of the considerations are legal in nature. This day-long continuing legal education program (CLE) will focus on the mechanics of renewable energy project development in North Carolina. Attendees will leave the CLE with a better understanding of:

- the renewable energy project development process
- the law and regulation pertinent to the process, and
- application of the law and regulation

In addition, attendees have the opportunity to network with professionals who can serve as resources and provide future assistance with particular legal and regulatory project development questions as they arise. Attendees will receive 5 credit hours of general CLE. Breakfast, lunch, and afternoon snacks will be provided to attendees.



¹Image based on a diagram created by solar developer First Solar.

Planned by



NC SUSTAINABLE
ENERGY ASSOCIATION

Sponsor #5317/ Course #1

Key Supporter



Attorneys & Counselors at Law

When:

Wednesday, February 4, 2015

Where:

Cambria Suites
Raleigh-Durham Airport
300 Airgate Drive, Morrisville,
NC 27560

CLE Credit:

5.0 Hours

Cost:

\$300 per attendee / \$250 per
NCSEA Member

Register online at:

<http://bit.ly/1ESg9Z0>

*For questions or concerns
about registration please email
events@energync.org
or call **919-832-7601 x 111**.

AGENDA

8:30 AM	Registration
8:30 AM – 9:15 AM	Breakfast (concurrent with Registration, Welcome, and Introduction)
9:00 AM – 9:05 AM	Welcome • Edward S. Finley, Jr., Chairman, North Carolina Utilities Commission
9:05 AM – 9:15 AM	Introduction – Renewable Energy Project Development • Michael Youth, NCSEA
9:15 AM – 10:15 AM	<i>Project Siting and Permitting: Overview and Key Considerations</i> <ul style="list-style-type: none"> • Dan Higgins, Burns, Day & Presnell, P.A. • Katherine E. Ross, Parker Poe • Melanie Santiago-Mosier, SunEdison • Gray Styers, Styers & Kemerait, PLLC
10:15 AM – 10:35 AM	Break
10:35 AM – 11:35 AM	<i>Federal and State Regulatory Filings and Proceedings</i> <ul style="list-style-type: none"> • Henry Campen Jr., Parker Poe • Tim Dodge, N.C. Public Staff • Kurt Olson, Law Office of Kurt Olson • Sam Watson, N.C. Utilities Commission
11:35 AM – 12:35 PM	<i>Project-Related Federal and State Tax Considerations</i> <ul style="list-style-type: none"> • Zoe Gamble-Hanes, FLS Energy • Michael A. Hannah • Steve Hunting, Parker Poe • Lee Peterson, CohnReznick
12:35 PM – 2:00 PM	Lunch
2:00 PM – 3:30 PM	<i>Power Purchase Agreements, RECs and Other Finance Considerations</i> <ul style="list-style-type: none"> • Alex Castle, Duke Energy • Steve Levitas, Kilpatrick Townsend • Clint Lloyd, Strata Solar • Charlotte Mitchell, Law Offices of Charlotte Mitchell
3:30 PM – 3:50 PM	Break/Snack
3:50 PM – 4:50 PM	<i>Connecting the Project to the Grid: Interconnection Considerations</i> <ul style="list-style-type: none"> • Alex Castle, Duke Energy • Cullen Morris • Gisele Rankin, N.C. Public Staff
4:50 PM – 5:00 PM	Conclusion • Michael Youth, NCSEA
*Agenda Subject to Change	

PANELISTS

Henry Campen Jr. is a partner in the Raleigh office of Parker Poe Adams & Bernstein LLP. He leads the firm's multidisciplinary Energy Industry Team, and his individual focus is on renewable energy. Henry provides project development and permitting advice to developers across the spectrum of renewable energy technologies, including wind, solar, fuel cells and biomass. He has practiced before the North Carolina Utilities Commission for more than 25 years. Parker Poe has permitted 1500 MWs of solar PV at the Commission. The firm has also provided legal support for all aspects of the development of a 300 MW wind energy facility in North Carolina, including federal, state and local permitting. Parker Poe also permitted an 80 MW wind energy facility in North Carolina. Henry represents the American Wind Energy Association in the state and a number of wind developers developing wind energy facilities. Henry serves on the Board of Directors of Advanced Energy and chairs the Board of the Southeastern Coastal Wind Coalition. Henry served on Parker Poe's Board of Directors and as Managing Partner of the Raleigh office for 10 years. He earned his B.A. from Wake Forest University, an M.P.A from American University and his law degree from North Carolina Central University.

Alex Castle is Associate General Counsel of Duke Energy Corporation. Mr. Castle represents Duke Energy in the state regulatory group supporting Duke Energy Carolinas on matters before the North Carolina Utilities Commission and Public Service Commission of South Carolina. Particular areas of responsibility include supporting internal clients on matters relating to retail ratemaking, renewable energy development and state renewable portfolio standards compliance (and related cost recovery), energy efficiency and demand side management programs, integrated resource planning, wholesale strategy, new nuclear development, legislative and regulatory strategy, state code of conduct/regulatory condition compliance and customer complaints. Mr. Castle received his JD from Wake Forest University School of Law in 2003.

Tim Dodge is a staff attorney with the Public Staff of the North Carolina Utilities Commission. Tim has a B.S. degree in Natural Resource Policy and a Masters of Public Administration, both from North Carolina State University, and a Juris Doctor degree from UNC School of Law (2009). Prior to joining the Public Staff in January 2011, Tim worked as a legislative analyst (2001-2006) and as legislative counsel (2009-2010) for the Research Division at the North Carolina General Assembly, where he staffed the Senate Agriculture, Environment, and Natural Resources Committee, and the House Energy and Energy Efficiency, Water and Water Infrastructure, Environment and Natural Resources, and Judiciary III Committees. Tim also served as Commission Staff for the several legislative study commissions, including the Environmental Review Commission, the Legislative Commission on Global Climate Change, the Legislative Study Commission on Water and Wastewater Infrastructure, and the Joint Legislative Commission on Seafood and Aquaculture. Tim's primary focus since joining the Public Staff has been electricity issues, including renewable energy portfolio standard (REPS) compliance, certificates of public convenience and necessity for renewable energy facilities, least cost integrated resource planning, avoided costs, and other proceedings.

Zoe Gamble-Hanes is General Counsel for FLS Energy. Ms. Hanes handles all aspects of equity syndication and finance for renewable energy projects utilizing federal and state energy tax credits as well as traditional financing. She has represented FLS Energy before the North Carolina Utility Commission and the Department of Revenue and has drafted and advised the company on energy and tax credit legislation. She graduated magna cum laude with a JD and MS in Environmental Law from the Vermont Law School.

Michael Hannah is a licensed attorney and CPA in both North Carolina and West Virginia and currently serves as counsel to the North Carolina Senate Finance Committee. He has extensive experience working with the policies and procedures of the North Carolina and South Carolina Departments of Revenue, has provided technical tax advice to various lobbyists, state legislators and industry groups, and has appeared before the NC General Assembly Revenue Laws Study Committee to discuss state tax issues. His experience with renewable energy issues includes taxation, contracts, structuring, financial analysis, NCUC filings, and power purchase agreements. He also has experience in the oil & gas industry including taxation, drilling & operating agreements and mineral leases.

Dan Higgins is a Partner at Burns, Day & Presnell in Raleigh. He focuses on representing businesses and public utility companies involved in the telecommunications, water, sewer, power and renewable energy industries. This representation includes regular appearances and practice before the North Carolina Utilities Commission, the North Carolina Rural Electrification Authority, and occasional involvement in matters before the Federal Communications Commission and the Federal Energy Regulatory Commission. He received his JD from the College of William and Mary in Virginia in 1981.

Stephen Hunting is an experienced energy and transactional lawyer who has successfully guided electric utilities, energy services companies, project developers, engineering, procurement and construction contractors, and other clients through complex transmission, generation, technology and other projects and commercial contract negotiations for more than 25 years. His experience as in-house counsel at an electric utility helps him provide seasoned, practical advice and have a better

understanding of the daily challenges his clients face. His objective is to help his clients achieve their business goals effectively, efficiently and on time. Steve has worked with electric utilities and other energy companies on merchant transmission line development and acquisitions, transmission service agreements, generation plant development and acquisitions, multi-project equipment purchases, engineering, procurement and construction contracts (EPC contracts), operation and maintenance agreements, power purchase agreements, joint venture agreements and other transactions and contracts. He has also assisted renewable energy developers and investors in renewable energy projects with electric power and thermal energy projects (solar, wind, geothermal, and biomass), including project development, energy supply, interconnection, power purchase agreements, and renewable energy credit (REC).

Steve Levitas is a Partner at Kilpatrick Townsend. Mr. Levitas represents a wide range of corporate and governmental clients on environmental regulatory matters, with an emphasis on wastewater permitting and compliance, wetland and stream permitting and mitigation, water quality policy, remediation and redevelopment of contaminated property, and alternative energy. From 1993 through 1996, Mr. Levitas served as Deputy Secretary of the North Carolina Department of Environment, Health and Natural Resources. Prior to his tenure as Deputy Secretary, he served as Director and Senior Attorney of the North Carolina Environmental Defense Fund, which he helped found in 1987. Mr. Levitas received his JD from Harvard Law school in 1982.

Clint Lloyd is the assistant general counsel at Strata Solar, LLC, where he focuses on the development and construction of large utility-scale solar projects. Prior to joining Strata, Clint was a corporate associate at Cravath, Swaine & Moore, LLP and received his JD and BSBA from the University of North Carolina at Chapel Hill.

Charlotte Mitchell is an attorney who specializes in environmental and energy law. Charlotte represents clients before the North Carolina Utilities Commission, assisting with regulatory compliance, approvals and certifications, including certificates of public convenience and necessity, complaint and arbitration proceedings, and participation in rate case proceedings. Charlotte has significant experience in representing renewable energy developers and owners of qualifying facilities in matters related to the Public Utility Regulatory Policies Act. She received her JD from the University of North Carolina at Chapel Hill.

Cullen Morris is an independent contractor who provides guidance and expertise in the quickly evolving US solar market. As the former Vice President of Development at Strata Solar, Cullen brings a wealth of experience in the solar space, having overseen the development of hundreds of megawatts of high quality projects in the southeast and beyond. He received his Masters of Environmental Management with a focus on Energy and Environment from Duke University in 2010.

Kurt Olson is an attorney who specializes in energy and environmental policy. Mr. Olson advises clients on regulatory and compliance matters. Previously, Kurt was the Policy director for the North Carolina Sustainable Energy Association.

Lee Peterson is a licensed attorney in the state of Georgia, and Senior Manager for CohnReznick, LLP in its Renewable Energy Group. Lee has broad federal and state income tax knowledge with considerable experience in the area of income taxation of partnerships and limited liability companies. His clients include Fortune 100 companies, governments and non-profit organizations and renewable energy project developers and investors. He is responsible for advising CohnReznick clients on renewable energy transactions, with a significant focus on transactions that involve federal, state and local tax and financial incentives. He received his JD from William Mitchell College of Law in 1997.

Gisele Rankin is a Senior Staff Attorney for the Public Staff of the North Carolina Utilities Commission. She received a B.A. degree in 1977 from the University of North Carolina at Chapel Hill and a Juris Doctor degree, with honors, in 1980 from the UNC School of Law. She served as a law clerk to Judge Franklin T. Dupree, Jr., of the U.S. District Court for the Eastern District of North Carolina and to Judge Gerald Arnold of the North Carolina Court of Appeals. She is a member of the North Carolina State Bar and the American Bar Association and has been admitted to practice before the United States Supreme Court and the United States Court of Appeals for the District of Columbia. Ms. Rankin has been with the Public Staff for over 30 years and specializes in electricity issues. She has been extensively involved in electricity-related proceedings before the Federal Energy Regulatory Commission (FERC); electric industry restructuring issues, including preemption risks and other issues raised by utility participation in a Regional Transmission Organization (RTO); energy-related merger applications (e.g., Duke Energy/Cinergy, Duke/Progress) before the North Carolina Utilities Commission (Commission) and the FERC; proceedings before the Commission involving least cost integrated resource planning, avoided cost rates, general rate changes; fuel charge adjustments; and certificates of public convenience and necessity (particularly with respect to renewable energy); the statewide transmission planning collaborative; and interconnection issues.

Katherine Ross is an Associate at Parker Poe. She represents businesses and local governments in regulatory matters and civil litigation. In her regulatory practice, Ms. Ross routinely advises clients on compliance matters and in negotiations with regulatory agencies. Ms. Ross has assisted developers of renewable energy facilities permit of 1000 megawatts of generation.

She received her JD from North Carolina Central University in 2008.

Melanie Santiago-Mosier is the Director of Government Affairs for the Midwest and Southeast United States at SunEdison. She advises SunEdison in solar and renewable energy compliance matters and represents SunEdison in regulatory hearings throughout the United States. She received her JD from the University of Maryland School of Law in 2005.

Gray Styers is a Partner at Styers & Kemerait. Gray practices in the areas of regulatory and administrative law, government relations, utilities, zoning/land use, and large infrastructure matters. He represents numerous telecommunications, energy, and project development clients before state government agencies, permitting officials, and local zoning boards throughout North Carolina as well as in appeals to both state and federal courts. Gray received his JD from the University of North Carolina at Chapel Hill in 1989.

Sam Watson is General Counsel for the North Carolina Utilities Commission. He received a law degree, with highest honors, from The Catholic University of America, Columbus School of Law in Washington, D.C., and an undergraduate degree in engineering from North Carolina State University in Raleigh. Mr. Watson is a member of the North Carolina State Bar and the Energy Bar Association. Mr. Watson has spent over 25 years in the electric industry as an engineer and as an attorney. Prior to joining the Utilities Commission, Mr. Watson worked in Knoxville in the legal department of the Tennessee Valley Authority. He also spent several years in private practice in Raleigh representing clients in utility matters before federal and state regulatory authorities.

TERMS AND CONDITIONS

Registration

Registration is not considered complete until payment is received. Space is limited and will be assigned to complete registrations first. Registrations on-site will be accepted on a space available basis. Registrations may be transferred should you not be able to attend. Please contact events@energync.org to complete the transfer.

CLE Credits

The NC State Bar requires CLE sponsors to report CLE attendance within thirty (30) days of the event. Generally, your credit should show within thirty days. To check your NC State Bar records visit www.nccle.org. If you have any questions after thirty days, please contact NC Continuing Legal Education Department at 919.733.0123.

Cancellations

Any cancellation must be received by Jan 14th, 2015 for a full refund. Any cancellations after this date are non-refundable, but will receive a digital copy of the materials for their payment. Credit hours will not be offered.

Inclement Weather

If there is impending inclement weather that could affect the event, please check the event home page for updates or email events@energync.org. NCSEA will attempt to reach all registered attendees if the event is cancelled or delayed due to the weather. The event will follow Wake County Public School closings or delays.

Register Online – Space is limited so don't wait!

In an effort to reduce our environmental footprint
we are asking that everyone register online at:

<http://bit.ly/1ESg9ZO>

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