

Overview

The erratic pendulum of energy regulation and deregulation can present major opportunities — and major risks — for companies throughout the energy industries. Success requires not just business savvy, but also the ability to confidently navigate the patchwork of federal, state and environmental laws that apply to energy industry participants. With decades of experience across every aspect of the energy market, Katten guides clients through administrative requirements to avoid legal challenges.

Business-savvy support for closely regulated energy industry clients

Our team helps clients capitalize on business opportunities in the energy sector, drawing upon the extensive resources of the firm to provide advice and consultation in varied areas including public-private financing and partnerships and municipal, transactions, administrative, regulatory and environmental law.

We represent clients before federal and state agencies, including the Federal Energy Regulatory Commission (FERC), US Nuclear Regulatory Commission (NRC), US Environmental Protection Agency (EPA), US Department of Justice (DOJ), US Commodity Futures Trading Commission (CFTC), US Coast Guard, US Army Corps of Engineers, and US Fish and Wildlife Service. We obtain and defend the governmental approvals, licenses and permits needed for vital infrastructure and new development, assist in preparing environmental impact statements and ensure that our clients meet local land use requirements.

Our work covers the entire spectrum of energy sources, from renewable energy, biofuels and independent power producers to electric, natural gas, oil and coal. We represent project developers, commercial lenders, mezzanine debt investors, equity investors, investment banks, lessees and lessors in connection with a wide variety of energy projects and transactions. We also counsel major energy companies in all aspects of their business.

Seizing opportunities through project development and critical transactions

We advise clients on developing and financing domestic and international energy projects and assets in waste disposal and recycling, renewable energy, mining and metals, liquefied natural gas (LNG), and petrochemicals. We understand the broad range of legal issues clients face in complex energy projects, and we structure, negotiate and document project and financing agreements to suit our clients' specific needs. We have substantial experience structuring power generation, transmission and distribution projects involving cogeneration, coal, nuclear, thermal, hydro, wind and alternative power sources. Our attorneys work closely with clients to address concerns related to oil and gas exploration, production, storage, refining, gasification and production.

Our attorneys guide clients through complex energy transactions, with a focus on transfers of petroleum refineries, major pipeline systems and associated facilities. We advise clients on single-investor and leveraged lease financing of mining equipment and production plants, merger and acquisition transactions, senior note facilities, senior bank credit facilities, surety bond and letter of credit programs, preparation plant throughput transactions, and synthetic fuel tax credit transactions.

As we negotiate and structure transactions, we identify potential environmental and other liabilities and operational constraints, and we work with our clients to maximize future operational flexibility and business value while minimizing risk. We also help them manage complex environmental issues associated with legacy assets/liabilities. In the course of our transactions work, we address issues as varied as greenhouse gas, carbon sequestration, environmental-, health- and safety-related liabilities and permitting, and risk management and insurance options. Our team also advises on a broad range of alternative energy project issues, including the development, financing and tax issues associated with water treatment and desalination plants, ethanol production, and solar and wind power generation.

Key Contacts



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Recognitions

Recognized or listed in the following:

- *Chambers USA*
 - Environment
 - District of Columbia, 2012–2019