

## Energy

In today's environment of changing regulations, quickly advancing technology and increasing governmental oversight, clients need representation that addresses the full scope of legal, political and business challenges facing their industry. In the volatile energy sector, we have the knowledge and experience to power clients' success.

Our Energy Group is a multi-disciplinary team that provides comprehensive representation to utilities, manufacturers, energy companies and investors throughout the West. We provide counsel on all aspects of the industry and the many legal issues that can arise, including engineering and construction, permitting, negotiating contracts and power purchase agreement and litigation.

The team has vast experience with regulatory matters and commercial transactions related to the purchase, sale and transmission of all types of energy, including nuclear and renewable energy, as well as climate change and carbon sequestration. They also have deep experience addressing land use, environmental and permitting issues that often arise under federal and state law, the Endangered Species Act, the National Environmental Policy Act, tribal law and the Federal Power Act.

On the legislative front, our energy team has worked with many of the world's largest energy producers on all aspects of the traditional oil and gas industry, biofuels, alternative energy and power. Members of the group have worked for federal and state agencies—experience that they bring to bear on behalf of our clients.

### **Representative Matters**

- Won a major ruling in Adams County District Court on behalf of client, Colorado Oil & Gas Association (COGA) and the American Petroleum Institute (API). A Colorado District Court ruled that the City of Thornton illegally passed oil and gas regulations last year that conflicted with state and federal law. COGA and API jointly filed suit in October to overturn the regulations. Colorado District Court Judge Edward Moss relied on the 2016 state Supreme Court rulings which culminated in the Colorado Supreme Court's ruling striking down Longmont's ban and Fort Collin's five-year moratorium on hydraulic fracturing as preempted by state oil and gas law. This was an impressive victory on behalf of COGA and its 90-plus member companies.
- On behalf of large, privately-held oil and gas company, obtained dismissal with prejudice at motion to dismiss stage of all claims in shareholder derivative action. On appeal.
- Successfully represented the Colorado Oil and Gas Association in litigation against the cities of Lafayette, Fort Collins, and Longmont regarding bans or moratoria on hydraulic fracturing activities, prevailing on summary judgment in each matter. This litigation involved precedent-setting issues pertaining to state versus local preemption of oil and gas activities, and culminated in two rulings by the Colorado Supreme Court striking down Longmont's ban and Fort Collin's five-year moratorium on hydraulic fracturing.
- Successfully represented a large oil and gas company in a high profile regulatory proceeding before the Colorado Oil and Gas Conservation Commission regarding potential violations related to the company's deep water injection wells and low-level earthquakes in the region. This work included assisting the company in obtaining permits for new deep water injection wells.
- On behalf of a Fortune 50 company, successfully defeated an effort by Congress to impose a sanctions framework on foreign parent with devastating consequences to our client.
- Spearheaded an effort by an energy company to get its DOE authorization for LNG exports. This involved extensive coordination with industry partners as well as advocacy on Capitol Hill and executive branch offices.
- Represented Noble Energy and WPX Energy in opposing potential state-wide ballot initiatives impacting oil and gas operations. This work included devising a legal and government relations strategy to oppose twelve

different ballot measures.

- Represented Alliant Energy Services, LLC in its disposition of 100% of the stock of its subsidiary, RMT, Inc. to Infrastructure Energy Services, LLC (IEA).
- Represented Alliant Energy in obtaining a \$60M Term Loan from JPMorgan Chase Bank as Lender for its subsidiary, Franklin County Holdings LLC to finance Franklin County Wind Farm.
- Successfully represented large oil and gas exploration company in dispute with another energy company over rights under a midstream contract.
- Served as primary counsel for defense of CEQA litigation challenging a grocery store warehouse, kitchen and distribution center, and permitting and CEQA compliance for its expansion for a project built with the largest solar roof in the Western US; advised client regarding green initiatives for building and operations in analysis and mitigation of greenhouse gas/carbon footprint impacts of project under California Environmental Quality Act (CEQA).
- Represented city in challenge to coastal zone land use authority by oil and gas facility.
- Won dismissal on behalf of Gunnison Energy Corporation in a Section 1 and Section 2 gas transportation antitrust case seeking more than \$100 million in Federal Court in Denver. Riviera Drilling and Exploration Company v. Gunnison Energy Corporation et al. Brownstein previously represented the company in a suit to enforce a contract for the acquisition of mineral assets and defended them in Federal District Court in a challenge to Federal permits for recomplete gas wells.
- Served as lead counsel for Freeport LNG Development, L.P. in the structuring, strategy and development of a liquefied natural gas (LNG) receiving and regasification facility in Texas. The firm acted as lead counsel in the structuring, negotiating and documenting of financing for the construction of the facility, development of a 7.5 billion cubic foot underground salt cavern gas storage facility, and expansion of the terminal, which included approximately \$750 million in financing from ConocoPhillips Company and a \$453 million private placement note issuance. Brownstein also oversaw the negotiation of long term terminal use agreements (TUA) with Dow Chemical Company and ConocoPhillips Company. The firm continues to serve as outside general corporate counsel to Freeport and its subsidiaries in all aspects of their businesses, including pursuing the redevelopment of the project into a liquefaction and export facility at a cost of \$14 billion.
- Represent Hannon Armstrong, an energy investment banking organization, with various Department of Energy and federal government energy financings.
- Advised Gunnison Energy on issues related to compliance with Colorado's evolving water laws governing water produced from coal bed methane wells.
- Provided strategic counsel to Bion Environmental Technologies, Inc. in establishing federal-level guidance for a nutrient trading program and in evaluating the possibility of a cellulosic-styled tax credit that would apply to Bion's process for producing cellulose-based renewable energy. Brownstein facilitated meetings with the U.S. Environmental Protection Agency (EPA), the Council on Environmental Quality (CEQ), key members of Congress and other strategic government officials to discuss the issue of basin-wide nutrient trading and energy production from Bion's integrated facilities.
- Represented applicant in a phased apartment project totaling over 650 units, resolving a variety of complex issues regarding environmental and permitting issues, negotiation of development agreement, and assistance with the negotiation of public financing.
- Represented internationally renowned music conservatory in gaining comprehensive land use permits for its campus. Directed permit processing, oversaw environmental review compliance and public hearing presentations, and negotiated the settlement of threatened litigation by project opponents
- Brownstein represents U.S. Geothermal in developing legislation to amend the Steam Act of 1970 allowing more efficient and faster development of geothermal resources on lands adjacent to federal lands. The legislation intends to blunt the effects of speculators on federal leases that have no intent to develop the

resource and produce energy. The firm is also providing U.S. Geothermal with project finance transactional counsel in the development and construction of their \$137 million, 22 megawatt Neal Hot Springs Geothermal Project near Vale, Oregon. Finally, we are representing U.S. Geothermal in negotiating a loan and loan guarantee with the U.S. Department of Energy and the Federal Financing Bank.

## News & Events

- Women in Energy Talk Jobs, Economy and the Future at Brownstein Forum
- Brownstein's Mark Mathews Receives American Red Cross Volunteer Leadership Award
- Political Update
- The Impact of the Midterm Election on Energy Policy
- Crackdown on Coal - Implications of the MACT Rule for the Coal Industry
- Energy Disclosures: California Law and the Pending ASTM Standard
- Brownstein Client Alert: New Federal Renewable Energy Project Funding Opportunities
- FOREcast - Funding Opportunities for Renewable Energy
- Client Alert: Brief Overview of Discussion Draft of Graham Energy Bill
- Colorado Energy News: Denver Law Firm Joins CleanLaunch Tech Incubator
- Client Johns Manville teams with Colorado Governor's Energy Office

## Meet The Team

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