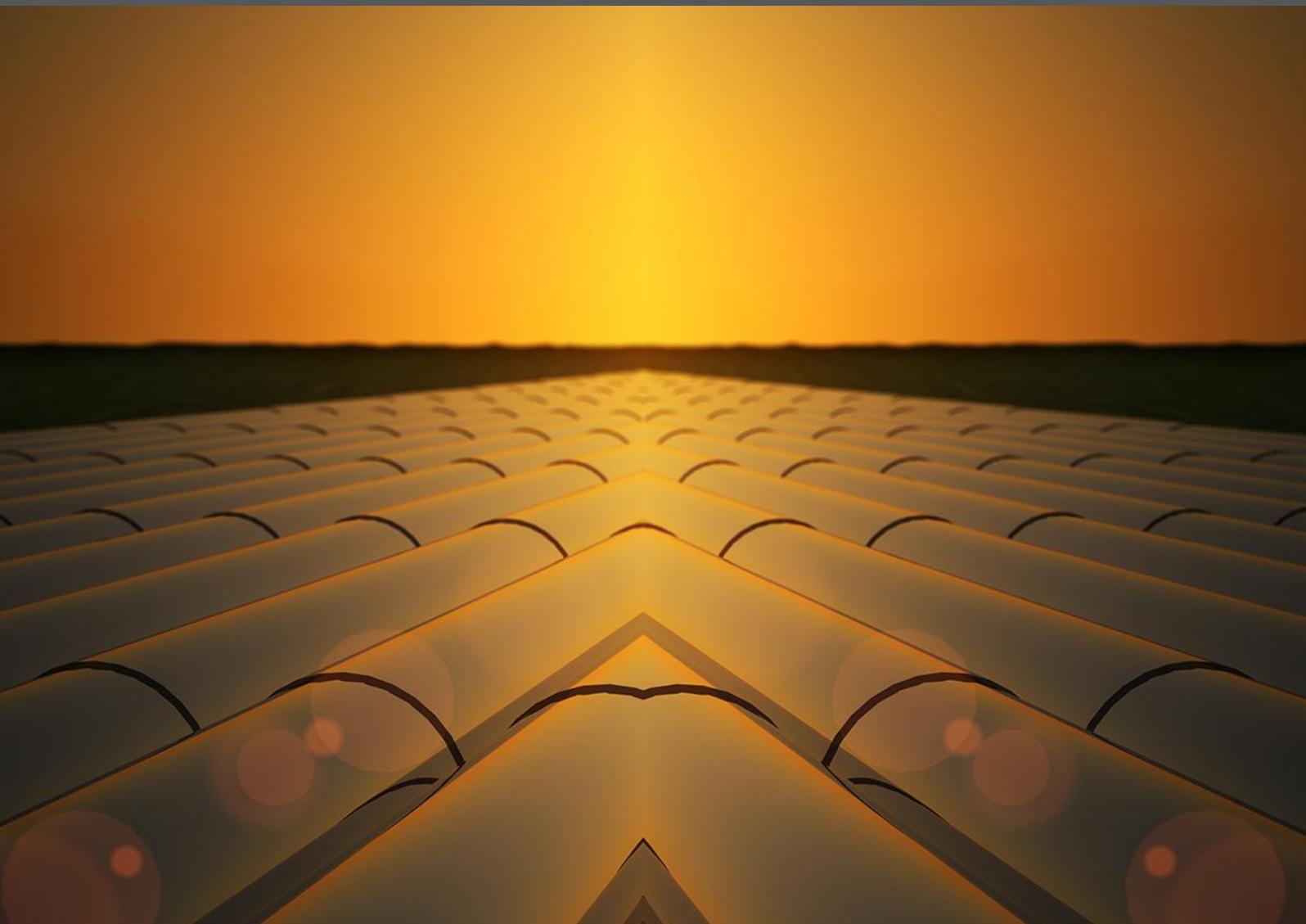


# ENERGY & UTILITIES

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## Highlights





# Energy & Utilities Highlights

Long term energy costs are rising; the regulatory burden on business is increasing; consumers are demanding a green product and yet long term investment decisions have to be taken in this uncertain market. Most businesses are actively looking at ways to be involved in the energy supply chain (either alone or with partners) whether it is to reduce costs, exploit commercial opportunities and make a return, improve their green credentials; comply with existing and forthcoming regulation.

In this uncertainty, there is opportunity. Whether you are an energy specific business specialising in the supply of energy or whether you are an energy intensive user or are thinking of investing in this growing market, or a business coming to grips with carbon regulation you need advisors who can give you insight into the challenges you will face. Please speak to us, we will be happy to help you.

## Dedicated energy practice

Our dedicated Energy & Utilities team is made up of a large multi-discipline group of experienced professionals located across all Addleshaw Goddard offices with a proven track record of working with a blend of utilities regulators, Government, large energy companies and a myriad of developers and funders who are active in the sector.

Our work with the Regulators and Government on the development and interpretation of regulation ensures we understand the regulatory background. We are used to advising on the legal challenges faced by public bodies making decisions and exercising discretion against the background of complex and often ambiguous legislation. In addition, we understand the commercial challenges faced by those operating in the energy sphere, and have the know-how to deliver expert and pragmatic advice.

**We understand the industry from all angles which we see as key to providing you the support that you need.**

The practice comprises of a core team of partners dedicated to Energy and Utilities work, who have a deep insight of the industry and the people working in it. This team is closely supported by lawyers from across our full service disciplines who are used to applying their knowledge against the background of the energy and utilities sector.

We set out over the following pages some of the more significant/recent deals we have done.

## Contact

Please do not hesitate to contact me to discuss how we can help your business



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# Experience

A selection of experience includes advising:

## Power Infrastructure

- ▶ **Gaz de France / Suez** on the cross border issues and implementation of a repowering of a large CCGT power station with movement of pre bought turbines cross border
- ▶ On contract advice and negotiation services to a **major Korean contractor** (as part of a consortium including Japanese and European contractors) on a US\$3bn water and power plant project in Qatar and a US\$4bn water and power plant in Saudi Arabia
- ▶ **Gaz de France** on the replanting of several turbines at the 1800 MW CCGT power station in Teesside and then subsequent mothballing of the power station including: reviewing and renegotiating all contractual commitments (fuel supply, grid, O&M, EPC, dealing with EPC problems)
- ▶ **Peel Energy, Dong Energy and RWE** on the Hunterston clean coal power project including: joint venture arrangements; the first DECC carbon capture project (public procurement); planning and heads of terms on all key works streams including technology, build, fuel supply and operations
- ▶ A Japanese contractor in relation to a power project in Singapore and a US Power Company in relation to a US\$150m power station in Quetta, Pakistan.

## Storage

- ▶ **Northern Ireland Utility Regulator** on the setting up of the gas storage licence regime in Northern Ireland
- ▶ A consortia shortlisted for the DECC carbon capture competition.

## LNG

- ▶ **Royal Vopak and Gasunie** on the €745m project financing and €136m expansion project financing the Gate LNG terminal in the Port of Rotterdam

## Oil and gas

- ▶ **PT Jakarta Tank Terminals** on a US\$60m term facility agreement provided by FMO and DEG for the financing of an oil storage facility in Jakarta, Indonesia

## Nuclear

- ▶ **National Nuclear Laboratory** on issues regarding its leases of buildings on nuclear licensed sites
- ▶ A major Tier 2 contractor on nuclear liability issues including major contracts for professional services, supply, maintenance, framework with tier 1 suppliers and licence holders.

# Renewables

## On- and Off-shore Wind

- ▶ Various clients including **Co-op Bank Plc, GDF Suez** and **Peel** on the funding, purchase, development and operation of numerous wind farms throughout the UK
- ▶ **Peel** on windfarm projects at Scout Moor, Port of Liverpool, Broughton Lodge, Cumbria and Bilsthorpe Scout Moor was the largest bank financed onshore windfarm in the UK at the time it was built
- ▶ **Co-operative Group** in connection with the development of windfarms funded by project finance both on its own land and separately on third party land pursuant to options and leases and acting for **Co-op Bank** on its funding of the development and operation of wind farms in Cumbria (Barrow in Furness, Spalding and Airdrie) and Scotland
- ▶ **Essent NV** on an investment in a 150MW offshore wind farm including advice on planning, regulation connection agreements, equipment supply agreements, power purchase agreements and off shore regulatory requirements.

## Biomass, CHP and District Heating

- ▶ **Network Rail** on supply arrangements, property rights and contract structure with Cofely for the provision of CHP generated power and heat at Birmingham New Street (as part of the wider development of the station) to NR and to John Lewis as anchor tenant
- ▶ Various clients including developers (**ABF, Peel, Bioflame**) and most funders (**Co-op Bank plc, HSBC, Societe Generale**) on biomass CHP projects
- ▶ **Peel Group** on the operational and regulatory elements of the tri-generation energy centre and utility networks at its <£500m mediacity:uk development with the BBC as anchor tenant
- ▶ **Tata and E.ON's** purchase of c.£200m gas fired CHP facility. The CHP facility is situated at Tata's Winnington Soda Ash factory and provides all of their energy requirements as well as exporting around 60MW to the grid
- ▶ A bidding entity through to the final stages of the competitive procurement for a biomass fuelled CHP project at one of the country's largest entertainment and exhibition centres
- ▶ **Guildmore** on the procurement of CHP equipment and supply of heat and power and back-up supply to Tower Hamlets for use in a low cost housing scheme and the Poplar Baths leisure centre.

## Biofuels

- ▶ **British Gas / Centrica** on a number of joint ventures for the development of facilities to clean biogas produced from the anaerobic digestion of waste products from sludge, food waste and/or industrial processes, and to inject the resulting biomethane onto the gas grid
- ▶ **Rabobank** as funders on the project financing of a bio-ethanol plant to be constructed in the Port of Amsterdam.

## Power Offtake and Purchase

- ▶ On Power purchase agreements for various parties in Asia and Europe including tolling agreements; long term single purchaser power agreements for new power stations and a blend of power purchase agreements for more mature markets (e.g. spot contracts; three year contracts; contracts with green spread etc)
- ▶ Various parties in the UK including Generators and power purchasers in relation to the sale and purchase of on-site generation from EfW plants, CHP, biomass, food waste, coal bed methane, solar etc.

## Solar/ PV

- ▶ **the Association of Greater Manchester Authorities** on the scheme to install photovoltaic cells across 10,000 social housing premises. The project had a capital cost of c.£10million. We advised on the competition between British Gas and EAGA for the concession and negotiation of all project documents with both parties (including development agreement, property interests, feed in tariff sharing arrangements and ongoing maintenance arrangements)
- ▶ **Sens Solar** on several projects in the UK and in particular on the ROO-FIT process, pre- and final accreditation in the context of FIT tariff changes to large scale solar
- ▶ **GE** in relation to the provision of a £20m facility for a business installing solar panels on 2000 roof tops under a roof lease scheme
- ▶ **Noerr** on the financing of a 5MW stand alone solar park in Cornwall
- ▶ A German supplier in the design, construction and installation in the UK of a high performance solar powered power generating station with an installed generating capacity of approximately 4.9MWp providing long term (greater than 25 years) continuous daily operation with remote monitoring facilities
- ▶ A German supplier in the design, construction and installation in the UK of a further 4 solar power plants totalling 32MWp capacity
- ▶ A UK supplier of domestic solar panel installations in the multi-million sale of its installed base to private investors by way of a number of portfolios of sites with the supplier remaining responsible for operation and maintenance for 25 years
- ▶ **HSBC** on 5MW facilities on rooftops of a number of large industrial facilities in the UK

- ▶ **Abbey National Treasury Services** on the retrofit of up to 2,000 PV panels on social housing stock in the South-West of England. The transaction was the first "rent a roof" deal of its kind to be entered into by a Registered Provider with an unrelated third party with the consent of existing mortgagees to the social housing stock and has since been adopted as the basis on which other similar PV transactions in the social housing market have been engineered
- ▶ **Hitachi Capital** on setting up products to lend directly to businesses and individuals seeking to install solar panels on their premises
- ▶ A UK company on the design and build of solar (PV) solutions for the industrial, commercial and public sector in the UK, continental Europe and the US including bespoke financing options and service/O&M arrangements (client confidential)
- ▶ **Sun and Soil Limited** on installation, operation and property contracts for the provision of ground source heat pump and solar energy facilities at nursing homes, industrial greenhouses and garden centres.

## Tidal / Marine

- ▶ A FTSE 100 subsidiary on contractual arrangements around tidal power generation from design to offshore works
- ▶ An institutional investor in relation to further investment rounds, and a potential sale of its shareholding, in a wave power technology company.

## Logistics and Supply Contracts

- ▶ **Ayrshire Power** on coal handling and supply arrangements
- ▶ **Drax** on biomass supply and logistics contracts including rail freight and port issues, risk allocation, fuel specification/origin and limitation of liability.

## Utilities

### Electricity

- ▶ **United Utilities** on works contracts for connections work, associated with their XD4 programme; and on all framework works contracts associated with their £1bn plus XD5 programme (for the maintenance and renewal of their distribution network)

### Regulatory

- ▶ Panel advisors to OFWAT and the Northern Ireland Utility Regulator advising on electricity, gas and water issues

## Central and Local Government Energy Strategy and Policy

- ▶ And drafting the relevant laws to reform the electricity and gas industries in each of the Baltic States under an EU funded programme for the Government of the Baltic States
- ▶ Supporting **HM Government of Northern Ireland** on the implementation of the Internal Market in Electricity Directive over a period of years. This involved opening up the market to competition for the first time and drafting primary legislation; secondary legislation and drafting new licenses for all industry players.

# Waste

## Residual Waste

- ▶ **Bank of Ireland, BBVA, SMBC, Bayern LB, Lloyds TSB and European Investment Bank on Greater Manchester Waste**, the largest waste deal in procurement in Western Europe. This project involved a PPP and a waste-to-energy project financed power plant all in one transaction, each with separate sets of sponsors
- ▶ Sponsors, funders and procuring authorities on over **15 further Residual Waste Treatment PPPs**. involving EfW, AD, MBT, gasification, advanced thermal treatment and other technologies.

## Anaerobic Digestion/Food Waste

- ▶ **Biogen Greenfinch** on its bids for 5 projects in the Welsh Assembly Food Waste Programme. Their solution involves treatment of food waste in some instances with de-packaging lines, using AD tanks. Capital value of the projects vary up to £30m
- ▶ **Associated British Foods** on what is likely to be the largest AD plant in Europe generating 105MW using AD lagoons.

## Energy Litigation and Arbitration

- ▶ **Hyundai Engineering & Construction** on a contentious matter relating to the interest of Siemens AG in relation to Jebel Ali L2 Power Generation Project in United Arab Emirates
- ▶ **North American/Turkish joint venture** on a US\$450m ICC Arbitration concerning the design and construction of a magnesium oxide plant in Jordan on an EPC basis
- ▶ A US power company on a dispute relating to a US\$150m power station project in Quetta, Pakistan, which threatened to leave 500,000 people without electricity (on-going).

## Energy Trading

- ▶ **Drax Power** on the largest coal fired power station in Western Europe on a variety of energy related trading arrangements negotiated with major city institutions, investment banks, major utility companies and other trading companies

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Aberdeen, Doha, Dubai, Edinburgh, Glasgow, Hong Kong, Leeds, London, Manchester, Muscat, Singapore and Tokyo\*

\*a formal alliance with Hashidate Law Firm

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