

Spiegel & McDiarmid LLP provides legal services to cities, townships, municipalities, cooperative utilities, public agencies, and non-profit organizations that are developing and purchasing renewable energy, assisting with issues such as facilitation of scheduling, transmission, siting and permitting, bidding, timing, and instability.

There is no question that the biggest environmental challenge facing local utilities in the near future will be the evolving requirements for battling climate change through a possible federal carbon cap and trade system, increased promotion of renewables, perhaps through renewable portfolio standards, and pursuit of energy efficiency, demand response and the variety of new technologies for generation of power, as well as the new transmission needed to enable such resources to reach load. Cost for customers is ultimately the biggest concern. Careful planning and contract negotiations are necessary to take full advantage of constantly evolving state and regional programs, which are themselves likely to be replaced or subsumed into a federal carbon cap and trade program.

The inevitable contracting, financing, legislative and litigation issues that will arise (and are already arising) from existing programs trying to fit into evolving requirements will present many challenges. These include allocation of green attributes and appropriate payment therefore, and careful attention to who will bear the costs if a planned transaction fails to meet evolving requirements. Transmission issues are also paramount both in terms of obtaining sufficient transmission for successful integration of intermittent resources and the increasing trend toward socialization of costs (and rate “incentives”) for building transmis-



sion that may or may not meet the needs of municipal utilities. Integration of intermittent resources into organized markets can similarly present issues of transmission access and allocation of costs.

Spiegel attorneys are experienced with the negotiation of power purchase and sale contracts (including standard form contracts) to accommodate green attributes, and with the knotty transmission access and cost issues that commonly arise. In addition, they represent numerous municipal utilities in legislative and rule-making proceedings that will shape the future of how carbon trading and renewables will fit into the national energy agenda. Litigation of existing contracts under new carbon trading or renewable requirements is also becoming increasingly common.

Our hydroelectric practice involves counseling, negotiation, legislative representation and, when necessary, litigation to resolve virtually all aspects of hydropower licensing. These include, but are not limited to, issues involving licensing, relicensing, enforcement, compliance, annual charges, shoreline management plans, representation of stakeholders in relicensing cases, and surrender and transfers of licenses. Spiegel & McDiarmid has long been involved in assisting clients in hydroelectric issues throughout the US, and this involvement has led us into areas where water supply issues arise for municipal and rural water systems. We

have worked with clients to assure protection of their own water supply and other interests as federal licenses are transferred or modified. These other related issues have been quite diverse, including the acquisition by clients of transportation systems, as

well as protection of parkland and municipal amenities. We have also argued hydro issues on behalf of our clients in the federal appellate courts.

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