

# Energy and Infrastructure Projects

Skadden

Skadden has one of the world's most experienced practices focused on energy and infrastructure transactions, including mergers and acquisitions, project finance and project development. We have closed hundreds of complex transactions throughout North America, Latin America, Europe, Africa, Asia and the Middle East involving energy-related and other infrastructure facilities.

We have one of the world's premier practices representing clients in the development, financing, construction, operation, acquisition, ownership and disposition of energy and infrastructure projects. In recent years, a primary area of focus has been renewable energy projects, many of which have been structured to take advantage of tax credits, grants and other governmental incentives designed to spur investment in renewable energy. We have extensive experience assisting clients in advancing energy transition technologies by delivering practical solutions aligned with key commercial objectives, including with respect to solar, wind, energy storage, carbon capture, low carbon fuels and transmission infrastructure.

Skadden attorneys are also highly experienced in matters involving conventional power generation, oil and gas (upstream, pipelines, LNG, refineries and petrochemicals); mining and metals; and transportation (rail, roads, ports and airports), often collaborating across practices and jurisdictions to support prominent sponsors, financial institutions, investment funds, developers and government entities engaged in key energy hubs across the globe.

Our energy and infrastructure practice has been selected repeatedly as one of *Law360's* Energy Groups of the Year. We are recognized as a leading firm in the energy sector by *Chambers Global* and *Chambers USA*, which has recognized Skadden as “a distinguished power practice.”

## Project Finance

Skadden consistently has been at the forefront of the project finance market, representing lenders and borrowers in some of the most complex project financing transactions, including the largest clean energy infrastructure project in U.S. history, a new funding model for the capital-intensive semiconductor industry, multibillion dollar financings for LNG export projects, and numerous “deals of the year.” Our experience includes advising borrowers, commercial banks, insurance companies, investment banks, infrastructure funds, export credit agencies and multilateral institutional investors, government lenders and corporate lenders. We regularly counsel on development loans, construction financing, term financing, back leverage, portfolio loans, warehouse facilities, revolving credit facilities, bridge loans to tax equity and other bridge financings and private placements involving single lenders, large bank syndicates and multiple lender types.

## Mergers & Acquisitions

Skadden is widely recognized among the preeminent law firms advising on mergers and acquisitions. Our attorneys have worked on a wide variety of acquisitions and divestitures — through comprehensive auction processes or bilateral negotiations — for all types of energy and infrastructure projects and companies, representing sellers, buyers and bidders. We also represent borrowers, lenders, note purchasers and underwriters in bridge and acquisition financings. Our attorneys have a uniquely broad perspective, as well as an up-to-date knowledge of the market and the requirements of governmental and regulatory bodies, sponsors, investors, lenders and other stakeholders. We frequently collaborate with colleagues in our tax, executive compensation and benefits, national security, energy regulation, antitrust/competition, environmental and other practices to ensure the successful execution of each transaction.

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## Project Development

A core competency of our practice includes reviewing, analyzing and negotiating commercial contracts and project documentation. Our attorneys have been involved in every aspect of project development, including planning, environmental permits, feedstock supply, offtake, transportation, construction, equipment supply, operation and maintenance, asset management and dispute resolution. We have experience negotiating EPC contracts, O&M agreements, PPAs, joint development arrangements, fuel supply and offtake arrangements, equipment supply agreements, transmission service agreements and virtually every other contract associated with the development of energy and infrastructure projects.

## Tax Equity and Tax Credit Monetization

A key method of financing energy transition in the United States is through tax credits. We represent sponsors and investors in all manner of tax equity and tax credit monetization transactions, including partnership flip, leases, hybrid structures and tax credit transfers. Our tax attorneys are core members of the transaction team and are extensively involved in structuring a transaction and its accompanying documentation from the outset.

## Transmission

Skadden has represented the sponsors of many of the first successful independent transmission projects developed and financed in the U.S. and internationally. Our work has included drafting and negotiating agreements for development capital, transmission capacity purchase agreements, construction contracts, joint ownership agreements using tenancy in common structures, financing agreements for construction and permanent financing, offering

documents associated with the public offering of shares in independent transmission companies, and purchase and sale agreements in the sale of transmission projects. In addition to our work associated with independent transmission projects, Skadden also advises on the development, construction and financing of transmission facilities for electric utility clients.

## Energy Transition

Skadden advises global companies and investors in connection with groundbreaking carbon-neutral projects and transactions, leveraging our experience with renewable energy, infrastructure, real estate and manufacturing. We provide comprehensive guidance on energy transition matters, including project development, financing, M&A and regulatory advice. Our experience includes carbon capture, hydrogen, battery storage, EV charging, and small modular reactors (SMRs) and other clean energy sources.

## Digital Infrastructure

Skadden provides sponsors, funds, lenders and developers with the insights and solutions essential for pioneering digital infrastructure projects. We have a proven track record of advising on high-profile, complex digital infrastructure transactions across various sectors and continents. We have extensive experience leading significant M&A, financing and development transactions involving data centers and semiconductor chip manufacturing facilities. Our thorough understanding of the networks and technologies that underpin digital infrastructure comes from collaborating with leading operators of wireless, wireline, subsea and satellite networks, as well as broadband providers and equipment manufacturers.