

# FOULSTON

ATTORNEYS AT LAW



RENEWABLE ENERGY, ELECTRIC  
STORAGE & TRANSMISSION

## OVERVIEW

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Foulston was involved with Kansas' first two utility-scale wind energy projects, and we continue to serve the renewable industry as a key local counsel advisor, representing parties in 60 solar, wind, BESS, and electric transmission projects in Kansas, Missouri, and Oklahoma. Renewable energy project and electric grid and power markets evolution makes it more important than ever to work with a legal team like Foulston's that delivers industry insight – beyond the law, to know local custom, policy, trends, and changes. Industry clients include project developers, project owners and managers, county regulators, land owners, utilities, manufacturers, and suppliers.

Our renewable energy project, and electric grid and power markets clients also benefit from Foulston coordinated legal support from the firm's top-ranked Kansas and Missouri leading lawyers in relevant practice areas (e.g., taxation, finance, local and state regulatory, government affairs, real estate, mergers and acquisitions, litigation, environmental, construction, and employment and labor). Foulston's Midwest location and broad range of professionals translates to services staffed by legal professionals at competitive rates.

Foulston's renewable energy, electric storage & transmission capabilities include:

- Project Site Control, Development, Diligence, Permitting, Zoning
- Subsurface Storage Regulation and Rights, and Regulatory Approvals
- Project Options, Leases, Easements, and Rights-of-Way
- Gen-Tie and Other Transmission
- Kansas Corporation Commission (KCC) Opt-Out Filings, Line Siting, Transmission Utilities, and Other Advice, Advocacy, and Monitoring
- State and Local Property Tax and Sales Tax
- Local, State and Federal Tax, Incentives, and Credits
- County Agreements and Permitting

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- State and Local Government Affairs Monitoring and Advocacy
- Third Party Cooperation, Consent, and Accommodation Agreements
- Interplay with Oil and Gas Leases, Easements, Lienholders, Farming Leases, Hunting Leases, Government Program Contracts, and other Co-Existing Real Property Interests
- Environmental Impacts
- Water Rights Preservation
- Title and Survey Issues
- Project Finance/Equity Investments
- Construction Contracts
- Power Purchase Agreements
- Wind Turbines and Other Project Components: Sales, Operation, Maintenance, Manufacturing
- Labor Issues

## RELATED LINKS

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- Kansas Corporation Commission – Electric Energy Sources
- Kansas Corporation Commission – Wind Resources of Kansas Project Map
- Kansas Department of Commerce – Energy & Natural Resources
- Missouri Department of Natural Resources – Division of Energy
- Office of Energy Efficiency & Renewable Energy – Wind Energy in Kansas
- Office of Energy Efficiency & Renewable Energy – Wind Energy in Missouri
- Office of Energy Efficiency & Renewable Energy – Wind Energy Technologies Office
- American Clean Power (Formerly AWEA - American Wind Energy Association)
- International Renewable Energy Agency (IRENA)
- The National Renewable Energy Laboratory (NREL)

## EXPERIENCE

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- Represented project developers, project managers, county regulators, or land owners, regarding 60 solar, wind, BESS and electric transmission.
- Advise solar developer on Kansas sales tax and income tax.
- Support multiple Kansas counties with regulations regarding proposed development of renewable energy projects.
- Local counsel for several solar project developers regarding project site control documentation, negotiation of county regulations and agreements, evaluating third party land rights, and Kansas state and local laws.
- Kansas state and local permitting opinions to support renewable project financings and acquisitions.
- Real estate local counsel for party acquiring interests in and developing wind energy projects of approximately 419 megawatts spread over 66,000 acres, and an additional approximately 240 megawatts over additional acreage.

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- Local counsel for national renewable project developer regarding approximately 200-megawatt wind energy project.
- Local counsel for an international renewable project development and management company regarding wind energy projects and potential development, including three projects totaling approximately 650 megawatts and approximately 180,000 acres.
- Representation of project development and management company regarding approximately 74-megawatt wind energy project.
- Local counsel in \$150,000,000 financing of electric transmission assets across 14 counties.
- Advising of alternatives, and negotiating and drafting documents, to facilitate transfer of renewable project income stream separate from project lease.
- Represented national leader in sales and installation of distributed wind energy projects, including Vestas, Gamesa, Northern Power, and Endurance turbines.

## ATTORNEYS/OTHER PROFESSIONALS

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### PRIMARY CONTACTS



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