

RENEWABLE ENERGY, ELECTRIC STORAGE & TRANSMISSION



OVERVIEW

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 regarding more than 100 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, independent power producers and their lenders and investors, counties and municipalities, 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

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- Local, State and Federal Tax, Incentives, and Credits
- County Agreements and Permitting
- 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

- 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

- 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.

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- 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.
- 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

PRIMARY CONTACTS



TRISH VOTH BLANKENSHIP

Partner

T: 316.291.9767
tvoth@foulston.com

RENEWABLE ENERGY, ELECTRIC STORAGE & TRANSMISSION TEAM MEMBERS



DANIEL J. BULLER

Partner

T: 913.253.2179
dbuller@foulston.com



ROBERT SMITH

Partner

FOULSTON

ATTORNEYS AT LAW

T: 316.291.9779
rsmith@foulston.com



MOLLY MORGAN

Associate

T: 316.291.9701
mmorgan@foulston.com



LEE M. SMITHYMAN

Special Counsel

T: 913.253.2143
lsmithyman@foulston.com



JAMES P. ZAKOURA

Special Counsel

T: 913.253.2142
jzakoura@foulston.com



FOULSTON

ATTORNEYS AT LAW

CONNOR A. THOMPSON

Of Counsel

T: 913.253.2151
cthompson@foulston.com



ERIC L. SEXTON PHD

Government Affairs Consultant

T: 316.371.7553
esexton@foulston.com

ADDITIONAL SUPPORTING MEMBERS



CHARLES P. EFFLANDT

Partner

T: 316.291.9551
cefflandt@foulston.com



JAY F. FOWLER

Partner

FOULSTON

ATTORNEYS AT LAW

T: 316.291.9541
jfowler@foulston.com



JEREMY L. GRABER

Partner

T: 785.354.9412
jgraber@foulston.com



KARL N. HESSE

Partner

T: 316.291.9554
khesse@foulston.com



JOSHUA T. HILL

Partner

T: 913.253.2139
jhill@foulston.com



FOULSTON

ATTORNEYS AT LAW

WYATT A. HOCH

Partner

T: 316.291.9769
whoch@foulston.com



CHRISTOPHER M. HURST

Partner

T: 316.291.9507
churst@foulston.com



JEFFERY A. JORDAN

Partner

T: 316.291.9513
jjordan@foulston.com



WESLEY J. KIMMEL

Partner

T: 316.291.9500
wkimmel@foulston.com

FOULSTON

ATTORNEYS AT LAW



ROBERT J. MCFADDEN

Partner

T: 316.291.9533
rmcfadden@foulston.com



COREY L. MOOMAW

Partner

T: 316.291.9726
cmoomaw@foulston.com



DAVID M. TRASTER

Special Counsel

T: 316.291.9725
dtraster@foulston.com



C. EDWARD WATSON II

FOULSTON

ATTORNEYS AT LAW

Partner

T: 316.291.9589
cewatson@foulston.com



SHANNON D. WEAD

Partner

T: 316.291.9518
swead@foulston.com



WILLIAM R. WOOD II

Partner

T: 316.291.9772
bwood@foulston.com



HARVEY R. SORENSEN

Senior Partner

T: 316.291.9774
hsorensen@foulston.com

FOULSTON

ATTORNEYS AT LAW



SARAH BUCHANAN

Associate

T: 316.291.9778
sbuchanan@foulston.com



JAKE G. HOLLY

Associate

T: 785.354.9401
jholly@foulston.com



MADISON L. MOORE

Associate

T: 316.291.9517
mmoore@foulston.com



SARAH C. OTTO

FOULSTON

ATTORNEYS AT LAW

Associate

T: 913.253.2195
sotto@foulston.com